

Chapter 8

BUILDINGS AND BUILDING REGULATIONS*

Article I. In General

- Sec. 8-1. Fire District
- Sec. 8-2. Appointment of Fire and Building Inspector.
- Sec. 8-3-8-25. Reserved

Article II. Building Code

- Sec. 8-26. Adoption of Standard Building Code.
- Sec. 8-27. Penalty for Violation.
- Sec. 8-28. Inspection of Water, Sewer Lines.
- Sec. 8-29-8-50. Reserved.

Article III. Electrical Code

Division 1. Generally

- Sec. 8-51. Adoption of National Electrical Code.
- Sec. 8-52. Definitions.
- Sec. 8-53. Supervision of work by Master Electrician.
- Sec. 8-54. Violations by Master Electrician; Hearing; Suspension or Revocation of License.
- Sec. 8-55. Personal Liability.
- Sec. 8-56. Annual License Tax; doing business without license; penalty.
- Sec. 8-57. Penalty for violation.
- Sec. 8-58. Continuous violation; forfeiture of certificate.
- Sec. 8-59-8-70. Reserved.

Division 2. Permits and Inspections

- Sec. 8-71. Electrical Inspector-Powers and Duties in General.
- Sec. 8-72. Same – Right-of-Entry.
- Sec. 8-73. Same – Location of Wires and Appliances.
- Sec. 8-74. Same-Discontinuing current generally.
- Sec. 8-75. Same-Condemnation; discontinuing current after notice.
- Sec. 8-76. Same-Making and promulgating rulings, rules and regulations.
- Sec. 8-77. Permit-Required.
- Sec. 8-78. Same-Application.
- Sec. 8-79. Same-Information required; payment of fees.
- Sec. 8-80. Same-For additional work.
- Sec. 8-81. Inspection of Permit Fees.
- Sec. 8-82. Layout or blueprint-Required generally.
- Sec. 8-83. Same-Requirement may be waived.
- Sec. 8-84. Temporary wiring-Purpose.
- Sec. 8-85. Same-Approval if installation safe.
- Sec. 8-86. Same-Portions of building.
- Sec. 8-87. Same-Time for which approval issued; application for temporary service.
- Sec. 8-88. Cure of defects upon notice.
- Sec. 8-89. Conditions for resuming service to buildings damaged by fire.
- Sec. 8-90. Removal of obsolete wiring.
- Sec. 8-91. Covering wiring.
- Sec. 8-92. Concealing unsoldered joints.
- Sec. 8-93. Approval of work by electrical inspector; turning on of current.

- Sec. 8-94. Work exempt from provisions of this article.
Sec. 8-95-8-105. Reserved.

***Charter reference**-Authority to establish and regulate construction, Section 14.

Cross references-Nuisances, Section 16-26 et seq; fire prevention and protection, ch. 18; draining private pools, Section 20-2; sanitary sewage facilities, Section 20-26 et seq; land use, ch. 22; historic preservation, Section 22-286 et seq; solid waste management, ch. 30; streets, sidewalks and other public places, ch. 32; building numbering, Section 32-04; utilities, ch. 38.

State law references-Authority of city or county to provide codes, including building, housing, plumbing and electrical codes, Ga. Const. art. 9, sec. 2, par. 3(12); adoption and continuation of State Minimum Standard Codes, O.C.G.A., Section 8-2-21; statewide application of minimum standard codes, codes requiring adoption by municipality or county O.C.G.A. Section 8-2-25; enforcement of codes, O.C.G.A. Section 8-2-26; providing of fire escapes by building owners, O.C.G.A. Section 8-2-50; access to and use of public facilities by physically handicapped person, O.C.G.A. Section 30-3-1 et seq; authority to repair, close or demolish unfit buildings or structures, O.C.G.A. Section 41-2-7.

Division 3. Electrician Qualifications

- Sec. 8-106. Board of electrical examiners; duties; examination.
Sec. 8-107. Bonds of electricians.
Sec. 8-108. Additional requirements for work on gas piping.
Sec. 8-109-8-120. Reserved

Division 4. Installation and Construction

- Sec. 8-121. Adoption of Standard Mechanical Code; CABO Model Energy Code.
Sec. 8-122. Identification placed on appliances, devices and electrical equipment.
Sec. 8-123. Signs; underwriter's label required.
Sec. 8-124-8-145. Reserved

Article IV. Plumbing

Division 1. Generally

- Sec. 8-146. Adoption of Standard Plumbing Code.
Sec. 8-147. Penalty for Violation.
Sec. 8-148. Plumbing Inspector; creation of office; duties.
Sec. 8-149. Bonds of Plumbers.
Sec. 8-150. Additional requirements for work on gas piping.
Sec. 8-151-8-160. Reserved.

Division 2. Board of Plumbing Examiners

- Sec. 8-161. Appointment; qualifications; compensation.
Sec. 8-162. Terms of office; chairman; meetings.
Sec. 8-163. Duties.
Sec. 8-164-8-175. Reserved.

Division 3. Water Conservation

- Sec. 8-176. Definitions.
Sec. 8-177. Enforcement; penalty for violation.
Sec. 8-178. Restrictions for residential construction.
Sec. 8-179. Requirements for commercial construction.
Sec. 8-180. Effective date of restrictions.
Sec. 8-181. Exemptions.
Secs. 8-182-8-200. Reserved.

Article V. Gas

- Sec. 8-201. Adoption of Standard Gas Code.
Sec. 8-202. Penalty of Violation.
Sec. 8-203. Property Owner's responsibility.

- Sec. 8-204. Municipal system to turn on valves and make meter connections.
- Sec. 8-205. Meter location and appliances.
- Sec. 8-206. Gas inspector-Appointment; Power and Duties.
- Sec. 8-207. Same-To decide controversies.
- Sec. 8-208. Permits.
- Sec. 8-209. Test; Inspection; Certification of Inspection.
- Sec. 8-210. Gasfitter's Bond and License.
- Sec. 8-211-8-230. Reserved.

Article VI. Housing Code.

- Sec. 8-231. Adoption of Standard Housing Code; CABO One and Two Family Dwelling Code.
- Sec. 8-232. Penalty for Violation.
- Sec. 8-233-8-255. Reserved.

Article VII. Swimming Pool Code

- Sec. 8-256. Adoption of Swimming Pool Code.
- Sec. 8-257-8-279. Reserved.

Article VIII. Dilapidated Housing and Nuisance Abatement

- Sec. 8-280. Necessity of article.
- Sec. 8-281. Definitions for use in this article.
- Sec. 8-282. Nuisance abatement procedures.
- Sec. 8-283-8-286. Reserved.
- Sec. 8-827. Taking by eminent domain; police power.
- Sec. 8-828. Authority to use revenues.
- Sec. 8-289. Powers.
- Sec. 8-290. Prior Ordinances.
- Sec. 8-291. Adoption of Standard Fire Prevention Code.

Chapter 8

BUILDINGS & BUILDING REGULATIONS

ARTICLE I. IN GENERAL

Sec. 8-1. Fire District.

Fire district 1 shall be comprised of the entire area within the city limits.
(Code 1968, Section 5-1)

Sec. 8-2. Appointment of Fire and Building Inspector.

The city manager shall appoint a Fire and Building Inspector.
(Code 1968, Section 5-2)

Secs. 8-3-8-25. Reserved

BUILDINGS & BUILDING REGULATIONS

ARTICLE II. BUILDING CODE

Sec. 8-26. Adoption of Standard Building Code.

(a) For the purpose of establishing uniform rules and regulations, the city hereby adopts the Standard Building Code as adopted, amended and promulgated by the Standard Building Code Congress, Birmingham, Alabama, except as may be modified by or in conflict with the provisions of this article, are adopted and shall be in full force and effect in the city. The rules and provisions set forth in this article, where in conflict with the building code, shall take precedence over the provisions of the Standard Building Code except in one and two-family dwellings.

(b) Any matters in the building code which are contrary to existing ordinances of the city shall prevail, and to that extent any existing ordinances to the contrary are hereby repealed in that respect only.

(c) Within the building code, when reference is made to the duties of certain officials named therein, that designated official in the city who has duties corresponding to those of the names official in the building code shall be deemed to be the responsible official insofar as enforcing the provisions of the building code is concerned.

(Code 1968, Section 5-3, Ord. No. 2057, Section 1, 1-3-00)

Sec. 8-27. Penalty for Violation.

Any person violating any of the provisions of the building code or this article shall be punished as prescribed in Section 1-9.

(Code 1968, Section 5-4)

Sec. 8-28. Inspection of Water/Sewer Lines.

The City of Elberton retains the right to inspect all water and sewer lines under authority contained in Section 3 of Act 1046 of Georgia Laws, 1996 of the Georgia Official Code Annotated relating to self-inspection of water and sewer projects by master plumbers or utility contractors. Section 3 of Act 1046 of O.C.G.A. Section 8-2-26, relating to self-inspection of water and sewer projects by master plumbers or utility contractors shall not be applicable within the City of Elberton.

(Ord. No. 1092, §1, 7-8-96)

Secs. 8-29-8-50. Reserved.

BUILDINGS & BUILDING REGULATIONS

ARTICLE III. ELECTRICAL CODE

DIVISION 1. IN GENERAL

Sec. 8-51. Adoption of National Electrical Code.

The provisions of the National Electrical Code as adopted, amended and promulgated by the National Fire Protection Association, except as may be modified by or in conflict with the provisions of this article, are adopted and shall be in full force and effect in the city. The rules and provisions set forth in the article, where in conflict with the electrical code, shall take precedence over the provisions of the National Electrical Code and shall apply to the installation of electrical systems.

(Code 1968, Section 8-69; Ord. 2057, Section 1, 1-3-00)

Sec. 8-52. Definitions.

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

Electrical contractor means any person engaging in the business of electrical installation, construction or repair.

Journeyman electrician means any person actually doing the work of electrical installation, construction or repair. No license shall be required of a journeyman electrician, but he shall at all times be required to work under the supervision of a master electrician.

Master electrician means any person who shall have passed the examination set out in this article, and who shall have been issued a certificate by the electrical inspector.

(Code 1968, Section 8-2)

Cross Reference-Definitions generally, Section 1-2.

Sec. 8-53. Supervision of work by Master Electrician.

It shall be unlawful to do any work of electrical installation, construction or repair unless such work is done by or under the personal and continuous supervision of a master electrician.

(Code 1968, Section 8-3)

Sec. 8-54. Violations by master electrician; hearing; suspension or revocation of license.

Any master electrician who shall have been licensed as such under the provisions of this article who violates any of the provisions of this article, or who certifies under oath to the electrical inspector he has supervised the installation, construction or repair of any electrical work, when, in fact, he has not, shall be cited by the electrical inspector to appear before the council to show cause why his certificate as a master electrician should not be revoked. After such citation has been personally served upon the master electrician, he shall have the right to appear and offer evidence in his behalf. At the same time the electrical inspector shall offer evidence showing the violations as charged. The council may revoke the license, impose a suspension of license for 90

days, or may cause the charges to be dropped. If such person fails to appear before the council and answer the charges, his license shall be automatically suspended until such time as he does appear and answer the charges. When a license has been revoked, the licensee working under the provisions of this article shall not be allowed to act as a master electrician again in the city until he has passed the examination provided for in Section 8-106 as it relates to new applicants.
(Code 1968, Section 8-4)

Sec. 8-55. Personal Liability.

Nothing contained in this article shall be construed to relieve any person from liability or normal responsibility for damages for injury to life or property.
(Code 1968, Section 8-5)

Sec. 8-56. Annual license tax; doing business without license; penalty.

Every person desiring to engage in the business of electrical installation, construction or repair in the city shall, before doing so, obtain a business license therefore, the fee for which shall be set from time to time by the mayor and council. Any electrical contractor doing business in the city without a license shall, upon conviction thereof in the municipal court, be punished as provided in Section 1-9.
(Code 1968, Section 8-6)

Sec. 8-57. Penalty for Violation.

Any person who shall violate any of the provisions of this article for which no specific penalty has been provided, or who shall fail, neglect or refuse to comply with any order of the electrical inspector given in pursuance and by authority of this article, or who shall willfully aid or assist in the violation of any of the provisions of this article, shall, upon conviction thereof in the Municipal Court, be punished as provided in Section 1-9.
(Code 1968, Section 8-7)

Sec. 8-58. Continuous violation; forfeiture of certificate.

Any person who shall continue to or persistently violate any of the provisions of this article shall forfeit his license or certificate issued under the terms of this article, and the re-issuance of any license or certificate so forfeited shall only be with the approval of the mayor and council.
(Code 1968, Section 8-8)

Secs. 8-59-8-70. Reserved.

DIVISION 2. PERMITS AND INSPECTIONS

Sec. 8-71. Electrical Inspector – Powers and Duties in General.

It shall be the duty of the electrical inspector to inspect or have inspected all electrical construction, installation and equipment of whatever character, whether inside or outside of buildings, and he shall have power to order removed, repaired or rebuilt any such construction, installation or equipment when, in his judgment, life or property will be better protected thereby. It shall be his duty to see that all laws governing electric engineering or construction are strictly complied with. The term electrical inspector as used in this article shall be construed to mean the electrical inspector or his deputized representative.
(Code 1968, Section 8-19)

Sec. 8-72. Same – Right-of-entry.

The electrical inspector shall have the right, in the discharge of his duties, to enter any building under construction or completed, enter any manhole or climb any pole for the purpose of examining and testing any electrical wiring, construction, or appliance therein or thereon contained. For that purpose he shall be given prompt access to all buildings, public or private, and to all manholes or poles on application to the person owning or in charge of such manholes or poles.

(Code 1968, Section 8-20)

Sec. 8-73. Same-Location of Wires and Appliances.

It shall be the duty of the electrical inspector to regulate and determine the placing of wires and other appliances for electric light, heat or power in the city, and to cause all such wires or appliances to be so placed, constructed and guarded as not to cause fires or accidents endangering life or property.

(Code 1968, Section 8-21)

Sec. 8-74. Same-Discontinuing current generally.

In any case of failure to comply with this article the electrical inspector shall have the authority, after due notice, to cut out lights or current in any locality concerned and to enforce discontinuance of the lights or current until the requirements are complied with.

(Code 1968, Section 8-22)

Sec. 8-75. Same-Condemnation; discontinuing current after notice.

The electrical inspector shall have the authority to condemn any electric wiring equipment or appliance which, in his opinion, is unsafe to life or property and, after three days notice, shall order the current discontinued from such electric wiring, equipment or appliance.

(Code 1968, Section 8-23)

Sec. 8-76. Same – Making and Promulgating Rulings; Rules and Regulations.

The electrical inspector may make such rulings or promulgate such additional rules or regulations as he may deem necessary to properly administer this article.

(Code 1968, §8-24)

Sec. 8-77. Permit-Required.

No alteration shall be made in the wiring of any building or structure for light, heat or power, or increase in the rated load, as fixed by the city electrical code, carried by such wires without a permit therefore from the electrical inspector.

(Code 1968, §8-25)

Sec. 8-78. Same – Application.

Before beginning any work of electrical installation, construction or repair, an application for permit shall be made to the electrical inspector on forms furnished for that purpose, which

application shall contain an accurate and detailed account of the electrical work contemplated as provided for in the forms furnished.

(Code 1968, Section 8-26)

Sec. 8-79. Same-Information Required; Payment of Fees.

Any person proposing to do wiring work and installation of electrical apparatus or fixtures for use in connection with electricity shall, before undertaking the work, or working the installations, file with the electrical inspector a statement in writing which shall give the proposed location by street and number and the name of the person for whom the work is to be done, and also shall set out in detail the amount of wiring, electrical work, electrical apparatus, or other electrical devices or fixtures for use in connection with electricity, and shall pay to the city, on statements prepared in the office of the electrical inspector, the amount of fees set out in Section 8-81. When the fees have been paid, the electrical inspector shall approve the application and issue a permit therefore. The fees provided in Section 8-81 are to cover the cost of making necessary periodic inspections of electrical installations as set forth in this division, throughout the progress of the work and until the work has been finally completed and approved by the electrical inspector. If required by the electrical inspector, the applicant shall file a general plan of construction and detail description of apparatus, devices, appliances or fixtures to be used in the work.

(Code 1968, Section 8-27)

Sec. 8-80. Same – For Additional Work.

If, after obtaining a permit for electrical work, it is found necessary to change or increase the load of electric current, an application for a permit covering the additional work shall be filed.

(Code 1968, Section 8-28)

Sec. 8-81. Inspection or Permit Fees.

The fees charged by the electrical inspector for his services shall be as established from time to time by the Mayor and Council and shall be deposited to the account of the city. A schedule of such fees is on file and available in the city offices.

(Code 1968, Section 8-29)

Sec. 8-82. Layout or Blueprint-Required generally.

Before beginning work on the wiring of any new building or structure for light, heat or power, or any electrical equipment or appliance, a satisfactory layout or blueprint shall be submitted to the electrical inspector.

(Code 1968, Section 8-30)

Section 8-83. Same-Requirement may be waived.

The application for permit to perform work under this article may, in the discretion of the electrical inspector, be deemed to contain sufficient information and be accepted in lieu of layout or blueprint, but the acceptance of such application for permit does not fulfill such requirements if, after its acceptance, in the opinion of the electrical inspector, such blueprint is deemed necessary.

(Code 1968, Section 8-31)

Sec. 8-84. Temporary Wiring-Purposes.

Temporary wiring may be installed when written permission is secured from the electrical inspector for the following purposes:

- (1) To be used to supply power for the purpose of hoisting material used in a building under construction or remodeling; and for the purpose of lighting the building or structure used in connection with the construction of such building.
- (2) For the purpose of lighting tents or buildings used for religious gatherings or shows, where the tents or buildings will only be used for a short duration of time, or for decorative purposes where wiring will only be used for a short time.

(Code 1968, Section 8-32)

Sec. 8-85. Same-Approval if installation safe.

Approval of temporary wiring may be issued covering work as outlined in Section 8-84 when such work is installed in such manner as not to endanger life or property.

(Code 1968, Section 8-33)

Sec. 8-86. Same – Portions of building.

Approval of temporary wiring may be issued for the purpose of allowing current to be turned on certain parts of wiring installations which have been made safe to the satisfaction of the electrical inspector in order to allow the testing out of certain electrical equipment and in order to allow tenants, lessees or owners to use certain completed parts of buildings before the entire job is completed.

(Code 1968, Section 8-34)

Sec. 8-87. Same – Time for which approval issued; application for temporary service.

(a) Approval of temporary wiring shall be issued for a period of no more than 90 days. If necessary for temporary work to remain for more than 90 days, a request for extension of temporary approval shall be made in writing by the person holding the permit.

(b) Upon expiration of temporary approval, such service shall be immediately discontinued, unless approved of an extension of time is obtained from the electrical inspector. The application for temporary service shall state the period of time the service is required and the necessity for service.

(Code 1968, Section 8-35)

Sec. 8-88. Cure of Defects upon notice.

Any person who shall fail to correct any defects in his work within five days after having been duly notified of such defects by the electrical inspector shall not receive any further permit until such defects have been corrected. Immediately after the correction of such defects the electrical inspector shall be notified of such corrections.

(Code 1968, Section 8-36)

Sec. 8-89. Conditions for resuming service to buildings damaged by fire.

Electric service shall not be resumed on or in the premises of any building or structure damaged by fire without approval of the electrical inspector. Before beginning work on any electrical installation

damaged by fire, a ruling shall be obtained from the electrical inspector as to what portion of the wiring must be replaced.

(Code 1968, Section 8-37)

Sec. 8-90. Removal of obsolete wiring.

Any person making major changes in wiring installation of old buildings shall be required to remove all obsolete wiring.

(Code 1968, Section 8-38)

Sec. 8-91. Covering wiring.

It shall be unlawful for any person to cover or conceal any electric light or power wiring without prior inspection and written authorization by the electrical inspector.

(Code 1968, Section 8-39)

Sec. 8-92. Concealing unsoldered joints.

It shall be unlawful for any person to place tape on or otherwise conceal an unsoldered joint on any electric light, heat or power system unless a solderless connection is used which has been approved by the electrical inspector for that purpose.

(Code 1968, Section 8-40)

Sec. 8-93. Approval of work by Electrical Inspector; turning on of current.

Upon notification of the completion of electrical work, it shall be the duty of the electrical inspector to inspect the wiring or work, and, if approved by him as being in conformity with this article, the rules prescribed under this article, the statutes of the state, and the approved methods of construction for safety to life and property, he shall issue his certificate of approval which shall authorize the current to be turned on, provided this section shall not apply to cases where temporary approval may be granted.

(Code 1968, Section 8-41)

Sec. 8-94. Work exempt from provisions of this article.

This article shall not cover minor electrical repairs, involving no new work, alteration or change whatever, that may be necessary or incidental only to the maintenance in good condition of any established plant, installation or system of wiring, but this qualification does not extend to installation of new circuits or the extension of any circuits already installed, or the installation of any apparatus, devices or materials whatever for which a permit is required under this article.

(Code 1968, Section 8-42)

Sec. 8-95. – 8-105. Reserved.

DIVISION 3. ELECTRICIAN QUALIFICATIONS

Sec. 8-106. Board of Electrical Examiners; duties; examination.

- (a) The electrical utility superintendent shall act as the board of electrical examiners.
- (b) The duties of the board of electrical examiners shall be as follows:
 - (1) To establish procedures for the examination and licensing of electricians.

(2) To perform such other duties as may be assigned from time to time by the city manager.

(c) Each applicant for an electrical license shall pass, to the satisfaction of the board, a written and/or oral examination. The examination shall test generally the knowledge of each applicant on the subject of electricity and the safe use of electricity as based upon the city electrical code. No applicant will be permitted to take the examination until he has first obtained a state electrical license.

(Code 1968 Sections 8-52 – 8-54)

Sec. 8-107. Bonds of Electricians.

Every person doing electrical work within the city shall, in addition to the other requirements set forth in this division, furnish a surety bond in the amount of \$2,000.00 to be approved by the city clerk, and conditioned to answer all damages the city may sustain by reason of the negligence or default of such persons, or improper wiring, or any other act by which the city may sustain loss or damage.

(Code 1968, § 8-55)

Sec. 8-108. Additional requirements for work on gas piping.

All electricians who perform work or labor upon any city gas piping system in the city and the city's gas service territory shall also, in addition hereto, comply with the provisions of Section 8-210.

(Code 1968, Section 8-56)

Sec. 8-109 – 8-120. Reserved.

DIVISION 4. INSTALLATION AND CONSTRUCTION

Sec. 8-121. Adoption of Standard Mechanical Code; CABO Model Energy Code.

(a) The provisions of the Standard Mechanical Code as adopted, amended and promulgated by the National Fire Protection Association, except as may be modified or in conflict with the provisions of this article, are adopted and shall be in full force and effect on the city system. The rules and provisions set forth in this article, where in conflict with the plumbing code, shall take precedence over the provisions of the Standard Plumbing Code. The Standard Mechanical Code shall apply to the installation of mechanical systems, including alterations, repairs, replacements, equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators, and other energy related systems. Except in one-and two-family dwellings.

(b) The provisions of the CABO Model Energy Code, as adopted, amended and promulgated by the National Fire Protection Association, shall regulate the design of building envelopes for adequate thermal resistance and low air leakage and the design and selection of mechanical, electrical, service water heating and illumination systems and equipment that will enable the effective use of energy in new building construction.

(Code 1968, Section 8-66; Ord. No. 2057, Section I, 1-3-00)

Sec. 8-122. Identification placed on appliances, devices and electrical equipment.

The worker's name or the manufacture's trademark or other identification symbol shall be placed on all electrical equipment, devices and appliances used or installed under this article.

(Code 1968, Section 8-67)

Sec. 8-123. Signs; underwriter's label required.

All electrical signs shall have the underwriter's label attached before being installed or put in service.

(Code 1968, Section 8-68)

Secs. 8-124-8-145. Reserved.

BUILDINGS & BUILDING REGULATIONS

ARTICLE IV. PLUMBING

DIVISION 1. GENERALLY

Sec. 8-146. Adoption of Standard Plumbing Code.

(a) The provisions of the Standard Plumbing Code as adopted, amended, and promulgated by the National Fire Protection Association, except as may be modified by or in conflict with the provision of this article, are adopted and shall be in full force and effect on the city system. The rules and provisions set forth in this article, where in conflict with the plumbing code, shall take precedence over the provisions of the Standard Plumbing Code.

(b) Any matters in the plumbing code which are contrary to the existing ordinances of the city shall prevail, and to that extent any existing ordinances to the contrary are hereby repealed in that respect only.

(c) Within the plumbing code, when reference is made to the duties of certain officials named therein, that designated official in the city who has duties corresponding to those of the named official in the plumbing code shall be deemed to be the responsible official insofar as enforcing the provisions of the plumbing code is concerned.

(Code 1968, Section 15-1; Ord No. 2057, Section I, I-3-00)

Sec. 8-147. Penalty for Violation.

Any person violating any of the provisions of the plumbing code shall be punished as prescribed by Section 1-9. All violative conditions shall be corrected.

(Code 1968, Section 15-2)

Sec. 8-148. Plumbing Inspector; creation of office; duties.

There is created the office of plumbing inspector whose duties are those set out in this Code and the Plumbing Code adopted by this article. The superintendent of the water department may serve as the plumbing inspector.

(Code 1968 Section 15-6)

Sec. 8-149. Bonds of Plumbers.

Every person doing plumbing work within the city shall in addition to the other requirements set forth in this article, furnish a surety bond in the amount of \$2,000.00, to be approved by the city

clerk, and conditioned to answer all default of such plumbers, or improper plumbing or any other act by which the city may sustain loss or damage.
(Code 1968, Section 15-7)

Sec. 8-150. Additional requirements for work on gas piping.

All plumbers who perform work and/or labor upon any city gas piping system in the city and the city's gas service territory shall also, in addition to the other requirements of this article, comply with the provisions of Section 8-210.
(Code 1968, Section 15-8)

Sec. 8-151-8-160. Reserved

DIVISION 2. BOARD OF PLUMBING EXAMINERS

Sec. 8-161. Appointment; Qualification; Compensation

There is created a board of plumbing examiners, to be composed of three members. One member shall be a licensed and qualified master plumber; and one member shall be an engineer or architect, or other technically qualified person. The city plumbing inspector shall serve as ex officio member of the board. The two appointed members of the board shall be appointed by the mayor with the advice and consent of city council. Members shall serve without compensation.
(Code 1968, Section 15-3)

Sec. 8-162. Terms of Office; Chairman; Meetings.

The terms of office of the appointive members of the board of plumbing examiners shall be two years. Terms appointive shall expire as of March 31st, the term of one such member expiring each year. Members shall not succeed themselves after serving for two full terms without an intervening period of two years. The board shall elect a chairman from its own number. The chairman shall call meetings and shall preside over all meetings of the board. All meetings of the board shall be held in the city hall except when adjourned to another place, and shall be open to the public.
(Code 1968, Section 15.-4)

Sec. 8-163. Duties

The duties of the board of plumbing examiners shall be as follows:

- (1) To establish procedures for the examination and licensing of plumbers.
- (2) To perform such other duties as may be assigned from time to time by the city council or city manager.

(Code 1968, Section 15-5)

Sec. 8-164 – 8-175. Reserved.

DIVISION 3. WATER CONSERVATION

Sec. 8-176. Definitions.

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

Commercial means any type of building other than residential.

Construction means the erection of a new building or the alteration of an existing building in connection with its repair or renovation or in connection with making an addition to an existing building. The term "construction" shall include the replacement of a malfunctioning, unserviceable, or obsolete faucet, showerhead, toilet or urinal in an existing building.

Residential means any building or unit of a building intended for occupancy as a dwelling but shall not include a hotel or motel.

(Code 1968, Section 15-21)

Cross Reference – Definitions generally, Section 1-2.

Sec. 8-177. Enforcement; Penalty for Violation.

(a) This division shall be enforced by the office of the building inspector of the city. Citations for violations may be issued by the building inspector.

(b) Any person violating this division shall be tried before the municipal court. Upon conviction, a violation of this division may be punished as provided for in Section 1-9.

(Code 1968, Section 15-26)

Sec. 8-178. Restrictions for Residential Construction.

No construction may be initiated within the city for any residential building of any type which:

- (1) Employs a gravity tank-type, flushometer-valve or flushometer-tank toilet that uses more than an average of 1.6 gallons of water per flush; provided, however that this subsection shall not be applicable to one-piece toilets until July 1, 1992;
- (2) Employs a shower head that allows a flow of more than an average of 2.5 gallons of water per minute at 60 pounds per square inch of pressure;
- (3) Employs a urinal that uses more than an average of 1.0 gallons of water per flush;
- (4) Employs a lavatory faucet or lavatory replacement aerator that allows a flow of more than 2.0 galls of water per minute; or
- (5) Employs a kitchen faucet or kitchen replacement aerator that allows a flow of more than 2.5 gallons of water per minute.

(Code 1968, Section 15-22)

Sec. 8-179. Requirements for Commercial Construction.

There shall be no construction of any commercial building initiated within the city for any commercial building of any type which does not meet the requirements of subsections (1) through (5) of Section 8-178.

Code 1968, Section 15-23)

Section 8-180. Effective date of Restrictions.

The requirements of Section 18-178 shall apply to any residential construction initiated after July 1, 1991, and to any commercial construction initiated after July 1, 1992, which involves the repair or renovation of or addition to any existing building, when such repair or renovation of or addition to such existing building includes replacement of toilets or showers, or both.
(Code 1968, Section 15-24)

Sec. 8-181. Exemptions.

(A) New construction and the repair or renovation of an existing building shall be exempt from the requirements of Section 8-178 through 8-180 of this article when:

- (1) The repair or renovation of the existing building does not include the replacement of the plumbing or sewage system servicing toilets, faucets or showerheads within such existing buildings; or
- (2) When such plumbing or sewage system within such existing buildings because of its capacity, design, or installation would not function properly if the toilets, faucets or showerheads required by this article were installed; or
- (3) Such system is a well or gravity flow from a spring and is owned privately by an individual for use in such individual's personal residence; or
- (4) Units to be installed are:
 - a. Specifically designed for use by the handicapped,
 - b. Specifically designed to withstand unusual abuse or installation in a penal institution; or
 - c. Toilets for juveniles.

(B) The owner, or his agent, of a building undergoing new construction or repair or renovation who is entitled to an exemption as specified in subsections (a)(2), (a)(3) or (a)(4) of this section shall obtain the exemption by applying at the office of the building inspector for the city. A fee as established from time to time by the mayor and council shall be charged for the inspection and issuance of such exemption.
(Code 1968, Section 15-25)

Secs. 8-182 – 8-200. Reserved.

BUILDINGS & BUILDING REGULATIONS

ARTICLE V. GAS

Sec. 8-201. Adoption of Standard Gas Code.

The provisions of the Standard Gas Code as adopted, amended, and promulgated by the National Fire Protection Association, except as may be modified by or in conflict with the provisions of this article, are adopted and shall be in full force and effect in the city. The rules and provisions set

forth in this article, where in conflict with the gas code, shall take precedence over the provisions of the National Fuel Gas Code. This code shall apply to the installation of consumer's gas piping, and related accessories as covered in this Code. Except in one and two-family dwellings. (Code 1968, Section 11-1; Ord. No. 2057, Section I, 1-3-00)

Sec. 8-202. Penalty for violation.

Any person failing to comply with the provisions of this article and gas code or failing to comply with any order of the gas inspector made pursuant to the powers granted to him in this article shall be punished as provided in Section 1-9 for each offense, or the gasfitter's license of such person may be revoked, or both fine and revocation of license may be imposed. (Code 1968, Section 11-11)

Sec. 8-203. Property Owner's Responsibility.

No property owner shall cause or permit any installation, construction, reconstruction or repair of any gas piping system in the city and its gas service territory before the person so doing the work shall have first obtained a permit from the gas inspector to do such work. The mere fact that the work has been done will be considered sufficient to hold and render the property owner amenable to this rule. (Code 1968, Section 11-6)

Sec. 8-204. Municipal System to turn on valves and make meter connections.

No one except the municipal natural gas system shall at any time turn on any valve or cock or in any way tamper or make any connection with any gas main, meter, meter connection or gas service pipe between the main and the meter. The user however, may turn off gas at the main jet in case of an emergency. (Code 1968, Section 11-4)

Sec. 8-205. Meter Location and Appliances.

- (a) The house piping shall be extended to the meter location designated by the distributor of gas, and a swing joint shall be provided for connecting house piping to the meter outlet.
- (b) No gas meter shall be installed or maintained under the floor of any building or structure unless there is a suitable ventilation and, in any such installation, an opening at two feet of the meter shall be provided and maintained.
- (c) No gas meter shall be installed and maintained in a small unvented or confined space.
- (d) When more than one meter is required to serve consumers in one building or structure, the gas system may set as many meters as there are separate consumers, connecting such meters to one service line. When this is done, the riser pipes serving the several consumers shall be extended to within 18 inches and within the same enclosure as the meter location and shall not be scattered, but shall drop together in alignment and at least three inches apart to the place where the meters are to be set.

(Code 1968, Section 11-9)

Sec. 8-206. Gas Inspector – Appointments; Powers and Duties.

- (a) The city manager shall appoint a competent person as gas inspector.

(b) The powers and duties of the gas inspector are generally as follows:

- (1) The gas inspector and his assistants are authorized, empowered, and directed to inspect and supervise the installation, construction, reconstruction and repair of all gas piping systems, gas appliances, fixtures and apparatus placed in or in any manner directly attached to any building or structure within the city and its gas service territory. The gas inspector and his assistants shall be subject to the orders and directions of the city manager. The gas inspector is vested with full authority to enter any building or premises at any reasonable time in the discharge of his duties.
- (2) It shall be the duty of the gas inspector to receive all applications for connection, to pass on and approve or reject plans submitted, to issue permits for all gas fitting work, extensions, or change in location of gas fixtures; to sign and issue all notices and to keep a daily record of all applications received, plans approved and all other matters which may pertain thereto and to make reports of his operations to the city manager as directed.
- (3) The gas inspector shall inspect, as often as necessary, all houses in the course of erection, alteration or repair and inspect any gas fitting of any character already in use which he may have reason to believe is out of repair or is imperfect.
- (4) The gas inspector shall give the owner or agent in charge of any building written notice of any defects in his gas plumbing or fixtures or changes or repairs necessary, and such owner or agent shall within five days after such notice make necessary changes or repairs. If the owner or agent fails to comply with this notice, the gas inspector may order the gas service department to turn off the gas and it shall not thereafter turn the gas on again until the gas inspector has certified that such defects have been repaired or removed.
- (5) The gas inspector shall furnish the gas service department with a copy of each certificate of inspection. The department shall not turn gas into any new or altered or repaired system of gas until such certificate has been received.
- (6) It shall also be the duty of the gas inspector to investigate all alleged violations of the provisions of this article and file complaints when necessary.

(Code 1968, Section 11-3)

Sec. 8-207. Same – To decide Controversies.

The gas inspector shall decide all controversies which may arise under this article and, in so doing, shall be subject to the control and direction of the city manager.

(Code 1968, Section 11-10.)

Sec. 8-208. Permits.

(a) *Submission of Plans.* Before the construction, reconstruction, installation or repair of any gas piping system, suitable plans and specifications of all the work proposed to be done, showing clearly the sizes of pipe, kind of fittings, locations and measurement, shall be made out on blanks furnished by the gas inspector and properly signed by the owner, his agent, or other authorized representative and filed at the office of the inspector. All connections and fixtures shall be neatly drawn in the following manner: in case of new work or old work, black ink shall be used; in case of old work, red ink shall be used.

(b) *Approval.* If the plans are approved by the gas inspector he will issue written permit within two days after the application is filed. No change or modification of approved plans will be permitted unless such change or modification is authorized by the owner or agent, submitted to and approved by the gas inspector and placed on file as in the case of original work; and further, no infraction of rules not specially authorized in writing by the inspector, although it may be show on the plan and has passed inspection, will be permitted. The inspector always reserves the right to compel the gasfitter to rectify any infraction of the rules, even though the work has passed inspection and a final inspection certificate issued. The gasfitter's bond will be held for such compulsory rectification.

(c) *Issued only to licensed gasfitter.* No permit to install, construct, reconstruct or repair any gas piping system shall be issued, except to a licensed gasfitter licensed to do such work in accordance with the provisions of this article.
(Code 1968, §11-7)

Sec. 8-209. Test; Inspection; Certification of Inspection.

(a) When gas piping has been installed in a building or structure, whether the building or structure is new construction, repairs or extensions, the piping must be inspected and tested in the presence of the gas inspector or one of his assistants, a certificate of inspection issued as provided in this section, and an inspection tag attached to such piping by the inspector. Such test shall be made by closing all openings and subjecting all the piping to air pressure that will support a column of mercury ten inches in height. If this column of mercury is supported by the air pressure for at least 15 minutes, the piping shall be considered tight and in compliance with this article.

(b) No fire test or water test shall be permitted on any gas piping system, and water tested piping will be condemned as faulty.

(c) When the system of piping and all extensions thereto have been completed and all openings firmly closed, the person installing such piping shall make application for the test provided in subsection (a) of this section to the gas inspector. Upon such application, the inspector or one of his assistants will inspect the piping and shall witness the test, and if the piping is found tight and the work done is in accordance with the provisions of this article, the inspector or assistant shall issue and deliver a certificate in substantially the following form:

"No. _____.
This is to certify that I have inspected and witnessed the test of the gas piping in _____, Building No., _____, _____ Street, and certify that the gas piping is installed in compliance with the Municipal Natural Gas System rules and regulations.

Gas Inspector
By _____"

(d) Any additional gas piping or outlets installed, after the certificate has been issued, must be reported for inspection and tested in the same manner as the pipe originally installed.
(Code 1968, Section 11-8)

Sec. 8-210. Gasfitter's Bond and License.

(a) *Fees; examination; issuance.* Every person, before entering upon the installation, construction, reconstruction or repair of any gas piping system in the city and its gas service territory, shall be required to take out a gasfitter's license, the cost of which shall be as established from time to time by the mayor and council. The license may be renewed at any time during the months of January and February in the year following its issuance, upon the payment of a sum as established from time to time by the mayor and council. Before the license is issued, the party applying for the license shall pass such examination required by the city as to his knowledge of gasfitting, shall deposit with the clerk a bond in the principal sum of \$2,000.00, executed by a solvent surety company, conditioned that the principal therein shall faithfully comply with the terms of this article and shall indemnify and hold harmless the city and all persons interested, against all costs, expenses, damages and injury sustained by the negligence of such principal, his agents, servants and employees, or his failure to comply ethically with the terms of this article in doing work made the subject matter hereof, and otherwise to be in the form and executed as required by the city. Upon approval of any such bond by the city, the clerk shall forthwith issue to the principal therein a license, which shall remain in force only so long as the principal's bond is effective. Such bond shall be renewed annually on January 1st of each year as a prerequisite to the issuance of a license for the year. The license shall be conspicuously displayed at the licensee's place of business.

(b) *Suspension; revocation of license.* The license may be at any time suspended or revoked by the city upon the recommendation of the gas inspector for any violation of the terms of this article. (Code 1968, Section 11-5)

Secs. 8-211 – 8-230. Reserved.

BUILDING & BUILDING REGULATIONS

ARTICLE VI. HOUSING CODE

Sec. 8-231. Adoption of Standard Housing Code; CABO One and Two Family Dwelling Code.

(a) For the purpose of establishing uniform rules and regulations, the city hereby adopts that code known as the Standard Housing Code as adopted, amended, and promulgated by the Department of Community Affairs, except as may be modified by or in conflict with the provisions of this article, are adopted and shall be in full force and effect in the city. The rules and provisions set forth in this article, where in conflict with the Building Code, shall take precedence over the provisions of the Standard Building Code.

(b) For the purpose of establishing uniform rules and regulations, the city hereby adopts that code known as the CABO One and Two Family Dwelling Code, as adopted, amended, and promulgated by the Southern Building Code Congress (with exceptions to Section 107.1). This code is established to regulate the fabrication, erection, construction, enlargement, alteration, repair, location and use of detached one and two family dwellings, their appurtenances and accessory structures in the jurisdiction of the city; and providing for the issuance of permits therefore providing penalties for the violation thereof, and repealing all ordinances and parts of ordinances in conflict therewith.

(c) Within the Housing Code when reference is made to the duties of certain officials named therein, that designated official in the city who has duties corresponding to those of the named official in the housing code shall be deemed to be the responsible official insofar as enforcing the provisions of the housing code is concerned.

(Code 1968, Section 5-5; Ord. No. 2057, Section I, 1-3-00)

Sec. 8-232. Penalty for Violation

Anyone violating the provisions of the housing code shall be punished as provided in section 1-9.

(Code 1968, 5-6)

Secs. 8-233 – 8-255. Reserved.

BUILDING & BUILDING REGULATIONS

ARTICLE VII. SWIMMING POOL CODE

Sec. 8-256. Adoption of Swimming Pool Code

The provisions of the Standard Swimming Pool Code as adopted, amended and promulgated by the Standard Swimming Pool Code, except as may be modified by or in conflict with the provisions of this article, are adopted and shall be in full force and effect in the city. The rules and provisions set forth in this article, where in conflict with the swimming pool code, shall take precedence over the provisions of the Standard Swimming Pool Code.

(Code 1968, § 5-8; Ord. No. 2057, §1, 1-3-00)

BUILDING & BUILDING REGULATIONS

ARTICLE VIII. DILAPIDATED HOUSING AND NUISANCE ABATEMENT

Sec. 8-280. Necessity of Article.

It is found and declared that in the City of Elberton, there is the existence or occupancy of dwelling or other buildings or structures which are unfit for human habitation or for commercial, industrial or business occupancy or use and are inimical to the welfare and are dangerous and injurious to the health, safety and welfare of the people of the City of Elberton, and that a public necessity exists for the repair, closing, or demolition of such dwellings, buildings, or structures. It is further found and declared that in the City of Elberton where there is in existence a condition or use of real estate which renders adjacent real estate unsafe or inimical to safe human habitation, such use is dangerous and injurious to the health, safety, and welfare and people of the City of Elberton and is a public necessity exists for the repair of such condition, or the cessation of such use which renders the adjacent real estate unsafe or inimical to safe human habitation. In accordance with the O.C.G.A. §41-2.7(a) and §41-2-7(b) the mayor and council of the City of Elberton therefore pass the following article, and in connection therewith, the provisions of the O.C.G.A. §§41-2.8 through 41-2.17 are hereby incorporated by reference as if set forth verbatim herein.

(Ord. No. 1093, 8-5-96)

Sec. 8-281. Definitions for use in this Article.

Closing means securing and causing a dwelling, building or structure to be vacated.

Drug Crime means an act which is a violation of O.C.G.A. Title 16, Article 2, Chapter 13, known as the "Georgia Controlled Substances Act".

Dwelling, Buildings, or Structures means any building or structure or part thereof used and occupied for human habitation or commercial, industrial, or business uses, or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith and also includes any building or structure of any design. As used in this article, the term "dwellings, buildings, or structures" shall not mean or include any farm, any building or structure located on a farm, or any agricultural facility or other building or structure used for the production, growing, raising, harvesting, storage, or processing of crops, livestock, poultry, or other farm products.

Governing Body means the Mayor and Council of the City of Elberton.

Municipality means the City of Elberton.

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

Parties in interest means persons in possession of said property and all individuals, associations, and corporations who have interest of record in the county where the property is located in a dwelling, building, or structure including executors, administrators, guardians, and trustees.

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

Public officer means the officer or officers who are authorized by this article to exercise the powers prescribed by this article or any agent of such officer or officers.

Repair means closing a dwelling, building, or structure or the cleaning or removal of debris, trash, and other materials present and accumulated which create a health or safety hazard in or about any dwelling, building, or structure.

(Ord. No. 1093, 8-5-96)

Sec. 8-282. Nuisance Abatement Procedures.

- (a) Continued use of other laws and ordinances. It is the intent of the mayor and council that nothing in this section shall be construed to abrogate or impair the powers of the courts or of any department of the city to enforce any provisions of any local enabling Act, Charter, or ordinance or regulation, nor to prevent or punish violations thereof; and the powers conferred by this section shall be in addition to and supplemental to the powers conferred by any other law or ordinance, legislation, or regulation.
- (b) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Applicable codes means: (a) any optional housing or abatement standard provided in O.C.G.A., Chapter 2 of Title 8 as adopted by ordinance or operation of law, or general nuisance law, relative to the safe use of real property; (b) any fire or life safety code as provided for in O.C.G.A., Chapter 2 of Title 25; and (c) any building codes adopted by local

ordinance prior to October 1, 1991, or the minimum standard codes provided in O.C.G.A., Chapter 2 of Title after October 1, 1991, provided that such building or minimum standard codes for real property improvements shall be deemed to mean those building or minimum standard codes in existence at the time such real property improvements were constructed unless otherwise provided by law.

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

Drug crime means an act, which is a violation of O.C.G.A., Article 2 of Chapter 13 of Title 16, known as the Georgia Controlled Substances Act.

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

Governing authority means the mayor and council of the city.

Municipality means the incorporated area of the City of Elberton.

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

Parties in interest means:

- a) Owner;
- b) Those parties having an interest in the property as revealed by a certification of title to the property conducted in accordance with the title standards of the State Bar of Georgia;
- c) Those parties having filed a notice in accordance with Code Section 48-3-9;
- d) Any other party having an interest in the property whose identity and address are reasonably ascertainable from the records of the petitioner or records maintained in the county courthouse or by the clerk of the court. Interested parties shall not include the holder of the benefit or burden of any easement or right of way whose interest is properly recorded which interest shall remain unaffected; and
- e) Persons in possession of said property and premise.

Public authority means any member of a governing authority, any housing authority officer, or any officer who is in charge of any department or branch of the government of the municipality, county, or state relating to health, fire, or building regulations or to other activities concerning dwellings, buildings, or structures in the City of Elberton or Elbert County, Georgia.

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

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

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

(c) Duties of owners; appointment of public officer; procedure for determining premises to be unsafe or unhealthful.

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

(2) The mayor and council of the city appoint and designate the city building inspector and his/her designee as public officer(s) to exercise the powers prescribed by this section.

(3) Whenever a request is filed with the public officer by a public authority or by at least five residents of the city charging that any dwelling, building, or structure is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the public officer shall make an investigation or inspection of the specific dwelling, building, structure, or property. If the officer's investigation or inspection identifies that any dwelling, building, structure, or property is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the public officer may issue a complaint in rem against the lot, tract, or parcel of real property on which such dwelling, building, or structure is situated or where such public health hazard or general nuisance exists and shall cause summons and a copy of the complaint to be served on the owner and parties in interest in such dwelling, building, or structure. The complaint shall identify the subject real property by appropriate street address and official tax map reference; identify the owner and the parties in interest; state with particularity the factual basis for the action; and contain a statement of the action sought by the public officer to abate the alleged nuisance. The summons shall notify the owner and parties in interest that a hearing will be held before a court of competent jurisdiction as determined by O.C.G.A. § 41-2-5, at a date and time certain and at a place within the city. Such hearing shall be held not less than 15 days nor more than 45 days after the filing of said complaint in court. The owner and parties in interest shall have the right to file an answer to the

complaint and to appear in person or by attorney and offer testimony at the time and place fixed for hearing.

- (4) That if, after such notice and hearing, the court determines that the dwelling, building, or structure in question is unfit for human habitation or is unfit for its current commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the court shall state in writing findings of fact in support of such determination and shall issue and cause to be served upon the interested parties that have answered the complaint or appeared at the hearing an order:
- a) If the repair, alteration, or improvement of the said dwelling, building, or structure can be made at a reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the owner, within the time specified in the order, to repair, alter, or improve such dwelling, building, or structure, so as to bring it into full compliance with the applicable codes relevant to the cited violation and, if applicable, to secure the structure so that it cannot be used in connection with the commission of drug crimes; or
 - b) If the repair, alteration, or improvement of the said dwelling, building, or structure in order to bring it into full compliance with applicable codes relevant to the cited violations cannot be made at a reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the owner, within the time specified in the order, to demolish and remove such dwelling, building, or structure and all debris from the property.

For purposes of this Ordinance, the court shall make its determination of “reasonable cost in relation to the present value of the dwelling, building, or structure” without consideration of the value of the land on which the structure is situated; provided, however, that costs of the preparation necessary to repair, alter, or improve a structure may be considered. Income and financial status of the owner shall not be factor in the court’s determination. The present value of the structure and the costs of repair, alteration, or improvement may be established by affidavits of real estate appraisers with a Georgia appraiser classification as provided in Chapter 39A of Title 43 of the Official Code of Georgia Annotated, qualified building contractors, or qualified building inspectors without actual testimony presented. Costs of repair, alteration, or improvement of the structure shall be the cost necessary to bring the structure into compliance with the applicable codes relevant to the cited violations in force in the City of Elberton.

- (5) That, if the owner fails to comply with an order to repair or demolish the dwelling, building, or structure, the public officer may cause such dwelling, building, or structure to be repaired, altered, or improved or to be vacated and closed or demolished. Such abatement action shall commence within 270 days after the expiration of time specified in the order for abatement by the owner. Any time during which such action is prohibited by a court order issued pursuant to Code Section 41-2-13 or any other equitable relief granted by a court of competent jurisdiction shall not be counted toward the 270 days in which such abatement action must commence. The public officer shall cause to be posted on the main entrance of the building, dwelling, or structure a placard with the following words:

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

- (6) If the public officer has the structure demolished, reasonable effort shall be made to salvage reusable materials for credit against the cost of demolition. The proceeds of any monies received from the sale of salvaged materials shall be used or applied against the cost of the demolition and removal of the structure, and proper records shall be kept showing application of sales proceeds. Any such sale of salvaged materials may be made without the necessity of public advertisement and bid. The public officer and the city are relieved of any and all liability resulting from or occasioned by the sale of any such salvages materials, including, without limitation, defects in such salvaged materials.
- (7) That the amount of the cost of demolition, including all court costs, appraisal fees, administrative costs incurred by the county tax commissioner or municipal tax collector or city revenue officer, and all other costs necessarily associated with the abatement action, including restoration to grade of the real property after demolition, shall be a lien against the real property upon which such cost was incurred.
 - a)
 - (1) The lien provided for herein shall attach to the real property upon the filing of a certified copy of the order requiring repair, closure, or demolition in the office of the clerk of superior court in the county where the real property is located and shall relate back to the date of the filing of the lis pendens notice required under subsection (c) of Code Section 41-2-12. The clerk of superior court shall record and index such certified copy of the order in the deed records of the county and enter the lien on the general execution docket. The lien shall be superior to all other liens on the property, except liens for taxes to which the lien shall be inferior, and shall continue in force until paid.
 - (2) Upon final determination of costs, fees, and expenses incurred in accordance with this chapter, the public officer responsible for enforcement action in accordance with this chapter shall transmit to the appropriate county tax commissioner or municipal tax collector or city revenue officer a statement of the total amount due and secured by said lien, together with copies of all notices provided to interested parties. The statement of the public officer shall be transmitted within 90 days of completion of the repairs, demolition, or closure. It shall be the duty of the appropriate county tax commissioner or municipal tax collector or city revenue officer, who is responsible or whose duties include the collection of municipal taxes, to collect the amount of the lien using all methods available for collecting real property ad valorem taxes, including specifically Chapter 4 of Title 48; provided, however, that the limitation of Code Section 48-40-78 which requires 12 months of delinquency before commencing a tax foreclosure shall not apply. A county tax commissioner shall collect and enforce municipal liens imposed pursuant to this chapter in accordance with

Code Section 48-5-359.1. The county tax commissioner or municipal tax collector or city revenue officer shall remit the amount collected to the City of Elberton.

- (3) Enforcement of liens pursuant to this Ordinance may be initiated at any time following receipt by the county tax commissioner or municipal tax collector or city revenue officer of the final determination of costs in the accordance with this chapter. The unpaid lien amount shall bear interest and penalties from and after the date of final determination of costs in the same amount as applicable to interest and penalties on unpaid real property ad valorem taxes. An enforcement proceeding pursuant to Code Section 48-4-78 for delinquent ad valorem taxes may include all amounts due under this chapter.
 - (4) The redemption amount in any enforcement proceeding pursuant to this Ordinance shall be the full amount of the costs as finally determined in accordance with this Ordinance together with interest, penalties, and costs incurred by the governing authority, county tax commissioner, municipal tax collector, or city revenue officer in the enforcement of such lien. Redemption of property from the lien may be made in accordance with the provisions of Code Sections 48-4-80 and 48-4-81.
- b) The governing authority may waive and release any such lien imposed on property upon the owner of such property entering into a contract with the county or municipality agreeing to a timetable for rehabilitation of the real property or the dwelling, building, or structure on the property and demonstrating the financial means to accomplish such rehabilitation.
 - c) Where the abatement action does not commence in the superior court, review of a court order requiring the repair, alteration, improvement, or demolition of a dwelling, building or structure shall be by direct appeal to the superior court under Code Section 5-3-29.
 - d) In addition to the procedures and remedies in this chapter, a governing authority may provide by ordinance that designated public officers may issue citation for violations of state minimum standard codes, optional building, fire, life safety, and other codes adopted by ordinance, and conditions creating a public health hazard or general nuisance, and seek to enforce such citations in a court of competent jurisdiction prior to issuing a complaint in rem as provided in this Ordinance.
 - e) Nothing in this Ordinance shall be construed to impair or limit in any way the power of the county or municipality to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.
- (d) Determination by public officer that under existing ordinances dwellings, buildings or structures are vacant and sample conditions of nuisances. The public officer may determine, under existing ordinances, that a dwelling, building, or structure is unfit for human habitation or is unfit for its current commercial, industrial, or business use if he/she finds that conditions exist in such dwelling, building, or structure which are dangerous or

injurious to the health, safety, or morals of the occupants of such dwelling, building, or structure; of the occupants of neighborhood dwellings, buildings, or structures; or of other residents of the city. Such conditions include the following, without limiting the generality of the foregoing:

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

The public officer may determine, under existing ordinances, that a dwelling, building, or structure is vacant, dilapidated, and being used in connection with the commission of drug crimes based upon personal observation or upon the report of a law enforcement agency and evidence of drug crimes being committed.

(e) Powers of public officers. The public officer(s) designated in this section shall have the following powers:

- (1) To investigate the dwelling conditions in the city in order to determine which dwelling, buildings, or structures therein are unfit for human habitation or are unfit for current commercial, industrial, or business use, or are vacant, dilapidated, and being used in connection with the commission of drug crimes;
- (2) To administer oaths and affirmation, to examine witnesses, and to receive evidence;
- (3) To enter upon premises for the purpose of making inspections and examinations; provided, however, that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession;
- (4) To appoint and fix the duties of such officers, agents, and employees as he/she deems necessary to carry out the purposes of this section; and
- (5) To delegate any of his/her functions and powers under this section to such officers and agents as he/she may designate.

(f) Service of complaints.

1. Complaints issued by a public officer pursuant to this Ordinance shall be served in the following manner. At least 14 days prior to the date of the hearing, the public officer shall mail copies of the complaint by certified mail or statutory overnight delivery, return receipt requested, to all interested parties whose identities and addresses are reasonably ascertainable. Copies of the complaint shall also be mailed by first-class mail to the property address to the attention of the occupants of the property, if any, and shall be posted on the property within three business days of filing the complaint and at least 14 days prior to the date of the hearing.
2. For interested parties whose mailing address is unknown, a notice stating the date, time, and place of the hearing shall be published in the newspaper in which the sheriff's advertisements appear in such county once a week for two consecutive weeks prior to the hearing.

3. A notice of lis pendens shall be filled in the office of the clerk of superior court in the county in which the dwelling, building, or structure is located at the time of filing the complaint in the appropriate court. Such notice shall have the same force and effect as other lis pendens notices provided by law.
4. Orders and other filings made subsequent to service of the initial complaint shall be served in the manner provided in this Ordinance on any interested party who answers the complaint or appears at the hearing. Any interested party who fails to answer or appear at the hearing shall be deemed to have waived all further notice in the proceedings.

(Code 2007, Ord 2144)

Secs. 8-283 – 8-286. Reserved.

Editor's note –Ord. No. 2098, Section 2, adopted January 7, 2002, repealed Sections 8-283-8-286 in their entirety. Formerly said sections pertained to determination by public officer; powers of public officer; service of complaints or orders and junctions as related to dilapidated housing and nuisance abatement, respectively. The user of this Code is directed to Section 8-282 for similar provisions.

Sec. 8-287. Taking by Eminent Domain; Police Power

Nothing in this article shall be construed as preventing the owner or owners of any property from receiving just compensation for the taking of such property by the power eminent domain under the laws of this state nor as permitting any property to be condemned or destroyed except in accordance with the police power of this state.

(Ord. No. 1093, 8-5-96)

Sec. 8-288. Authority to Use Revenues.

The City of Elberton is authorized to make such appropriations from its revenues as it may deem necessary and may not accept and apply grants or donations to assist it in carrying out the provisions of this article.

(Ord. No. 1093, 8-5-96)

Sec. 8-289. Powers.

Nothing in this article shall be construed to abrogate or impair the powers of the courts or any department of the City of Elberton to enforce any provisions of its local enabling act, its charter, or its articles or regulations nor to prevent or punish violations thereof; and the powers conferred by this article shall be in addition to and supplemental to the powers conferred by any other law.

(Ord. No. 1093, 8-5-96)

Sec. 8-290. Prior Ordinances.

Pending complaints filed under existing ordinance shall not be affected by this article but shall proceed pursuant to the provisions of existing ordinances.

(Ord. No. 1093, 8-5-96)

Sec. 8-291. Adoption of Standard Fire Prevention Code.

The Standard Fire Prevention Code and Life Safety Code 101 (one-and two-family dwellings are exempt from the Life Safety Code 101) of which a copy is on file in the Building Inspector's Office, is adopted as the Fire Code of the city and all provisions of said code are made effect in the city, except such portions as are in conflict with this Code of Ordinances and subject to all modifications thereof contained in the Code of Ordinances. The code shall apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance, of every building or structure or any appurtenances connected or attached to such buildings or structures.

(Ord. No. 2057, Section 1, 1-3-00)