

CHAPTER 20

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ARTICLE I

General Provisions

§20-101 Statutory Authorization. The Legislature of the State of Georgia has in the Georgia Constitution, Article 9, Section II - Home Rule for counties delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Board of Commissioners of Chatham County, Georgia, acting under its enabling act, Georgia Laws of 1984, Vol. II pp. 5050-5076 as amended, does ordain and enact into law the following:

§20-102 Repeal of Provisions Ordinance. All ordinances or parts of ordinances of Chatham County concerning building and construction codes enacted prior to this Ordinance, resolution, or regulation are repealed in their entirety and other resolution, ordinances, etc., that is inconsistent or in conflict with provisions of this Ordinance are hereby repealed to the extent of such inconsistency or conflict. (Amended February 26, 2016)

§20-103 Scope. This chapter shall be construed to secure the beneficial interests and purposes which are public safety, health and general welfare through structural strength, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use and occupancy of buildings and structures, or by installation of mechanical, electrical, gas, plumbing equipment, or appurtenances. (Amended February 26, 2016)

§20-104 Title. The provision embraced within the following Articles shall constitute, be known and cited, as the "Building Code Ordinance for Chatham County, Georgia," hereafter referred to as this "Ordinance." (Amended February 26, 2016)

§20-105 Area of Applicability. This Ordinance shall apply to the unincorporated areas of the County and those municipalities which make an agreement with the County governing authority to be regulated by the terms of this Ordinance.

§20-106 Severability. If any section, sub-section, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions.

§20-107 Penalties.

1. Penalties for Violation. Failure to comply with any of the requirements and provisions of these regulations, including violation of conditions and safeguards established in connection with grants of variance or special exception, shall constitute a violation of this Code of Ordinances. Any person who violates this Code or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500, or imprisoned in the County jail for not more than 30 days, or labor on the work gang for not more than 60 days for any single offense, or any combination thereof, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Chatham County from taking such other lawful action as is necessary to prevent or remedy any violation of this Code of Ordinances. (Amended February 26, 2016)

2. Graduation Sanctions for Chronic Violators. (Adopted December 7, 2012)
 - a. In addition to any penalty proscribed by law and in addition to all punishments and penalties outlined in Penalties for Violation of this Ordinance, any person who is cited with three or more "Stop Work" orders within an eighteen (18) month period shall be deemed a chronic violator. Any chronic violator or any company or corporation, either owned in whole or in part or who employs a chronic violator shall be barred from obtaining any work permit or certificate of occupancy from Chatham County for a period of twelve (12) months from the date of the last "Stop Work" order issued to the chronic violator, or the last Recorder's Court adjudication for the chronic violator, whichever is later.

 - b. If, after being declared a chronic violator as outlined above, any chronic violator or any company or corporation, either owned in whole or in part or who employs a chronic violator shall be issued an additional "Stop Work" order within a period of twelve (12) months from being deemed a chronic violator, then that person or company as outlined herein shall be barred from obtaining any work permit or certificate of occupancy from Chatham County for a period of five (5) years from the date of the last "Stop Work" order issued to the chronic violator, or the last Recorder's Court adjudication for the chronic violator, whichever is later.

- c. The chronic violator shall have the right of appeal to the Board of Commissioners, which shall hear evidence that confirms or fails to confirm repeat violations, so that the appealing party is deemed or not deemed a chronic violator.
- d. Should the appealing party to the Commission be denied, relief from this ordinance, other than the appeal from the Commission, shall be prescribed by law.

§20-108 Effective Date. This Ordinance shall become effective November 1, 1988.

ARTICLE II

Adoption of and Amendments to Technical Codes

§20-201 Adoption of Standard Codes. The regulations and administrative procedures of the following Standard Codes recommended and published by the International Code Council (ICC) and the National Fire Protection Association (NFPA) in book form are hereby adopted as the regulations governing the construction of buildings and other structures in the County; and Section Viii, Article 4 Land Disturbing & Tree Protection Requirements for Certificates of Occupancy; and Article 6, Withholding the Certificate of Occupancy of the Chatham County, Georgia Land Disturbing Activities Ordinance; and it shall be unlawful to erect or construct any building or structure in the county in violation of, or without complying with, these regulations: (Amended February 26, 2016)

1. International Building Code (IBC), including Appendices and current edition as amended. (Amended February 26, 2016)
2. International Plumbing Code (IPC), current edition as amended. (Amended February 26, 2016)
3. International Mechanical Code (IMC), current edition as amended. (Amended February 26, 2016)
4. International Fire Code (IFC), current edition as amended. (Amended February 26, 2016)
5. International Fuel Gas Code (IFGC), current edition as amended. (Amended February 26, 2016)
6. International Residential Code (IRC), current edition as amended. (Amended February 26, 2016)
7. Standard Housing Code current Edition.
8. International Swimming Pool and Spa Code (ISPSC), current edition as amended. (Amended February 26, 2016)
9. NFPA-101 Life Safety Code, State adopted edition.
10. International Energy Conservation Code (IECC), current edition as amended. (Amended February 26, 2016)

*See Chatham County Flood Ordinance for building code requirements in Flood Hazard Areas.

§20-202 National Electric Code. The Technical Standards and Provisions of the National Electric Code promulgated by the National Fire Protection Association, current edition and amendments, governing all electrical work in buildings and other structures in the County; and it shall be unlawful to wire or install electrical equipment in/on any building or on any structure in the County unless said electrical work is in compliance with these regulations. (Amended February 26, 2016)

§20-203 International Building Code Amendments as adopted by the State. (Amended February 26, 2016)

6. Building Permit Valuations. If, in the opinion of the Director of Building Safety, the valuation of a building, alteration, or structure appears to be under-estimated, the Director of Building Safety shall then determine the value of the construction to be in accordance with the County Revenue ordinance. (Amended February 26, 2016)
7. ICC Chapter 1 Board of Adjustments and Appeals. There is hereby established a Board of Adjustments and Appeals, hereafter called the "Board" and which shall consist of nine (9) members. The Board members shall be appointed by the Chatham County Commissioners. Such Board shall be composed of two (2) General Contractors, one (1) Master Electrician, one (1) Master Plumber, one (1) Mechanical Contractor, one (1) Architect registered in the State of Georgia, one (1) Civil Engineer registered in the State of Georgia, one (1) representative from the Fire Services of the County, and one (1) member-at-large from the general public. No firm shall have more than one (1) representative or associate on the Board. (Amended February 26, 2016)
8. General Provisions. Of the members first appointed, four (4) shall be appointed for a term of two years, three (3) for a term of three years, and two (2) for a term of four years. Continued absence of any member from four regular meetings or irregular attendance shall, upon recommendation of the Board, be cause for removal from said Board.
9. Procedure. The Board shall establish rules, regulations, and procedures of its own which are not inconsistent with the provisions of their respective code. The Board shall meet at regular intervals, which will be determined by the chairman, or in any event, within ten (10) days after a Notice of Appeal has been received by the Director of Building Safety. (Amended February 26, 2016)

10. Quorum. Five members of the Board shall constitute a quorum. In rendering any decision, an affirmative vote of the majority present shall be required. No Board member shall act in a case in which he or she has a personal interest as defined by Georgia State Law OCGA 36-67A-1.
11. Officers. The Board shall elect a chairman from its membership, who shall serve for a period of one year. The Director of Building Safety shall be an ex-officio member without power to vote, and he shall serve as the Secretary of the Board. The Building Safety Department shall perform all secretarial duties for the Board under the supervision of the Director of Building Safety. (Amended February 26, 2016)
12. Appeals. Any person dissatisfied with the decision of the Director of Building Safety may appeal his decision. All appeals must be written and filed within five (5) days of the decision with the secretary of the Board, stating full particulars of disputed points and requesting a hearing before the Board. In submitting the written appeal, a fee of one hundred dollars (\$100.00) shall accompany such appeal. (Amended February 26, 2016)
13. Powers and Duties. The Board shall have the power to reverse or to affirm, in whole or in part, or to modify the decision of the Director of Building Safety . The Board shall, in every case, reach a decision without unreasonable or unnecessary delay; and should the Board not decide within thirty (30) days after the appeal is filed, the action of the Director of Building Safety shall be deemed sustained. Every decision shall be promptly filed in the office of the Director of Building Safety and shall be open to the public. A certified copy of every decision on an appeal shall be sent by mail or delivered to the applicant; and a copy shall be filed with the Department of Building Safety . Interpretation of the requirements of this code may be made by the Board only when the enforcement of the strict letter of the code would do manifest injustice, and would be contrary to the spirit and purpose of this code and/or to the public interest. The decision of the Board shall specify the conditions upon which the decision is made and the reasons therefor. The Director of Building Safety shall be bound by the decisions of the Board. Any person aggrieved by the decision of the Board, whether previously a party to the proceeding or not, or a municipal officer or Board member, may within fifteen (15) days after the decision, inform the Board in writing of his intention to have the decision appealed to a court of equity. The appeal shall be filed no later than thirty (30) days after

submission of his intention to the Board. (Amended February 26, 2016)

§20-204 Plumbing Code Amendments as adopted by the State. (Amended February 26, 2016)

§20-205 Gas Code Amendments as adopted by the State. (Amended February 26, 2016)

§20-206 Mechanical Code Amendments as adopted by the State. (Amended February 26, 2016)

§20-207 Fire Prevention Code Amendments as adopted by the State. (Amended February 26, 2016)

§20-208 Reports of Fires. For the purpose of compiling information and statistical data required by the Commissioners of Chatham County for the application of this chapter in the interest of safety, health, and welfare of the citizens of Chatham County, the Director of Building Safety shall require the various fire departments operating in the unincorporated areas of Chatham County to submit a report of all fires to which the department responded, on a form and at the request of the Director of Building Safety. (Amended February 26, 2016)

§20-209 Arson Reports. Any citizen of Chatham County who has evidence of an incendiary fire or the crime of arson in the unincorporated areas of Chatham County shall make a full report of same to the Director of Building Safety without delay. (Amended February 26, 2016)

§20-210 Electrical Code Amendments as adopted by the State. (Amended February 26, 2016)

§20-211 Residential Code Amendments as adopted by the State. (Amended February 26, 2016)

§20-212 Housing Code Amendments as adopted by the State. (Amended February 26, 2016)

§20-213 Approval of Site for Wells and Septic Tanks. No building permit shall be issued for construction, nor shall any building or structure designed or intended for permanent use, occupancy or dwelling, except fences and minor outbuildings, be erected, nor shall any proposed division be approved for

development upon any land in the County, outside the limits of any municipality located therein, unless and until the site shall have been approved by the Department of Public Health and the County Engineer, upon adequate showing having been made by the applicant that said land has adequate draining facilities or possesses such physical characteristics as to make adequate drainage possible without imposing an unreasonable obligation upon the County. All plans for the erection of buildings or structures filed with the application for a building permit which shall contemplate the installation and use of either septic tanks or wells shall require the approval of the County Health Department prior to the issuance of a building permit thereon by the Director of Building Safety. (Amended February 26, 2016)

§20-214 Approval of Permits by Health Department. Any building permit issued to any person, firm, or corporation proposing the installation or modification of a septic tank or potable water well, shall be issued subject to approval by the County Health Department. (Amended February 26, 2016)

ARTICLE III

Fees

§20-301 In General. All previous fee schedules have been repealed.

§20-302 Fees Mandatory. No permit shall be issued until the fees prescribed in this section shall have been paid. Nor shall an amendment to a permit be approved until the additional fee, if any, due to an increase in the estimated cost of the building or structure, shall have been paid. Exception: Nonprofit organizations - Nonprofit organizations shall be exempt from fees when they meet the following requirements:

1. Be a nonprofit organization; and, if a corporation of the State of Georgia, be qualified and chartered as a nonprofit organization under the laws of the State of Georgia.
2. Be qualified with the Internal Revenue Service of the United States Government and hold the written qualification as such from the Internal Revenue Service.
3. Be qualified with said Internal Revenue Service to receive donations over and above any fee for services rendered, to the extent that such donations are tax deductible to the donor.

§20-303 Failure to Obtain Permit.

1. If any person commences work on a building or structure before obtaining the necessary permit from the applicable governing body, he/she shall be subject to the penalty prescribed herein.
2. Where work for which a permit is required by this code is started or proceeded with prior to obtaining said permit, the fees herein specified shall be doubled or \$250.00, whichever is greater. The payment of such double fee shall not relieve any persons from fully complying with the requirements of this code in the exception of the work nor from any other penalties as prescribed herein. (Amended February 24, 2017)
3. A separate permit will be required for all buildings. Multiple buildings shall not be issued on one permit.

§20-304 Plan Review Fees. A plan review fee shall be paid to the Department of Building Safety at the time of submitting plans and specifications for review. Said plan review fee shall be

as indicated in the Revenue ordinance. This fee is non-refundable. (Amended February 26, 2016)

§20-305 Procedure for Permit Refunds.

1. Permit holder must return all applicable permit forms and receipts.
2. Permit refund will be for total amount paid minus plan review fee as set forth in Section 20-304. (Amended February 26, 2016)
3. No refunds will be given for permits where construction has not started within six months of issuance, provided the building official has not issued or granted extensions of time as provided for in the International Building Code. (Amended February 26, 2016)
4. No refunds will be given for work started and which is subsequently discontinued.

§20-306 Re-Inspection. If the Director of the Department of Building Safety and Regulatory Services or his duly authorized representative shall, upon his/her inspection after the completion of the work or apparatus, find the same does not conform to and comply with the provisions of this Code, he/she shall notify the contractor, indicating the corrections to be made, and then he/she shall again inspect the work or apparatus without further charge; but when extra inspections are due to any of the following reasons, a charge of \$30.00 shall be made for each re-inspection. (Amended December 19, 2003)

1. Repairs or corrections not made when inspections are called.
2. Work not ready for inspection when called. All re-inspection fees shall be paid before any further inspections are made.
3. Building permit not posed as mandated by the Department of Building Safety and Regulatory Services policy. (Amended December 19, 2003)

§20-307 Invalid/Abandoned Permit. Every permit issued shall become invalid unless the work authorized by such permit, begins within 180 days after its issuance or if the work authorized by such permit is suspended or abandoned for 180 days after the work begins. The Director is authorized to

grant one or more time extension(s), as indicated in the International Building Code, upon the payment of a \$30.00 reinspection fee. (Amended February 26, 2016)

§20-308 Permit Fees. On all new buildings, structures, or alterations requiring a building permit, as set forth in Chapter 1 of the International Building Code, the fee shall be paid as required at the time of filing application in accordance with Article T, Section 1(a) of the County Revenue Ordinance. (Amended February 26, 2016)

The total building permit fee is not to exceed \$100,000. The total building permit fee shall include the permit fee and the plan review fee, where applicable. (Amended 2/25/2011)

§20-309 Electrical Permit Fees. For the installation of electrical only, see Article "T" of the County Revenue ordinance. (Amended February 26, 2016)

§20-310 Plumbing Permit Fees. For the installation of plumbing only, see Article "T" of the County Revenue ordinance. (Amended February 26, 2016)

§20-311 Mechanical Permit Fees. For mechanical installation only, see Article "T" of the County Revenue ordinance. (Amended February 26, 2016)

§20-312 Gas Permit Fees. For gas installation only, see Article "T" of the County Revenue ordinance. (Amended February 26, 2016)

§20-313 Swimming Pools.) For the construction of each pool, the fee shall be paid in accordance with Article "T" of the County Revenue ordinance. (Amended February 26, 2016)

§20-314 Safety Inspection Fee. For each safety inspection, the fee shall be \$25.00.

§20-315 Manufactured Homes. For each manufactured home inspection, the fee shall be \$50.00. This fee is for all applicable work in setting up the home.

§20-316 Docks. For the construction of each dock, the fee shall be paid in accordance with Article "T" of the County Revenue ordinance. (Amended February 26, 2016)

- §20-317** Signs. For the issuing of each permit, the fee shall be paid in accordance with Article "T" of the County Revenue ordinance. (Amended February 26, 2016)
- §20-318** Moving of Building or Structure. For the moving of any building or structure, the fee shall be \$50.00.
- §20-319** Demolition of Building or Structures. For the issuing of each permit, \$25.00 plus fee required in 20-308. (Amended 09/28/90)
- §20-320** Well Installation. (For the construction of each well, the fee shall be paid in accordance with Article "T" of the County Revenue ordinance. (Amended February 26, 2016)
- §20-321** Air Curtain Destructor. For the installation of an air curtain destructor, the fee shall be \$50.00.
- §20-322** Landfills, Mining, Ponds. For the installation of and/or activity listed, the fee shall be \$50.00.
- §20-323** Board of Adjustments and Appeals. (Building Code) - For each appeal or variance request, \$100.00. (Amended 09/28/90)
- §20-324** Fuel Storage Tanks. For installation of above ground and underground fuel storage tanks the fee shall be \$50.00 per site. The site is the actual excavation for underground tanks and the installation location for above ground tanks. (Amended 09/28/90)
- §20-325** Georgia Safety Fire Law - Plan Checking Fee. For the reviewing of plans and specifications of buildings, which come under the classification of the State Safety Fire Law - \$100.00. (Amended 09/28/90)
- §20-326** Georgia Safety Fire Law - Certificate of Occupancy. For the issuing of each certificate of occupancy required under the classification of the office of the State Safety Fire Law - \$50.00. (Amended 09/28/90)

Article IV

Temporary, Moving/Storage Units

(Article IV was adopted in its entirety
on February 22, 2008)

§20-401 An ordinance to provide for temporary portable moving and storage containers and for other purposes.

1. Definitions. For the purpose of this section, the following shall apply: Temporary Moving/Storage Units. Any container designed for the storage of personal property which is typically rented to owners or occupants of property for their temporary use and which is delivered and removed by truck.
2. Number, Duration and Removal.
 - a. Units for on-site moving and/or storage: There shall be no more than two (2) units per site no larger than eight (8) feet wide, twenty (20) feet long and eight (8) feet high. No unit shall remain at a site in a residential zoning district in excess of thirty (30) days, twice within a calendar year, without a permit from the Department of Building Safety and Regulatory Services (DBSRS).
 - b. The franchise unit owner shall provide a list of unit leasees, date of unit delivery, and leasee address to the DBSRS within (24) hours of request.
 - c. It shall be unlawful for a unit to remain at a site in excess of the time period permitted under this section. Each day that any such unit remains at the site in violation of the permitted time period shall constitute a separate violation against the property owner or against any person who rents, occupies or otherwise controls the property. Upon request from the DBSRS, the franchise unit owner shall remove the unit from the premises within forty-eight (48) hours.
3. Emergency Removal. All units shall be removed immediately upon the issuance of a hurricane warning by a recognized governmental agency. (Amended February 26, 2016)
4. On-Site Location. Residential Zoning Districts: Units shall be located in driveways, lanes or rear alleys. Units shall not

be located in the front yard or side yard or in the public right-of-way.

5. Permits. It shall be unlawful for any person to place or permit the placement of a unit on property which he or she owns, rents, occupies or controls without first having obtained a permit, if the unit is located on the premises for an excess of thirty (30) days, or in conjunction with a construction permit issued for the site. Each day any such unit remains on a property without a valid permit shall constitute a separate violation. Application for a permit shall be obtained from the Department of Building Safety and Regulatory Services. The permit shall be valid for (30) days maximum from the date of issuance. The permit shall be posted in plain view on the site. The permit fee for the unit shall be the minimum allowed under the County Revenue Ordinance (\$25.00). Failure to post the permit in plain view will result in a \$25.00 penalty.

The construction of the unit shall meet the wind design requirements of the building code for the wind zone that the unit is located into.

§20-402 Ordinance shall be effective on March 1, 2008.