

## **Chapter 14**

### **BUILDINGS AND BUILDING REGULATIONS\***

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## **ARTICLE I. IN GENERAL**

### **Sec. 14-1. Self-inspection by plumbers and utility contractors.**

The city is exempted from the provisions of O.C.G.A. § 8-2-26(d) relating to the self-inspection of certain water and sewer lines, and such provisions shall not be applicable in the county.

### **Sec. 14-2. On-site dumpster and porta-toilets required.**

The city council hereby requires that all subdivisions of three or more lots where construction is occurring shall be required to have one on-site dumpster or use of a dump truck and a porta-toilet, and for each additional five lots or fraction thereof where construction is occurring, and additional dumpster or dump truck and porta-toilet shall be required.

(Ord. of 3-1-1999(1))

### **Secs. 14-3--14-35. Reserved.**

## **ARTICLE II. CONSTRUCTION CODES\***

### **Sec. 14-36. Adopted.**

(a) *Enumeration.* The following codes, the latest edition as adopted and amended by the state department of community affairs, shall be enforced by the city.

- (1) Standard Building Code;
- (2) Standard Mechanical Code;
- (3) Standard Gas Code;
- (4) Standard Plumbing Code;

- (5) National Electrical Code;
  - (6) Standard Fire Prevention Code;
  - (7) CABO One and Two Family Dwelling Code; and
  - (8) Georgia State Energy Code for Buildings.
- (b) *Appendixes.* The following appendixes of the codes adopted in subsection (a) of this section are hereby adopted by reference as though they were copied fully in this subsection:
- (1) Standard Building Code: Appendix;
  - (2) Standard Mechanical Code: Appendix;
  - (3) Standard Gas Code: Appendix;
  - (4) Standard Plumbing Code: Appendix;
  - (5) Standard Fire Prevention Code: Appendix;
  - (6) National Electrical Code: Appendix; and
  - (7) CABO One and Two Family Dwelling Code: Appendix.
- (c) *Additional codes.* The latest edition of the following codes, as adopted and amended by the state department of community affairs, are hereby adopted by reference as though they were copied fully in this subsection:
- (1) Standard Housing Code, including chapter 1, administration and appendix.
  - (2) Standard Swimming Pool Code, including chapter 1, administration.
  - (3) Standard Excavation and Grading Code, including chapter 1, administration.
  - (4) Standard Unsafe Building Abatement Code, including chapter 1, administration.
  - (5) Standard Existing Building Code, including chapter 1, administrative and appendix.
  - (6) Standard Amusement Device Code, including chapter 1, administrative and appendix.

**Sec. 14-37. Compliance.**

It shall be unlawful for any person to engage in the construction or erection of any building, whether commercial, business or residential unless such construction is accomplished in strict compliance with the various construction codes adopted by this article.

**Sec. 14-38. Enforcement.**

When reference is made to the duties of certain officials named in the various construction codes adopted by this article, the designated city official shall be deemed to be the responsible official for the enforcement of such codes.

**Sec. 14-39. Penalty for violation.**

- (a) Any person violating the terms of this Ordinance shall be punished in Magistrate Court by a fee not to exceed *one thousand dollars* (\$1000.00) and/or sixty (60) days in jail for each separate violation. Each day the violation continues shall be considered a separate offense.
- (b) A conviction of any provision of the various construction codes adopted by this article shall automatically suspend the business license of the offending contractor. The license may be reinstated by an application to the city council upon a showing of good cause.

**Sec. 14-40. Operation and Inspection fees.**

- (a) Permit and inspection fees and any other charges imposed or due under the various construction codes adopted by this article shall be as provided in the schedule of fees and charges on file in the office of the Butts County Community Development Department.
- (b) No rezoning proceedings, plat approvals, building permits, inspection reports or certificates of occupancy shall commence or issue until the Tax Commissioner of Butts County certifies that the County has received payment of ALL ad valorem taxes then due for properties.
- (c) All ordinances, parts of ordinances, in conflict herewith are hereby repealed.

**Sec. 14-41. Public utilities.**

- (a) No public utility may furnish temporary electrical, water or gas connection, for construction purposes, unless the contractor has been issued a construction permit by the chief building official.
- (b) No public utility may furnish permanent electrical, water or gas connections until the contractor has been issued a certificate of occupancy by the chief building official.
- (c) No public utility may furnish power to a mobile home site until the owner has been issued either a building permit or a certificate of occupancy by the chief building official.

**Sec. 14-42. Water supply and sewage disposal facilities.**

(a) Building permits will not be issued until plans for water supply and sewage disposal have been approved by the county board of health.

(b) Certificates of occupancy will not be issued until the completed water supply and sewage disposal facilities have been approved by the board of health.

**Secs. 14-43--14-75. Reserved.**

**ARTICLE III. BUILDING NUMBERING**

**Sec. 14-76. Posting and maintaining.**

Each dwelling unit and place of business shall have light-reflective numbers posted and maintained in a prominent place on the property, visible from the street providing public access, depicting the address of the dwelling unit or place of business as follows:

- (1) One-family and two-family dwelling units with mailboxes shall have posted and maintained the address of such residence in figures at least three inches high against a contrasting background. The address shall be visible from all approaches, and both sides of the mailbox shall depict the address.
- (2) One-family and two-family dwelling units which do not have mailboxes located directly on their properties shall have posted and maintained at the end of the private driveway or lane, at its intersection with the nearest city road, a sign or identification marker indicating the residence address in figures not less than three inches high against a contrasting background.
- (3) Each multifamily (three or more dwelling units) building shall have posted and maintained in a conspicuous place on the building, visible from the parking lot or street providing general public access, the addresses or numbers of the building in figures at least three inches high against a contrasting background, and each individual apartment/unit within the building shall be marked on or about its main entrance with the individual apartment/unit number and/or address in figures of at least three inches high against a contrasting background. In addition, where a multifamily has more than one exterior entrance, each such entrance shall be marked, in figures at least three inches high against a contrasting background, with the numbers and/or address of each and every individual apartment/unit to which access is provided through that common entrance.
- (4) Each place of business shall have posted and maintained in a conspicuous place on the property, visible from the street providing general public access, the address of the place of business in figures at least three inches high against a contrasting background.

**Sec. 14-77. Penalty for violation of article.**

Any person who pleads guilty, nolo contendere, or is convicted of violating the provisions of this article, shall be punished as provided in O.C.G.A. § 36-1-20 or such other general laws as may be in the future enacted to provide for punishment and penalties that may be imposed by the magistrate courts of this state. As provided in O.C.G.A. § 36-1-20, each violation of this article may be punished by a fine not to exceed \$1,000.00 or imprisonment for 20 days, or both. In addition to the fine or jail sentence, the judge may impose community service.

**Sec. 14-78. Enforcement of article.**

(a) The building official, code enforcement officer, sheriff and deputies of the county are authorized to issue citations for the enforcement of this article as provided in O.C.G.A. § 15-10-62 and O.C.G.A. § 15-10-63.

(b) Violations of this article shall be tried in the county magistrate court.

**Secs. 14-79--14-110. Reserved.**

**ARTICLE IV. WATER CONSERVATION RESTRICTIONS\***

**Sec. 14-111. 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:

*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 and 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.

**Sec. 14-112. Residential construction; plumbing requirements.**

On or after April 1, 1992, no construction may be initiated within the incorporated areas of 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 showerhead 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 gallons 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.

**Sec. 14-113. Commercial construction; plumbing requirements.**

On or after July 1, 1992, there shall be no construction of any commercial building initiated within the incorporated areas of the city for any commercial building of any type which does not meet the requirements of subsections (1)--(5) of section 14-112.

**Sec. 14-114. Application of section 14-112 provisions.**

The requirements of section 14-112 shall apply to any residential construction initiated after April 1, 1992, 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 the replacement of toilets or showers, or both.

**Sec. 14-115. Exemptions.**

New construction and the repair or renovation of any existing building shall be exempt from the requirements of sections 14-112, 14-113 and 14-114 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;
- (2) When such plumbing or sewage system within such existing building, because of its capacity, design or installation would not function properly if the toilets, faucets or showerheads required by this article were installed;
- (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.

**Sec. 14-116. Procedure for application for exemption.**

The owner or his agent of a building undergoing new construction, erection, alteration, repair, renovation or such other similar work as is contemplated by this article who is entitled to an exemption as specified in section 14-115(2), (3) or (4) shall obtain the exemption by applying at the office of the Community Development Department. A fee as set forth in the schedule of fees and charges on file in the office of the Community Development Department shall be charged for the inspection and issuance of such exemption. The Butts County zoning administrator or designee, building administrator and city mayor shall promulgate an approved application form for use in processing all applications for the within-described exemptions.

**Sec. 14-117. Enforcement of article.**

(a) This article shall be enforced by the office of the county zoning administrator and county building inspector. Citations for violations may be issued by the county zoning administrator or building inspector.

(b) Any person, corporation, partnership or other entity violating this article shall be tried before the county magistrate court. A violation of this article shall constitute a misdemeanor and, upon conviction, may be punished according to section 1-19.

**ARTICLE V. DEMOLITION**

**Sec. 14-118. General**

**Sec. 14-119. Definitions.**

**Sec. 14-120. Certain State Minimum Standard Codes and Appendices Adopted.**

**Sec. 14-121. Demolition of Structures.**

**Sec. 14-122. Powers and Duties of the Building Official.**

**Sec. 14-123. Permit Application.**

**Sec. 14-124. Right of Entry.**

**Sec. 14-125. Stop Work Orders.**

**Sec. 14-126. Demolish or Move a structure.**

**Sec. 14-127. Permit Time Period.**

**Sec. 14-128. Conditions of the Permit.**

**Sec. 14-129. Refusal to Issue Permit.**

**Sec. 14-130. Revocation of permits.**

**Sec. 14-131. Commencing work before permit issuance.**

**Sec. 14-132. Fee Schedule.**

**Sec. 14-133. Violations and Penalties.**

**Sec. 14-134. Severability of parts of code.**

**Sec. 14-135. General Penalty.**



## **Sec. 14-118. General**

Minimum standard codes are declared to be remedial, and shall be construed to secure the beneficial interests and purposes thereof, which are public safety, health, and general welfare, through structural strength, stability, sanitation, adequate lighting and ventilation, and safety to life and property from fire and other hazards attributed to the built environment, including alteration, repair, removal and demolition of buildings, structures, or premises, and by regulating the installation and maintenance of all electrical, gas, mechanical and plumbing systems, which are hereinafter sometimes referred to as service systems.

## **Sec. 14-119. - Definitions.**

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

*Building materials* means any material such as lumber, roofing material, brick, concrete block, plaster, gutters, sand, gravel or other substances used in repairs or alterations of existing buildings, construction of new buildings or demolition of existing buildings.

*Demolition* means the deconstructing, razing, ruining, tearing down or wrecking of any structure, wall, fence or paving, whether in whole or in part, whether interior or exterior.

*Dumpster* means a bulk container used for the collection of garbage, refuse, trash and litter. The use of this term is generic and does not refer to a bulk container manufactured by a specific manufacturer.

*Dumpster monitor* refers to the person or persons authorized by the city council to inspect and patrol the areas where dumpsters are located in the city and the roads or streets of the city, and who are responsible for enforcing this chapter. Dumpster monitors shall be authorized by the city council to issue citations to violators of this chapter.

*Garbage* means any spoiled or discarded animal or vegetative material resulting from the handling, preparation, cooking or consumption of food for humans or animals, as well as other organic waste material subject to rapid decomposition, including trash to which such material has adhered.

*Garbage bag* means a plastic, or other similar nonporous material, bag or sack designed specifically to contain garbage or household trash in a secure, airtight manner. Such bags shall also include suitable means of closure to ensure that the material contained therein is not exposed to the outside air.

*Hazardous refuse* means materials such as poison, acids, caustics, chemicals, infected materials, offal, fecal matter and explosives.

*Household trash* means every waste accumulation of paper, sweepings, dust, rags, bottles, cans or other matter of any kind, other than garbage, which is usually attendant to housekeeping.

*Industrial waste* means all waste, including solids, semisolids, sludge and liquids, created by factories, processing plants or other manufacturing enterprises.

*Junk vehicle* means any vehicle, which either does not have lawfully affixed on it an un-expired license plate or tax stamp, or which vehicle is wrecked, dismantled, or partially dismantled to the extent it may not be lawfully driven on the public roads.

*Junkyard* includes land on which two or more junk vehicles are parked, standing or allowed to remain.

*Landfill* means all garbage, refuse, waste materials, sand, gravel, slag, brickbats, rubbish, tin cans, trash, debris, dead animals or any other discarded, used or unconsumed substance which is not handled in accordance with the provisions of this chapter.

*Public or private property* means the right-of-way of any road, street, or highway; any body of water or watercourse or the shores or beaches thereof; any park, playground, building, refuge or conservation or recreation area; and residential or farm properties, timberlands or forests.

*Road or street* shall be mutually inclusive, and shall like wise be deemed to include any alley, lane, court and other thoroughfare, however described or designated.

*Rubbish means* combustible and noncombustible waste materials, except garbage, and the term shall include the residue from the burning of wood, coal, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches or trunks, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust or other similar materials.

*Scavenge or scavenging* means any unauthorized or uncontrolled retrieval of discarded refuse materials.

#### **Sec. 14-120. Certain State Minimum Standard Codes And Appendices Adopted.**

- A. The governing body having determined that enforcement of certain Georgia minimum standard codes for construction and operation of real and personal property in the city promotes and protects the life, health, safety, property and general welfare of its citizens, the following Georgia minimum codes, together with such future revisions and amendments thereto as may be adopted by the Georgia Department of Community Affairs pursuant to state law, are adopted and by reference incorporated into this code as fully and completely as if set forth verbatim herein:
- (1) Standard Building Code;
  - (2) Standard Mechanical Code;
  - (3) Standard Gas Code;
  - (4) Standard Plumbing Code;

- (5) National Electrical Code;
- (6) Standard Fire Prevention Code;
- (7) CABO One and Two Family Dwelling Code; and
- (8) Georgia State Energy Code for Buildings.

B. The following appendices to state minimum standard codes having statewide application, together with such future revisions and amendments thereto as may be adopted by the Georgia Department of Community Affairs pursuant to state law, are adopted and by reference made a part of this code as fully as if set forth verbatim herein:

- (1) Standard Building Code: Appendix;
- (2) Standard Mechanical Code: Appendix;
- (3) Standard Gas Code: Appendix;
- (4) Standard Plumbing Code: Appendix;
- (5) Standard Fire Prevention Code: Appendix;
- (6) National Electrical Code: Appendix; and
- (7) CABO One and Two Family Dwelling Code: Appendix.

C. Additional codes. The latest edition of the following codes, as adopted and amended by the state department of community affairs, are hereby adopted by reference as though they were copied fully in this subsection:

- (1) Standard Housing Code, including chapter 1, administration and appendix.
- (2) Standard Swimming Pool Code, including chapter 1, administration.
- (3) Standard Excavation and Grading Code, including chapter 1, administration.
- (4) Standard Unsafe Building Abatement Code, including chapter 1, administration.
- (5) Standard Existing Building Code, including chapter 1, administrative and appendix.
- (6) Standard Amusement Device Code, including chapter 1, administrative and appendix.

### **Sec. 14-121. Demolition of Structures.**

Demolition of any structure shall not begin until all of the following conditions are satisfied:

- (1) The applicant is to complete a Demolition Permit application and submit the required documents to the Butts County Community Development Department.
- (2) The applicant is to perform asbestos and lead-based paint tests performed by a third party asbestos / lead paint consultant who is specialized and certified by the “Environmental Protection Division” (EPD) for testing of asbestos and lead-base paint substances.
- (3) If there is evidence of the existence of asbestos and / or lead-based paint the applicant is instructed to submit the required notification / recording documents to the local “Environmental Protection Division” office and the Butts County Community Development Department.
- (4) The applicant is to secure the services of a third party asbestos / lead paint consultant who is specialized and certified by the “EPD” for removal of asbestos and lead-base paint substances. Once the asbestos has been removed, the applicant is required to submit documentation to the Butts County Community Development Department from the asbestos and lead-base removal consultant that these substances have been properly removed, via the submission of a signed “Completion Certificate” or an “EPD – Completion” form.
- (5) Pest control services are to be performed to exterminate and reduce the migration of pests, rodents and insects originating from the property and structure(s). Evidence of this service being performed and completed is to be submitted to the Butts County Community Development Department.
- (6) All debris, trash, litter, rubbish, rubble and foundation exposed above the ground level shall be removed from the premises.
- (7) The applicant is to ensure soil erosion and traffic safety measures are properly employed. The building inspector will inspect and monitor compliance for soil erosion activity.
- (8) A permit for demolition services will be issued to the applicant by the Butts County Community Development Department, upon satisfactory completion of steps (1-7) and upon a physical inspection of the structure(s) conducted by the building inspector. The building inspector is also required to examine and approve the submitted application and associated documents and exhibits prior to the issuance of a demolition permit.

### **Sec. 14-122. Powers and Duties of the Building Official.**

The Butts County building inspector is authorized and directed to enforce the provisions of this ordinance and to render initial interpretations of the ordinance, which are consistent with the purpose of same as set forth herein.

**Sec. 14-123. Permit Application.**

- a. It shall be unlawful to demolish any building, or structure without first obtaining a demolition permit. Any owner, authorized agent, or contractor who desires to demolish a building, house, dwelling, apartment building, commercial building or other similar structure, shall first make application to the Butts County Community Development Department and obtain a required Demolition Permit.
- b. Each application for a demolition permit, along with the required fee, shall be filed with the building inspector on forms furnished by the Butts County Community Development Department for that purpose, and shall contain a general description of the proposed work and its location. The owner or his authorized agent shall sign the application. Exhibits, photos and attachments, which may be reasonably required by the building official, shall accompany the permit application. Instruction pertaining to how to secure a Demolition Permit is contained within "Section 14-47".
- c. The Butts County building inspector shall act upon an application for a permit without unreasonable or unnecessary delay. If the building inspector is satisfied that the work described in an application or contract document conforms to the technical codes and other pertinent laws and ordinances, he shall issue a permit.
- d. No permit(s) shall be issued until all taxes and fees prescribed by the governing body have been paid.
- e. The Butts County Community Development Department's "Business Manager" and building inspector shall keep a permanent and accurate accounting of all permit records, attachments, applications, permits, permit fees and other money collected, the names of all persons upon whose account the same was paid, and the date and amount of each such collection.
- f. Work requiring a permit shall not commence until the permit holder or his agent posts the permit card in a conspicuous place at the work site. The permit shall be protected from the weather and maintained in such a position as to permit the building inspector to conveniently make the required entries thereon.
- g. Demolition of any structure shall include cleanup of all materials and rubbish and shall include landscaping, at a minimum to include grassing of all unpaved areas, within one (1) month of the initiation of the demolition. *Move out of pre-conditions section to permit section.*

**Sec. 14-124. Right of Entry.**

- a. Whenever necessary to make an inspection to enforce any of the provisions of this code, or whenever the Butts County building inspector has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building, or premises or the electrical, gas, mechanical or plumbing systems therein unsafe, dangerous or hazardous, the building official may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Butts County building official by the technical codes, provided that if such building or premises is occupied, proper credentials shall be presented prior to a request for entry. If such building or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of same and request entry. If entry is refused, the Butts County building inspector

shall have recourse to every remedy provided by law to secure entry, including issuance of inspection warrant by the magistrate court.

- b. When the Butts County building inspector shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other person in charge, care or control of any building, structure or premises shall fail or neglect, after proper request is made, to promptly permit entry therein for the purpose of inspection and examination.

**Sec. 14-125. Stop Work Orders.**

Upon written notice from the Butts County building official, work on any building or structure or the electrical, gas, mechanical or plumbing system therein that is being done contrary to the provisions of the technical codes or in a dangerous or unsafe manner, shall immediately cease. Such notice shall be given to the owner of the property, or to his agent, or person performing the work and shall state the conditions under which the work may be resumed. Where, in the opinion of the Butts County building inspector, an emergency exists, the Butts County building inspector shall not be required to give a written notice prior to stopping the work, but written notice shall be given as hereinabove provided as soon as practicable after such emergency stoppage.

**Sec. 14-126. Demolish Or Move A Structure.**

- (a) Where application for a permit to move a residential structure has been filed and payment of the requisite permit fee has been paid, and where all applicable ordinances of the City have been complied with, the Butts County building inspector shall be authorized to issue a permit to the applicant.
- (b) No permit to demolish or move a structure shall be issued until the applicant shall post with the Butts County Community Development Department a cash bond in the sum of one thousand dollars (\$1,000.00). Said cash bond shall be returned to the applicant after the permitted structure has been removed and applicant has placed the premises or location in a manner approved by the Butts County building inspector. In the event the permit holder shall fail to comply with said requirements, the cash bond shall be forfeited.
- (c) The applicant shall have twenty (20) days from the date the permit is issued to move the structure to its final location. At the end of the twenty (20) day period, the permit shall cease to be valid.

**Sec. 14-127. Permit Time Period.**

A demolition permit application shall be in effect for one hundred twenty (120) days. One or more extensions of not more than ninety (90) days each may be allowed for each application, provided the extension is requested in writing and justifiable cause is demonstrated.

**Sec. 14-128. Conditions of the Permit.**

A permit issued under this chapter shall be construed to be a license to proceed with the work and not as authority to violate, cancel, alter, or set aside any of the provisions of the technical codes, nor shall issuance of a permit prevent the Butts County building official from requiring a correction of errors in plans, construction or violations of the code.

Every permit issued shall become invalid unless the work authorized by such a permit is commenced within sixty (60) days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six months after the time the work is commenced.

**Sec. 14-129. Refusal to Issue Permit**

If the application for a permit and the accompanying contract documents describing the work do not conform to the requirements of the technical codes or other pertinent laws or ordinances, the Butts County building inspector shall not issue a permit, but shall return the contract documents to the applicant with his refusal to issue such permit. Such refusal shall, when requested, be in writing and shall contain the reasons for refusal.

**Sec. 14-130. Revocation of Permits.**

- a. Misrepresentation in Application. Whenever there has been any false statement or misrepresentation as to any material fact in the application or plans on which a permit or approval was based the Butts County building inspector may revoke such permit or approval.
- b. Violation of Code Provisions. The Butts County building inspector may also revoke a permit upon determination by the Butts County building official that the construction, erection, alteration, repair, moving, demolition, installation or replacement of the building, structure, electrical, gas, mechanical or plumbing system for which the permit was issued is in violation of, or not in conformity with, the provisions of this chapter.

**Sec. 14-131. Commencing Work Before Permit Issuance.**

Any person who commences demolition work on a building or structure, shall be subject to the issuance of a court summons requiring the applicant to appear before the County's Magistrate Court.

**Sec. 14-132. - Fee Schedule.**

For all buildings, structures, or alterations requiring a building permit, a fee shall be paid as required at the time such permit is issued, in accordance with the Butts County Schedule of fees. A copy of the fee schedule is located within the Butts County Community Development Department office.

### **Sec. 14-133. Violations and Penalties.**

Any person, firm, corporation or agent who violates or fails to comply with a provision of this chapter or any technical code, or who causes such violation or noncompliance to exist, shall, upon conviction, be punished as to the ordinance provision provided in Section 14-58 of this code.

### **Sec. 14-134. Severability Of Parts Of Code.**

It is hereby declared to be the intention of the city council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code, since the same would have been enacted by the city council without the incorporation in the Code of any such unconstitutional phrase, clause, sentence, paragraph or section.

### **Sec.14-135. General Penalty.**

- (a) O.C.G.A. § 36-1-20 gives the city council, for the purpose of protecting and preserving the public health, safety and welfare, authorization to adopt resolutions and ordinances for the governing and policing of the incorporated areas of the city, violations of which resolutions and ordinances may be punished by fine or imprisonment, or both.
- (b) The Georgia General Assembly, in 1991, amended O.C.G.A. § 36-1-20, relating to resolutions and ordinances for governing and policing incorporated areas of the city, so as to increase the maximum fine from \$500.00 to \$1,000.00.
- (c) O.C.G.A. § 36-1-20 gives jurisdiction over violations of city resolutions and ordinances to the magistrate court of the county.
- (d) O.C.G.A. § 36-1-20 is hereby incorporated as a part of the Official Code of City of Flovilla, Georgia.
- (e) Whenever in this Code or in any resolution or ordinance of the city any act is prohibited or is made or declared to be unlawful or an offense, or whenever in this Code or any resolution or ordinance the doing of any act is required and the failure to do such act is declared to be unlawful, and no specific penalty is provided therefore, and unless otherwise provided by state law, the violation of any such provision of this Code or any such resolution or ordinance shall be punished by a fine not to exceed \$1,000.00 and imprisonment in the county prison or in the county jail and work and labor on the streets or public works of the city, whether within or without the corporate limits, not exceeding 180 days or both a fine and sentence of imprisonment and labor and all sentences may be in the alternative and fines may be imposed with the alternative of sentence to imprisonment and labor if the fines are not paid. Each day any violation of this Code or of any resolution or ordinance shall continue shall constitute a separate offense.



- (f) The judge of the magistrate court shall have the power and authority to:
- (1) Impose upon persons convicted in the magistrate court the fines provided for in this Code, the resolutions and ordinances of the city, or as otherwise provided by law, with the alternative of other punishment allowed by law, if such fines are not paid;
  - (2) Sentence such person to community service work; or
  - (3) Impose a sentence consisting of any combination of the penalties provided for in this section.
- (g) The judge of the magistrate court shall have full power and authority to declare the forfeiture of bonds given by offenders for their appearance before the court upon the offender's failure to appear as provided for in such bond. The procedure for the forfeiture of such bonds shall be as is provided for the forfeiture of bonds and recognizance set forth in O.C.G.A. § 17-6-70 et seq.  
 This ordinance shall take effect and be in force from and after the date of its adoption.

SO ADOPTED AND ORDAINED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
 Scott Chewning, Mayor

\_\_\_\_\_  
 Catherine Watson, Mayor-Pro-Tem

\_\_\_\_\_  
 Willie Morgan

\_\_\_\_\_  
 Letha Kinard

\_\_\_\_\_  
 Glorine Thurman

\_\_\_\_\_  
 Thomas Douglas

ATTEST:

\_\_\_\_\_  
 Annie Mitchell, City Clerk