

CITY OF DULUTH BUILDING CODE



Published by the Department of Planning & Development
3167 Main Street
Duluth, Georgia 30096
770-476-1790
ORDINANCE
ADOPTION OF CODES AND ADMINISTRATION OF CODES
TO BE KNOWN AS THE “DULUTH BUILDING CODE”

WHEREAS, the City Council of the City of Duluth, Georgia, hereby adopts the following codes for the purpose of regulating the construction of all structures within the City of Duluth. Said building codes shall be known collectively as the “Duluth Building Code” and shall be enforced as appropriate to all construction projects within the City of Duluth;

WHEREAS, all referenced codes and regulations shall become a part of this ordinance as though the full extent of each appears within this ordinance;

WHEREAS, the adoption of these codes and administrative procedures is done to facilitate proper plan review and inspection activities by the City of Duluth, relating to the construction and maintenance of buildings within the City of Duluth;

BE IT RESOLVED that as future new editions of the codes referenced in the Duluth Building Code are published, they shall, except as otherwise specifically provided herein, become a part of or replacement for the adopted codes, laws, rules, and regulations or standards and shall become enforceable as prescribed by said code;

BE IT FURTHER RESOLVED that “Chapter 1 – Administration” of the standard building codes shall be deleted in its entirety and replaced by the attached Chapter 1 – Administrative Provisions of the “Duluth Building Code”

BE IT FURTHER RESOLVED by the City Council that any matters in said Codes of this Ordinance which are less restrictive than the laws of the State of Georgia, those portions so in conflict are hereby repealed in that respect only; it being the intent not to affect State Law.

BE IT FURTHER RESOLVED by the City Council that any matters in said Codes of this Ordinance which are contrary to existing Ordinances of the City of Duluth, to that extent any existing ordinances to the contrary are hereby repealed in that respect only; except that the January 13, 1992 Development Regulations as amended, shall prevail.

BE IT FURTHER RESOLVED by this Ordinance that the Duluth Building Codes and the Gwinnett County Fire Prevention and Protection Code, as amended by Gwinnett County, and shall be administered by the Duluth Department of Planning and Development and the Gwinnett County Bureau of Fire Services as defined in the Codes Administration procedure entitled “Areas of Responsibility Defined”.

BE IT FURTHER RESOLVED by this Ordinance that these Codes shall take effect and in full force upon adoption, and shall effect all new permits issued on or after the effective date, the public welfare requiring it.

CODES TO BE ENFORCED ARE AS FOLLOWS:

Georgia State Minimum 1 and 2 Family Dwelling Code	2006 Edition, as amended
Georgia State Minimum Energy Code of Buildings	2006 Edition, as amended
Gwinnett County Fire Prevention and Protection Code	2000 Edition, as amended
National Electrical Code	2005 Edition, as amended

Georgia State Minimum Standard Amusement Device Code	1999 Edition, as amended
Georgia State Minimum Standard Building Code	2006 Edition, as amended
Georgia State Minimum Standard Existing Buildings Code	2006 Edition, as amended
Georgia State Minimum Standard Fire Prevention Code	1995 Edition, as amended
Georgia State Minimum Standard Gas Code	2007 Edition, as amended
Georgia State Minimum Standard Housing Code	2000 Edition, as amended
Georgia State Minimum Standard Mechanical Code	2006 Edition, as amended
Georgia State Minimum Standard Plumbing Code	2006 Edition, as amended
Georgia State Minimum Standard Swimming Pool Code	1997 Edition, as amended
Georgia State Minimum Standard Unsafe Bldg Abatement Code	2000 Edition, as amended

CHAPTER ONE

ADMINISTRATIVE PROVISIONS

SCOPE

The purpose of the Duluth Building Code is to provide standards to help protect the public's life, health, and welfare in the built environment. This amended CHAPTER 1 of the Standard Building Code is intended to provide for an administrative provisions for each of the Standard Codes referenced below, Georgia State Codes, National Electrical Code and CABO 1 & 2 Family Dwelling Code. From time to time as future editions and amendments to these codes are published and adopted by the State of Georgia they shall become a part of and/or replacement for these codes and shall be enforced on the date as mandated by State Law.

101 TITLE

Provisions of the following chapters, sections and technical codes shall constitute and be known and be cited as the "Duluth Building Code" hereinafter known as "this Code."

- 101.1.1 **Purpose:** The purpose of this Code is to provide for the administration and enforcement of the Standard Building, Gas, Mechanical, and Swimming Pool Codes, the Georgia State Energy Code, the National Electrical Code and the CABO 1 & 2 Family Dwelling Code as adopted and enforced by the City of Duluth.
- 101.1.2 **Definitions:** The definitions or terminology for the listed Standard and State Codes shall be as described in Chapter 2 of each technical Codes and Chapter 1, Article 100 of the National Electrical Code.

101.2 – CODE REMEDIAL

- 101.2.1 **General:** This Code is hereby 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 light and ventilation, and safety to life and property from fire and other hazards attributed to the built environment including alteration, repair, removal, demolition, use and occupancy of buildings, structures, or premises, and by regulating the installation and maintenance of all electrical, gas, mechanical, and plumbing systems, which may be referred to as service systems. This amended Chapter 1 is intended to provide for the administrative aspects for each of the referenced Standard Codes, the Georgia State Codes, the National Electrical Code and the CABO 1 & 2 Family Dwelling Codes.
- 101.2.2 **Code Update and Replacement:** As future new editions of the adopted referenced codes are published and adopted by the State of Georgia they shall become at that time the replacement for these codes, and shall become enforceable on the date as mandated by State Law. Revisions to these codes shall become enforceable only upon incorporation into new editions of the aforementioned codes, generally in three year cycles, or as mandated by State Law.

- 101.2.3 **Quality Control:** Quality control of materials and workmanship is not within the purview of this Code.
- 101.2.4 **No Representation or Warranty:** This code shall not create any duty or right of recovery against the City of Duluth's officials and employees. The inspection or permitting of any building or plan by the City of Duluth, under the requirements of this Code, is not intended to be construed as a representation or warranty of the physical condition of such building or the adequacy of such plans. Neither the City of Duluth nor any official or employee thereof shall be liable for damages to person or property for any defect or hazardous or illegal condition or inadequacy in such building, system or plans, nor for any failure of any component of such. Neither the City of Duluth nor any of its officials or employees shall have any liability for any act or failure to act pursuant to the provisions of this Code.

101.3 - SCOPE

101.3.1 – APPLICABILITY

- 101.3.1.1 **Building:** The provisions of the Standard Building Code, as amended, shall apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance, removal and demolition, of every building or structure or any appurtenances connected or attached to such buildings or structures. The provisions of the CABO 1 & 2 Family Dwelling Code, as amended, shall apply to one and two family dwellings.
- 101.3.1.2 **Energy Conservation:** The provisions of the Georgia State Energy Code for Buildings, as amended, shall require 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 which will enable the effective use of energy in all new building construction.
- 101.3.1.3 **Electrical:** The provisions of the National Electrical Code, as amended, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereof.
- 101.3.1.4 **Gas:** The provisions of the Standard Gas Code, as amended, shall apply to the installation of consumer's gas piping, gas appliances and related accessories as covered in this Code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances, and the installation and operation of residential and commercial gas appliances and related accessories.
- 101.3.1.5 **Mechanical:** The provisions of the Standard Mechanical Code, as amended, shall apply to the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and/or appurtenances, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators, and other energy-related systems.
- 101.3.2 **Plumbing:** The provisions of the Standard Plumbing Code, as amended, shall apply to every plumbing installation, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances, and when connected to a water or sewerage system whether public or private.

- 101.3.3 **Swimming Pool:** The provisions of the Standard Swimming Pool Code, as amended, shall apply to the protection of the public health, safety and welfare by prescribing minimum standards for the design, construction or installation, repair and alterations of swimming pools, public or private, and equipment related thereto; and shall require permitting and inspection, therefore, providing the administration and enforcement of the standards set forth herein. This Code is not intended to supersede the Swimming Pool Code as enforced by the Duluth Department of Planning and Development and the Gwinnett County Environmental Health Department nor any State or Federal regulations. Whenever there is a conflict between these codes or regulations the stricter shall apply.
- 101.3.4 **Federal and State Authority:** The provisions of this Code shall not be held to deprive any Federal or State agency, or any applicable governing authority having jurisdiction, of any power or authority which it had on the effective date of adoption of this Code, or of any remedy then existing for the enforcement of its orders, not shall it deprive any individual or corporation of its legal rights as provided by law.
- 101.3.5 **Appendices:** Only those appendices which are either specifically mentioned in the adopting ordinance and included in the Amendments of this Code or specifically referenced in the text of this Code are intended to be enforced.
- 101.3.6 **Referenced Standards:** Standards referenced in this Code shall be considered an integral part of this Code without separate adoption. When specific portions of a standard are denoted in the text of this Code, only those portions of the standard shall be enforced; and where provisions of this Code conflict with a standard, the provisions of this Code shall be enforced. Permissive and advisory provisions in a standard shall not be construed as mandatory.
- 101.3.7 **Maintenance:** All buildings, structures, electrical, gas, mechanical, plumbing and energy conservation systems, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards required by this Code at the time of construction, alteration or repair, shall be maintained in good working order. The party responsible for the continual maintenance of a building, structure, or electrical, gas, mechanical, energy conservation and plumbing systems shall be the Owner, or his designated agent.

101.4 – BUILDING DEPARTMENT

The Department of Planning and Development as referenced in this Code shall be the enforcing authority of this Code.

- 101.4.1 **Building Official:** The Building Official shall be the Director of Planning and Development, or his designee.
- 101.4.2 **Records:** The Building Official shall keep, or cause to be kept, a record of the business of the Department. These records shall be open to public inspection.

101.5 – EXISTING BUILDINGS

- 101.5.1 **General:** Alterations, repairs or rehabilitation work may be made to any existing structure, building or electrical, gas, mechanical, energy conservation and plumbing systems without requiring the existing building, structure or electrical, gas, mechanical, energy conservation and plumbing systems to comply with all the requirements of this Code; provided that all new alteration, repair or rehabilitation work conforms to the requirements of this Code for new construction. The Building Official shall also determine the extent to which any of the existing systems shall be made to conform to the requirements of this Code for new construction.
- 101.5.2 **Change of Occupancy:** Whenever the occupancy classification of any existing building or structure is proposed to be changed, the building, structure, or gas, electrical, mechanical, plumbing and energy conservation systems shall be made to conform to the intent of this Code for new construction. Complete plans shall be submitted and reviewed by the Building Official prior to the issuance of the building permit.

101.6 – SPECIAL HISTORICAL BUILDINGS

The provisions of this Code relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified by local, state or federal agencies as Historic Buildings, when such buildings or structures are judged to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation or moving of buildings within the jurisdictional area of the City of Duluth. The extent of codes compliance shall be determined jointly by the Building Official and the Gwinnett County Fire Marshal prior to any work starting. The applicant shall submit complete architectural and engineered plans, with specifications, bearing the seal and signature of a professional architect or engineer registered with the State of Georgia for review by the Building Official prior to the issuance of the building permit.

102 POWERS AND DUTIES OF THE BUILDING OFFICIAL

102.2 – GENERAL

The Building Official is hereby authorized and directed to enforce the provisions of this Code, which includes the technical codes. The Building Official is further authorized to render interpretations of these Codes, which are consistent with their spirit and purpose. The Building Official shall reserve the right to confer with other applicable departments or agencies before rendering a decision, whenever the work being done also involves their respective areas of enforcement.

102.2 – RIGHT OF ENTRY

- 102.2.1 **Procedures:** Any Owner, applicant or agent thereof, upon submitting a request for a permit and/or accepting the permit issued pursuant to this Code shall constitute an agreement of consent to allow the Building Official, or his authorized representative, to conduct an inspection to enforce any of the provisions of this Code; or whenever

the Building Official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building, structure, premises, or electrical, gas, mechanical, plumbing and energy conservation systems unsafe, dangerous or hazardous; or construction occupied, without proper written releases, the Building Official, or his authorized representative, may enter such building, structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building Official by this Code; provided that if such building or premises is occupied, he shall first present the City of Duluth I.D. badge or proper credentials and request entry. If such building, structure or premises is unoccupied, he shall first make a reasonable effort to locate the owner, his agent or other persons having charge or control of such to request entry and obtain consent to enter. If entry is refused, the Building Official shall have recourse to every remedy provided by law to secure entry.

- 102.2.2 **Prompt Entry:** When the Building Official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner, or occupant or any other persons having charge, care or control of any building, structure or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Building Official for the purpose of inspection and examination pursuant to this Code. No person shall in any way obstruct, hamper or interfere with any such representative of the Building Official while in the process of carrying out his official duties. Refusal of entry or access, or interference with the representative of the Building Official, shall be deemed in violation of this construction code and shall result in penalties as prescribed herein.

102.3 – STOP WORK ORDERS

The Building Official is hereby authorized to suspend or invalidate such permits, order that all unauthorized or improper work be stopped, direct correction of deficiencies, issue summons to any court of competent jurisdiction, or take any other legal or administrative action appropriate to the severity of the violation and degree of threat to the public health, safety and welfare. Upon notice from the Building Official, work on any building, structure, or electrical, gas, mechanical, energy conservation and plumbing system that is being done contrary to the provisions of this Code or the technical codes or in a dangerous or unsafe manner, shall immediately cease. The Building Official shall cause to be issued a “Red Tag” warning which shall effect only the area or system in violation of the code. Continued ignoring of “Red Tag” warnings shall cause the Building Official to issue a “Stop Work Order” for the entire project. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work on the entire project may be resumed. Where an emergency exists, the Building Official shall not be required to give a written notice prior to stopping the work. Whenever other City or County agencies issue similar “Red Tag” warnings or “Stop Work Orders” the Department will respect the same. Erosion control measures shall be effectively in place and maintained throughout the course of construction by the owner or prime contractor or “Yellow Tag” warnings and “Stop Work Orders” shall be issued.

102.4 – REVOCATION OF PERMITS

- 102.4.1 **Misrepresentation of Application:** The Building Official is hereby authorized to revoke a permit or revoke written release when issued under the provisions of this Code whenever there has been any false statement or false payment of permit fees or

misrepresentation as to the material fact in the application or plans on which the permit or written release was based.

- 102.4.2 **Violation of Code Provisions:** The Building Official is hereby authorized to revoke a permit whenever the construction, erection, alteration, repair, moving, demolition, installation or replacement of the building, structure or electrical, gas, mechanical, energy conservation and plumbing systems for which the permit was issued is in violation of, or not in conformity with, the provisions of this Code and shall result in penalties as prescribed herein.

102.5 – UNSAFE BUILDINGS OR SYSTEMS

All buildings, structure or electrical, gas, mechanical, energy conservation and plumbing systems which are unsafe, unsanitary, or do not provide adequate egress, or which constitute a fire hazard, or otherwise dangerous to human life, or which in relation to existing use, constitute a hazard to safety or health, are considered unsafe building or service systems. All such unsafe buildings, structures, energy conservation or service systems are hereby illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of the City of Duluth Unfit Building Abatement Code.

102.6 – REQUIREMENTS NOT COVERED BY CODE

Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, structure, or electrical, gas, mechanical and plumbing system, or for the public health and general welfare, not specifically covered by this Code, including the technical codes, shall be determined by the Building Official.

102.7 – ALTERNATIVE MATERIALS AND ALTERNATE METHODS OF CONSTRUCTION

The provisions of this Code, including the technical codes, are not intended to prevent the use of any material or method of construction not specifically prescribed by this Code, provided any such alternate has been reviewed by the Building Official. The Building Official shall authorize the use of any such alternate, provided he finds that the proposed design is satisfactory and complies with the provisions of this Code, and that the material, method of application or work offered is for the purpose intended and at least the equivalent of that prescribed in this Code, for quality, effectiveness, strength, fire resistance, durability and safety. The Building Official shall require sufficient evidence or proof be submitted to substantiate all claims that may be made regarding the alternate. If in the opinion of the Building Official, the evidence and proof are not sufficient to justify approval, the applicant may refer the entire matter to the Board of Construction Adjustments and Appeals.

103 PERMITS

103.1 – PERMIT APPLICATION

- 103.1.1 **When Required:** Any owner, authorized agent, or prime contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, energy conservation, mechanical or plumbing system, the installation of which is regulated by this Code, including the technical codes, or to

cause any such work to be done, shall first make application to the Department of Planning and Development, and obtain the required building permit for the work being done after paying the required fees.

EXCEPTION NO. 1: Permits shall not be required to be secured for the following mechanical work:

1. Any portable heating appliance;
2. Any portable ventilation equipment;
3. Any portable cooling unit;
4. Any steam, hot or chilled water piping within any heating or cooling equipment regulated by this Code;
5. Replacement of any part which does not alter its approval or make it unsafe;
6. Any portable evaporative cooler;
7. Any self-contained refrigeration system containing 10 lb. Or less of refrigerant and actuated by motors of 1 horsepower or less.

EXCEPTION NO. 2: Permits shall not be required to be secured for the following structures:

1. Retaining walls which do not exceed 4 feet in vertical height and provided that the slope of backfill materials does not exceed a 1 foot rise in 3 feet length. Retaining walls which exceed 4 feet in vertical height shall require a permit and shall be constructed in compliance with the Development Regulations or shall be designed by a registered Professional Engineer.
2. Signs which are exempted from permits by the Zoning Ordinance.
3. Tree houses less than 32 square feet without an electrical, mechanical or plumbing system.
4. Residential storage buildings less than 32 square feet in area without electrical, mechanical or plumbing systems.
5. Play houses less than 32 square feet in area without electrical, mechanical or plumbing systems.
6. Fences which do not exceed 8 feet in height.
7. Walls which do not exceed 4 feet in height.
8. Monuments which do not exceed 4 feet in height.
9. Basketball goals which are stand alone and not part of a basketball court.
10. Driveways and parking lots.
11. Roof covering replacements for One and Two Family Dwellings.
12. Residential swimming pools containing water 24 inches or less in depth.

Although the structures listed in Exception No. 2 are exempt from requiring a permit, the listed structures shall meet the requirements of all other applicable codes, ordinances, regulations and resolutions governing same.

- 103.1.2 **Work Authorized:** A building permit, with properly completed and submitted affidavits and on file with the Department for electrical, gas, mechanical or plumbing systems, shall carry with it the right to construct or install the work, provided the same are shown on the drawings and set forth in the specifications filed with the application for the permit. Where these are not shown on the drawings and not

covered by the specifications submitted with the application, separate trade permit shall be required.

- 103.1.3 **Minor Repairs:** Ordinary minor repairs under \$300.00 in total cost may be made, with the approval of the Building Official without a permit, provided that such repairs shall not violate any of the provisions of this Code, including the technical codes.
- 103.1.4 **Information Required:** Each application for a permit, with the required fee, shall be filed with the Department of Planning and Development on a form furnished for that purpose, and shall contain a general description of the proposed work and its location. The application shall be signed by the owner, or his authorized agent. The building permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure, and shall contain such other information as may be required by the Building Official and the Department of Planning and Development.
- 103.1.5 **Time Limitations:** Plans and specifications for projects reviewed by the Building Official and the Department of Planning and Development shall be permitted within six months of the formal review date to be valid for obtaining a building permit or the project shall be deemed to have been abandoned. A building permit shall expire 12 months from issuance whether or not construction has been initiated. A building permit shall also expire if the permittee fails to request and pass a required inspection during any six month period after six months have passed from the date of permit issuance. The Building Official is authorized to grant one time extension not to exceed three months during which time the permittee shall request and pass a required inspection. A request for an extension shall be made prior to permit expiration, shall be in writing and shall demonstrate justifiable cause. A fee shall be charged for any extension thus granted as authorized by the City Council. No refund of the permit fee shall be given for an expired permit unless authorized by the City Council. A new permit to re-initiate construction activities shall be secured and a fee shall be charged for the new permit in accordance with the most recent Fee Ordinance adopted by the City Council.

103.2 – DRAWINGS AND SPECIFICATIONS

- 103.2.1 **Requirements:** When required by the Building Official, two or more copies of the specifications, and of drawings drawn to scale with sufficient clarity and detail to indicate the nature and character of the work, shall accompany the application for a permit. Such drawings and specifications shall contain information, in the form of notes or otherwise, as to the quality of materials, where quality is essential to conformity with this Code. Such information shall be specific, and this Code, including the technical codes, shall not be cited as a substitute for specific information. All information, drawings, specification and accompanying data shall bear the name and signature of the person responsible for the design.
- 103.2.2 **Additional Data:** The Building Official may require details, computations, stress diagrams, and other data necessary to describe the construction or installation and the

basis of calculations. All drawings, specifications and accompanying data required by the Building Official and/or Georgia State Law to be prepared by an architect or engineer shall be affixed with their official seal of stamp and signature.

103.2.3 **Design Professional:** The design professional shall be an architect or engineer legally registered under the laws of the State of Georgia regulating the practice of architecture or engineering and shall affix his official seal or stamp and signature to said drawings, specifications and accompanying

1. All Occupancies of Group “A” – Assembly, “E” – Educational and “I” – Institutional definition.
2. Building and structures three stories or more high.
3. Buildings and structures 5,000 square feet or more in area or \$100,000 or more in building cost. For all buildings or structures that do not require the designer to be legally registered under Georgia State Law, he shall certify on the drawings that such state registration is not required for this project with the reason.
4. Plans for interior finish work which encompass more than 5,000 square feet in area or three stories or more in height shall also require sealed or stamped plans by a Georgia Registered Architect or Engineer.
5. Single family residences 3,000 square feet or more. (amended 6-9-97)

EXCEPTION: Group R3 buildings (one and two family dwellings), less than 5,000 square feet and three stories or less in height shall not require a registered architect or engineer as designer.

103.2.4 **Structural and Fire Resistance Integrity:** Plans for all buildings shall indicate how required structural and fire resistive integrity will be maintained where a penetration of a require fire resistant wall, floor or partition will be made for electrical, gas, energy conservation, mechanical, plumbing and communication conduits, pipes and systems and also indicate in sufficient detail how the fire and structural integrity will be maintained where required fire resistant floors intersect the exterior walls, as well as any additional information and details the Building Official and/or Gwinnett County Fire Marshal shall require.

103.2.5 **Site Drawings:** Drawing shall show the location of the proposed building or structure and of every existing building or structure on the site or lot. The Department may also require a boundary survey prepared by a qualified surveyor in accordance with the City of Duluth codes, ordinances and resolutions.

103.2.6 **Hazardous Occupancies:** The Building Official may require the following:

1. **General Site Plan:** A general site plan drawn at a legible scale which shall include, but not limited to the location of all buildings, exterior storage facilities, permanent access ways, evacuation routes, parking lots, internal roads, chemical loading area, equipment cleaning areas, storm and sanitary sewer accesses, emergency equipment and adjacent property uses. The exterior storage area shall be identified with the hazard classes and the maximum quantities per hazard class of hazardous materials stored.
2. **Building Floor Plan:** A building floor plan drawn to a legible scale which shall include, but not limited to, all hazardous materials storage facilities within the building and shall indicate rooms, doorways, corridors, exits, fire rated assemblies with their hourly rating, location of liquid tight rooms and

evacuation routes. Each hazardous materials storage facility shall be identified on the plan with the hazard classes and quantity range per hazard class of the hazardous materials stored.

103.3 – EXAMINATION OF DOCUMENTS

- 103.3.1 **Plan Review:** The Building Official shall examine or cause to be examined each application for a permit and the accompanying documents, consisting of drawings, specifications, computations and additional data, and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this Code and all other pertinent laws or ordinances. A plan review fee shall be paid in accordance with the current Fee Ordinance adopted by the City Council.

103.4 – ISSUING PERMITS

- 103.4.1 **Action on Permits:** The Department of Planning and Development shall act upon an application for a permit without unreasonable or unnecessary delay. If the Building Official is satisfied that the work described in the permit application and the contract documents filed therewith conform to the requirements of this Code and other pertinent laws and ordinances, a permit shall be issued to the applicant by the Department.
- 103.4.2 **Refusal to Issue Permit:** If the permit application and the accompanying contract documents describing the work do not conform to the requirements of this Code or other pertinent laws or ordinances, a permit shall not be issued. Such refusal shall, when requested, be in writing and shall contain the reasons for refusal.
- 103.4.3 **Special Foundation Permit:** When contract documents, including complete plans and specifications have been submitted to the Department and are currently under review for the issuance of a Building Permit, and a Development Permit has already been issued, the Building Official may, at his discretion, issue a “Foundation Only” Permit. This “Foundation Only” Permit shall prohibit the installation of electrical or plumbing rough-in, the placing of concrete for the floor slab on grade and all above ground masonry or steel erection. The holder of such a special permit is proceeding at their own risk and without assurance that a permit for the remainder of the work will be granted not that corrections will not be required in order to meet the provisions of this Code, including the technical codes.
- 103.4.4 **Public Right-of-Way:** A permit shall not be issued by the Building Official for the construction of any building, or for the alteration of any building where said building is to be changed and such change will affect exterior walls, bays, colonies, or other appendages or projections fronting on any street, alley or public lane, or for the placing of any building or structure removed from another lot or premises, unless the applicant has made application at the Department of Planning and Development and complies with this Code and all other applicable codes.

103.5 – CONTRACTORS RESPONSIBILITIES

- 103.5.1 **General Contractor:** It shall be the duty of every General Contractor doing work for a Developer or Homeowner who shall make contracts for the installation or repairs to a building, structure, or electrical, gas, mechanical, energy conservation and plumbing systems, for which a permit is required, and every Contractor or

Builder making such contracts and sub-letting the same, or any part thereof; to provide the Department of Planning and Development with proof of current business license as issued by any city or local jurisdiction within the State of Georgia. The General Contractor shall furnish to the Department of Planning and Development the duly issued number of his business license and affix it to the Building Permit application. (amended 6-14-99)

103.5.2 **Subcontractor:** It shall be the duty of every individual or firm prior to doing electrical, mechanical and/or plumbing work under contract with a General Contractor or Homeowner to have a proper affidavit on file with the Department of Planning and Development using the forms provided by the Department. This subcontractor shall also provide the Department with proof of a current business license, as issued by any city or local jurisdiction within the State of Georgia or other states with reciprocity, as well as a valid state license for his respective trade. Those licenses honored from other states are as follows: HVAC – North Carolina, South Carolina and Texas only; Electrical – Alabama, South Carolina and Florida only; and Low Voltage – Florida only. The filing of this affidavit shall be done prior to any work being started and will allow a subcontractor to do permitted work for a General Contractor or Homeowner. Persons or corporations failing to follow this procedure shall be in violation of this code and shall result in penalties as described herein. (amended 6-14-99)

103.5.3 **Homeowners:** It shall be the duty of every Homeowner doing electrical, mechanical and/or plumbing work under a homeowners permit, for their own personal one and two family dwelling, to have proper permits or affidavits on file with the Department, and shall include their current name, address and phone number. The Homeowner, building or contracting out work for their own personal one and two family dwelling, will not be required to have a business license in order to obtain a building permit. All General Contractors and all subcontractors doing work for a Homeowner shall comply with their responsibility requirements as previously outlined in this section.

103.6 – CONDITIONS OF THE PERMIT

103.6.1 **Permit Intent:** A permit issued shall be construed to be a license to proceed with the work and not as authority to violate, cancel, alter, or set aside any of the provisions of this Code, including the technical codes, nor shall issuance of a permit prevent the Building Official from thereafter requiring a correction of errors in plans, construction, or violations of this Code. The permit shall become invalid whenever work is not started or continued in accordance with the provisions of the current Fee Ordinance as adopted by the City Council.

103.6.2 **Plans:** Before the Department of Planning and Development issues a permit for all commercial work, there shall be endorsed in writing or by stamp, on two sets of plans, "REVIEWED CITY OF DULUTH", with the signature of the Building Official and date of approval. One set of drawings so reviewed shall be retained for the Building Official by the Department of Planning and Development and the other set shall be returned to the applicant. The permitted drawings shall be kept at the site of work and shall be open to inspection by the Building Official or his duly authorized representative, otherwise, fees for re-inspection shall be levied in accordance with the provisions of the current Fee Ordinance adopted by the City Council. (amended 6-9-97)

103.7 - FEES

- 103.7.1 **Prescribed Fees:** A permit shall not be issued until the fees prescribed in this section have been paid, nor shall an amendment to a permit be released until the additional fee, if any, due to an increase in the square footage or estimated cost of the building, structure, electrical, gas, plumbing, mechanical, energy conservation systems, have been paid.
- 103.7.2 **Work Commencing Before Permit Issuance:** Any person or firm starting any work on a building, structure, or electrical, plumbing, mechanical, energy conservation and gas systems before obtaining the necessary permit shall be subject to a penalty of 100% of the usual permit fee in addition to the required permit fees. The payment of such fees shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work not from any other penalties prescribed herein.
- 103.7.3 **Accounting:** The Business Office shall keep a permanent and accurate accounting of all permit fees and other monies collected, along with the date and amount thereof. All returned checks shall be assessed a service charge of \$20.00, as mandated by the Official Code of Georgia, Title 16, Chapter 9, Article 20(J). Two returned checks by the same applicant may result in a “cash only” policy when paying future permit fees. (amended 6-14-99)
- 103.7.4 **Schedule of Permit Fees:** On all buildings, structures, or electrical, plumbing, mechanical, energy conservation and gas systems or alterations requiring a permit, a fee for each permit shall be paid as required at the time of filing application, in accordance with the current Fee Ordinance as adopted by the City Council.
- 103.7.5 **Building Permit Valuations:** The permit valuation shall be calculated based on the Building Valuation Data, as amended and including the Atlanta multiplier, as published by the Southern Building Code Congress International and as adopted by the City Council. Permit values shall be calculated by square footage, type of construction and occupancy type.

103.8 - INSPECTIONS

- 103.8.1 **Existing Building Inspections:** Before issuing a permit the Building Official may examine or cause to be examined any building, or electrical, gas, mechanical, energy conservation and plumbing systems for which an application has been received for a permit to enlarge, alter, repair, move, demolish, install or change the occupancy. He shall inspect all buildings, structures, electrical, gas, mechanical, energy conservation and plumbing systems, from time to time, during and upon completion of the work for which a permit was issued. He shall make a record of every such examination and inspection and of all violations of the technical codes.
- 103.8.2 **Manufacturers and Fabricators:** When deemed necessary by the Building Official, he shall make, or cause to be made, an inspection of materials or assemblies at the point of manufacturer or fabrication. A record shall be made of every such examination and inspection and of all violations of this Code, including the technical codes.
- 103.8.3 **Inspection Service:** The Building Official may make, or cause to be made, the inspections required by this section. He may accept report of inspectors or recognized “Third Party” inspection services provided that after investigation he is satisfied as to their qualifications and reliability. A certificate called for by any provision of this Code shall not be based on such reports unless the same are in writing and certified by a responsible office of such service.

- 103.8.4 **Inspections Prior to Issuance of Certificate of Occupancy or Certificate of Completion:** The Building Official shall inspect or cause to be inspection at various intervals all construction work for which a permit is required, and a final inspection shall be made of every building, structure, electrical, gas, mechanical, energy conservation or plumbing system upon completion, prior to issuance of the Certificate of Occupancy. A Certificate of Completion, shall be issued for “Shell” buildings and uninhabitable structures.
- 103.8.5 **Posting of Permit:** Work requiring a building permit shall not start until the permit holder, or his agent, posts the building permit placard in a conspicuous place at the front of the premises. The permit holder is responsible for this placard. All damaged, lost or stolen placards shall be replaced before further inspections shall be made. This placard shall be protected from the weather and located in such position as to permit the officials of all required and listed Department and agencies to conveniently make the required entries thereon. This placard shall be maintained in such position by the permit holder until the Certificate of Occupancy or Certificate of Completion has been issued.
- 103.8.6 **Required Inspections:** The Building Official, upon notification from the permit holder or his agent, shall make the following inspections and such other inspections as necessary, and shall either release that portion of the construction or shall notify the permit holder, or his agent, of any violations which must be corrected in order to comply with this Code by issuance of a “Correction Notice” and noting such action on the placard.

103.8.6.1 – Building Inspections

1. **Footing/Foundation Inspection:** To be made after trenches are excavated and forms are erected and all reinforcing steel (if required) is in place.
2. **Slab Inspection:** Plumbing, electrical, and mechanical inspections must be signed off first – gravel (if required), vapor barrier and wire mesh (if not fiber concrete) must be installed before footing approval by the Building Inspector.
3. **Framing Inspection:** To be made after mechanical, plumbing and electrical roughs are complete and signed off; all framing complete; fireblocking and bracing complete; fireplace must be set, vented through roof and capped. Insulation shall not be installed in exterior walls or roof prior to this inspection.
4. **Firewall Inspection:** All commercial and multi-family construction with firewalls and fire rated assemblies after gypsum board is installed but before mudding and taping has started. This will be performed in conjunction with the Gwinnett County Fire Services Department.
5. **Final Building Inspection:** To be made after final electrical, plumbing and mechanical inspections have been signed off; interior and exterior is complete; landscaping is completed; smoke detectors in sleeping areas; 100% Fire Marshal’s signature; sewer signature; health signature; building to be complete and ready for occupancy, with all holds released, if any.
6. **Erosion Control Measures and Energy Code Inspection:** To be made in conjunction with the above building inspections.

1.3.8.6.2 – Electrical Inspections

1. **Underground Inspection:** To be made after trenches or ditches are excavated, conduit or cable installed, and before any backfill is put in place.
2. **Rough-In Inspection:** To be made after the roof, framing, fireblocking and bracing is in place and prior to the installation of wall or ceiling membranes. Electrical panel set in place; all wiring installed and terminated in approved boxes or fittings; service cable installed and meter can set; all splices and taps made up and all wire fastened or stapled according to code.
3. **Final Inspection:** To be made after the building is complete, all required electrical fixtures are in place and properly connected and protected, and the structure is ready for occupancy.
4. **Erosion Control Measure and Energy Code Inspection:** To be made in conjunction with the above electrical inspections.

103.8.6.3 – Plumbing Inspections

1. **Underground Inspection:** To be made after trenches or ditches are excavated, piping installed, and before any backfill is put in place.
2. **Rough-In Inspection:** To be made after the roof, framing, fireblocking and bracing are in place and all soil, waste, and vent piping is complete, and prior to installation of wall or ceiling membranes. Waste lines and vent installed; wasteline braced and strapped as required; water test on waste lines; water piping installed; water piping braced and strapped as required; water or air test on water piping.
3. **Erosion Control Measures and Energy Code Inspection:** To be made in conjunction with the above plumbing inspections.

103.8.6.4 – Mechanical Inspections

1. **Underground Inspection:** To be made after trenches or ditches are excavated, underground duct and fuel piping installed, and before any backfill is put in place.
2. **Rough-In Inspection:** To be made after the roof, framing, fireblocking and bracing are in place and all ducting, and other concealed components are complete, and prior to installation of wall or ceiling membranes. Boot stackheads in; furnace vents roughed in; thermostat wire in place; bath fans vented; test on concealed gas line.
3. **Final Inspection:** To be made after the building is complete, the mechanical system is in place and properly connected, and the structure is ready for occupancy.
4. **Erosion Control and Energy Code Inspection:** To be made in conjunction with the above mechanical inspections.

103.8.6.5 – Gas Inspections

1. **Rough Piping Inspection:** To be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been connected.
2. **Final Piping Inspection:** To be made after all piping authorized by the permit has been installed and after all portions which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been connected. This inspection shall include a pressure test.
3. **Final Inspection:** To be made on all new gas work authorized by the permit and such portions of existing systems as may be affected by new work or any changes, to insure compliance with all the requirements of this Code and to assure that the installation and construction of the gas system is in accordance with reviewed plans.
4. **Erosion Control Measures and Energy Code Inspection:** To be made in conjunction with the above gas inspections.

103.8.6.6 – Swimming Pool Inspections

1. **Site Inspection:** Private swimming pools only.
2. Reinforcing Steel or Basket Inspection and Erosion Control Inspection
3. **Final Inspection:** All swimming pool installations must be completed with all fences, gates, decks, pumping equipment, filters, heater and appliances in place. The pool shall be completely filled with water and in operation before final inspection.

103.8.6.7 – Erosion Control Inspections

Erosion control measures shall be effectively in place and maintained throughout the course of construction by the general contractor or homeowner. Failure to do so shall result in warnings, stop work orders or citations being issued in accordance with established guidelines of the Standard Operating Procedure For Uniform Enforcement of the City of Duluth Soil Erosion and Sediment Control Ordinance.

103.8.6.8 – Additional Inspections

These may be required as determined by the Building Official to insure compliance with the requirements of the City of Duluth Construction Code and other applicable City ordinances.

- 103.8.7 **Written Release:** Work shall not be done on any part of a building, structure or electrical, gas, mechanical, energy conservation and plumbing system beyond the point indicated in each successive inspection without first obtaining a written release on the placard from the Building Official or his designee. Such written release on the placard shall be given only after an inspection has been made of each successive step in the construction or installation as indicated by each of the foregoing inspections.
- 103.8.8 **Reinforcing Steel and Structural Frames:** Reinforcing steel or structural frame work of any building or structure shall not be covered or concealed without first obtaining a written release from the Building Official or his designee.

103.9 - CERTIFICATES

- 103.9.1 **Building Certificate of Occupancy:** A new building shall not be occupied or a change made in the occupancy, nature or use of a building or part until after the Building Official has issued a Certificate of Occupancy. Said certificate shall not be issued until all required electrical, gas, mechanical, energy conservation, plumbing and fire protection systems have been inspected for compliance with the technical codes and other applicable laws and ordinances and released by the Building Official, or his designee, after all required signature releases have been affixed to the building permit placard and all fees assessed to the project have been paid in full.
- 103.9.1.1 **Issuing Certificate of Occupancy:** Upon satisfactory completion of construction of a building or structure and installation of electrical, gas, mechanical, energy conservation and plumbing systems in accordance with the technical codes, reviewed plans and specifications, after the final inspection and all fees assessed to the project have been paid in full, the Building Official or his designee shall issue a Certificate of Occupancy stating the nature of the occupancy permitted, the number of persons for each floor when limited by law, and the allowable load per square foot for each floor in accordance with the provisions of this Code. The written releases of all other applicable departments and agencies shall have been obtained previously and affixed to the placard.
- 103.9.1.2 **Temporary/Partial/Limited Occupancy:** A Temporary Certificate of Conditional Use may be issued for the conditional use of a limited portion or portions of a building or structure which may safely be occupied or used prior to final completion of the building. Such request shall be to the Building Official by the Owner, or his agent, General Contractor or the Homeowner.
- 103.9.1.3 **Certificate of Completion:** Upon satisfactory completion of a shell or uninhabited structure, that may include electrical, gas, mechanical, energy conservation or plumbing systems, a Certificate of Completion shall be issued. This Certificate is proof that a structure or system is complete and for certain types of permits is released for use and may be temporarily connected to a utility system. The Certificate of Completion does not grant authority to occupy or connect a building or habitable structure, such as a shall building, to a permanent utility system, prior to the issuance of a Certificate of Occupancy.

103.10 – SERVICE UTILITIES

- 103.10.1 **Connection of Service Utilities:** No person shall make connections from a utility, source of energy, fuel or power to any building or system which is regulated by this Code, including the technical codes, for which a permit is required, until released by the Building Official and a Certificate of Occupancy or Certificate of Completion has been issued.
- 103.10.2 **Temporary Connection:** The Building Official may authorize the temporary connection of the building or system to the utility source of energy, fuel or power for the purpose of testing building service systems or for use under a Temporary Certificate of Conditional Use.
- 103.10.3 **Authority to Disconnect Service Utilities:** The Building Official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this Code, including the technical codes, in case of emergency where necessary to eliminate an immediate hazard to life or property. The Building

Official shall notify the serving utility and, whenever possible the owner and/or occupant of the building structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner and/or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

103.11 – POSTING FLOOR PADS

- 103.11.1 **Occupancy**: An existing or new building shall not be occupied for any purpose which will cause the floors thereof to be loaded beyond their safe capacity. The Building Official may permit occupancy of a building for mercantile, commercial or industrial purposes, by a specific business, when he is satisfied that such capacity will not thereby be exceeded.
- 103.11.2 **Storage and Factory-Industrial Occupancies**: It shall be the responsibility of the owner, agent, proprietor or occupant of Group “S” and Group “F” occupancies, or any occupancy where excessive floor loading is likely to occur, to employ a competent architect or engineer in computing the safe load capacity. All such computations shall be accompanied by an affidavit from the architect or engineer stating the safe allowable floor load on each floor in pounds per square foot uniformly distributed. The computations and affidavit shall be filed as a permanent record with the Department at the time of permitting. An affidavit shall only be required when plans are not sealed, stamped and signed by a registered designer.
- 103.11.3 **Sign Plates Required**: In every building or part of a building used for storage, industrial or hazardous purposes, the safe floor loads, as reviewed by the Building Official on the plan, shall be marked on plates of approved design which shall be supplied and securely affixed by the owner of a building in a conspicuous place in each story to which they relate. Such plates shall not be removed or defaced, and if lost, removed, or defaced, shall be replaced by the owner of the building immediately. Failure to have such plates in place at all times shall be deemed a violation of this Code and shall result in penalties as prescribed herein.

104 TESTS

The Building Official may require tests or test reports as proof of compliance. Required tests are to be made at the expense of the owner, or his agent, by an approved testing laboratory or other approved agency.

105 BOARD OF CONSTRUCTION ADJUSTMENT AND APPEALS

105.1 – APPOINTMENT

The Board of Construction Adjustment and Appeals shall be appointed by the City Council.

105.2 – MEMBERSHIP AND TERMS

The Board of Construction Adjustment and Appeals shall have members with terms of office and voting procedures as established by the City Council.

105.3 – POWERS

The Board of Construction Adjustment and Appeals shall have the duties and powers as established by the City Council.

105.4 – APPEALS

- 1.5.4.1 **Decision of the Building Official:** The Board of Construction Adjustment and Appeals shall have the power to overturn an Administrative Decision made by the Building Official as authorized by the City Council.
- 1.5.4.2 **Variations:** The Board of Construction Adjustment and Appeals shall have the power to approve variances as authorized by the City Council.
- 1.5.4.3 **Condition of the Variance:** The Board of Construction Adjustment and Appeals, in approving variances, shall have the power to limit such variances as authorized by the City Council.
- 1.5.4.4 **Notice of Appeals:** Notice of appeals shall be in writing, using the appropriate form as furnished by the Building Official, within the time limitations as established by the City Council.

105.5 – PROCEDURES

The procedures of the Board of Construction Adjustment and Appeals regarding the establishment of rules and regulations and the rendering of decisions shall be as established by the City Council.

106 ADOPTION, SEVERABILITY, LIABILITY AND CONFLICTING REGULATIONS

106.1 – ADOPTION

This Code shall become effective upon adoption of this Code by the City Council and shall be incorporated into the Code of Ordinances of the City of Duluth, Georgia.

106.2 – SEVERABILITY

In any section, subsection, paragraph, sentence, clause, or phrase or provision of this Code, including the technical codes, is for any reason unintentionally held to be unconstitutional or void, the validity of the remaining portions shall not be affected thereby, it being the intent of the City Council in adopting this Building Code that no portion thereof or provision of this Code contained herein shall become inoperative or fail by reason of the unconstitutionality or invalidity of any section, subsection, paragraph, sentence, clause or phrase, or provision of this Code or the technical codes.

106.3 – LIABILITY

Neither the approval of a plan under the provisions of this Code, nor the compliance with the provisions of this Code shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law not impose any liability upon the City of Duluth for damage to any person or property.

106.4 – CONFLICTING REGULATIONS

All regulations or parts of regulations of the Code of Ordinances of the City of Duluth, Georgia, in conflict with this Code shall be and the same are hereby repealed in their portions so in conflict. Provided, however, that it is not the intent to repeal or affect any law of the State of Georgia, or any Code of Ordinance of the City of Duluth adopted as a requirement of State Law, in which case the most restrictive shall control.

107 VIOLATIONS AND PENALTIES

107.1 – LAWS, CODES, ORDINANCES AND RESOLUTIONS

Any person, firm, corporation or agent who shall violate or assist in the violation of a provision of this Code, including the technical codes, or fail to comply herewith, or with any of the requirements thereof, or who shall erect, construct, alter, install, demolish or move any structure, electrical, gas, mechanical, energy conservation or plumbing system, or has erected, constructed, altered, repaired, moved or demolished a building, structure, or electrical, gas, mechanical, energy conservation or plumbing system, in violation of a detailed statement or drawing submitted and permitted thereunder, shall be guilty of violating a duly adopted ordinance, and upon conviction of any such violation, such person shall be punished within the limits and as provided by state and local laws. Each person shall be considered guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code, including the technical codes is committed or continued; and upon conviction of any such violation such person shall be punished within the limits and as provided by state and/or local law.

107.2 – PENALTIES

Any responsible party of other persons convicted by a court of competent jurisdiction of violating any provision of this code shall be guilty of violating a duly adopted Ordinance of the City of Duluth and shall be punished either by a fine not less than \$500 per day, or by a sentence of imprisonment not to exceed 60 days in jail, or both a fine and jail or work alternate. Each day the violation continues shall constitute a separate offense.

- 107.2.1 Court Power and Authority: The court shall have the power and authority to order the violation corrected in compliance with the requirements of this Code and the court may require payment of restitution or impose other punishment allowed by law.
- 107.2.2 Right of City: In any case in which any building or structure is used or proposed to be used, or activities are undertaken in violation of this Code or any amendment thereto adopted by the City Council, the City, in addition to other remedies provided by law, may petition for a restraining order, injunction, abatement, or take any other appropriate legal action or proceeding through a court of competent jurisdiction to prevent, restrain, or abate such unlawful use or activity.

INSTRUCTION FOR FILING A VARIANCE APPLICATION TO THE CITY OF DULUTH BOARD OF CONSTRUCTION ADJUSTMENT AND APPEALS

The owner of a building or site may file an appeal whenever any ONE of the following conditions are claimed to exist:

1. The Building Official and/or Fire Marshal rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation and alteration of a building, structure, service system or site.
2. The provisions of the Standard Building Code, the Life Safety Code, the Gwinnett Fire Ordinance, or the Georgia State Law Governing Accessibility do not apply to this specific case.
3. That an equally good or more desirable form of installation can be employed in any specific case.
4. The true intent and meaning of these code or any of the regulations thereunder have been misconstrued or incorrectly interpreted.

The Board of Construction Adjustment and Appeals, may vary the code for this case only when ALL of the following exist:

1. That special conditions and circumstances exist which are peculiar to the building, structure, service system, or site involved and which are not applicable to others.
2. That the special conditions and circumstances do not result from the action or inaction of the applicant.
3. That granting the variance requested will not confer on the applicant any special privilege that is denied by these codes to other buildings, structures, service systems or sites.
4. That the variance granted is the minimum variance that will make possible the reasonable use of the building, structure, service system or site.
5. That the granting of the variance will be in harmony with the general intent and purpose of these codes and will not be detrimental to the public health, safety and general welfare of the citizens of the City of Duluth.

The following items are necessary in order to process the Board of Construction Adjustment and Appeals variance application:

1. **APPLICATION FORM**. Complete the attached form in its entirety. The original shall bear the owner's signature, the applicant's signature and shall be notarized and sealed.
2. **APPLICATION FEE**. Please make check payable to the City of Duluth. Construction Board of Adjustment and Appeals variance filing fee is \$100.00 which is non-refundable.
3. **PLAN AND SPECIFICATIONS**
 - A. Submit all documents directly related to the appeal deemed necessary for the Construction Board of Adjustment and Appeals to render a decision. Plans shall include site, building, electrical, mechanical, plumbing and specifications.

- B. When drawings and reference materials are attached, the areas under consideration shall be highlighted for clarity of all ten copies as well as the original.
- C. Six sets of all documents are required.
 - (a) one full size original set
 - (b) five copies – may be reduced scale

MEETING

The City of Duluth Construction Board of Adjustment and Appeals generally meets, as needed, on the second Monday of each month at 6:00 p.m. in the auditorium of Duluth City Hall at 3578 West Lawrenceville Street, Duluth, Georgia 30096.

Please submit all variance applications on the attached form two weeks prior to the scheduled meeting date. See the deadline and meeting schedule posted in the Department of Planning and Development. For assistance in filing, contact the Director of Planning and Development at 770-476-1790 or the Gwinnett County Fire Marshal's Office at 770-822-7690.

CITY OF DULUTH
BOARD OF CONSTRUCTION ADJUSTMENT AND APPEALS
APPLICATION FOR VARIANCE

CASE NO.: _____ FILING DATE: _____

MEETING DATE: _____ FEE: \$100.00 _____

NAME OF PROJECT: _____

ADDRESS OF PROJECT: _____

OCCUPANCY CLASSIFICATION: _____

TYPE OF CONSTRUCTION: _____

MULTI-TENANT: _____ SINGLE-TENANT: _____

STORIES: _____ PROTECTED: _____

SPRINKLERED: _____ SQUARE FEET PER FLOOR: _____

SQUARE FOOTAGE TOTAL: _____

BUILDING TO BE USED FOR: _____

NAME OF OWNER: _____

ADDRESS: _____

PHONE NO.: _____

NAME OF APPLICANT: _____

ADDRESS: _____

PHONE NO.: _____

**ALL ISSUES TO BE PRESENTED MUST BE CLEARLY STATED WITH APPLICABLE
CODE SECTION OR THIS APPLICATION WILL NOT BE AFFECTED.
WHEN DRAWINGS AND REFERENCE MATERIALS ARE ATTACHED, THE AREAS
UNDER CONSIDERATION SHALL BE HIGHLIGHTED FOR CLARITY.**

Please attach plans, application for permit and other pertinent data in accordance with the provisions of Section 105 of the Standard Building Code adopted by the City Council, I hereby appeal to the City of Duluth Construction Board of Adjustment and Appeals for relief from the requirements of the following:

CODE SECTION(S): _____

And propose the following alternate(s): _____

In order that I might construction the above named structure as proposed and shown on the attachments.

The above named owner has appeared and affixed his signature in my presence.

Notary Public

Signature of Owner

SEAL

Action by City of Duluth Construction Board of Adjustment and Appeals

_____ Denied _____ Approved as requested

_____ Approved with the following stipulations: _____

(Signed) _____
Chairman

ADOPTION F APPENDICES
1994 STANDARD BUILDING CODE

ADD: The following references APPENDICES are hereby adopted and incorporated into the Standard Building Code WITHOUT any changes or revisionsL

APPENDIX "A" – WEIGHTS OF BUILDING MATERIALS
APPENDIX "D" – STANDARDS FOR DEMOLITION
APPENDIX "H" – MANUFACTURED HOME TIE DOWN STANDARDS
APPENDIX "K" – RECOMMENDED GUIDE FOR SOUND INSULATION
IN MULTI-FAMILY DWELLINGS

AMENDMENT TO 1994 EDITION OF THE STANDARD GAS CODE

DELETE entire Chapter 1 of the Standard Gas Code.

ADD in its place the entire new Chapter 1 – “ADMINISTRATIVE PROVISIONS” as contained in this Code. This new Chapter 1 shall take precedent and govern whenever the provisions of this technical code chapter are in conflict.

ADD the following references APPENDICES which are hereby adopted and incorporated into this Code WITHOUT any changes or revisions:

APPENDIX “A” – FLOW OF GAS THROUGH FIXED ORIFICES

APPENDIX “D” – EXAMPLE PROBLEMS

APPENDIX “E” – 5 – PSI GAS SIZING

AMENDMENT TO THE 1994 EDITION OF THE STANDARD MECHANICAL CODE

DELETE entire Chapter 1 of the Standard Mechanical Code.

ADD in its place the entire new Chapter 1 – “ADMINISTRATIVE PROVISIONS” as contained in this Code. This new Chapter 1 shall take precedent and govern whenever the provisions of this technical code chapter are in conflict.

ADD the following referenced APPENDIX which is hereby adopted and incorporated into this Code WITHOUT any changes or revisions:

APPENDIX “A” – GUIDELINES FOR ESTIMATING HEAT LOSS AND GAIN

AMENDMENT TO THE 1994 EDITION OF THE STANDARD PLUMBING CODE

DELETE entire Chapter 1 of the Standard Plumbing Code.

ADD in its place the new Chapter 1 – “ADMINISTRATIVE PROVISIONS” as contained in this Code. This new Chapter 1 shall take precedent and govern whenever the provisions of this technical code chapter are in conflict.

ADD the following references APPENDICES which is hereby adopted and incorporated into this Code WITHOUT any changes or revisions:

APPENDIX “A” – ROOF DRAIN SIZE METHOD
APPENDIX “F” – SIZING OF WATER PIPING SYSTEM
APPENDIX “G” – HOSPITAL PLUMBING SYSTEMS

AMENDMENT TO THE 1994 EDITION OF THE STANDARD SWIMMING POOL CODE

DELETE entire Chapter 1 of the Standard Swimming Pool Code except SECTION 105 – Permits and SECTION 106 – Inspections.

ADD in its place the entire new Chapter 1 – “ADMINISTRATIVE PROVISIONS” as contained in this Code. This new Chapter 1 shall take precedent and govern whenever the provisions of this technical code chapter are in conflict.

DELETE entire Section 105.6 – Schedule of Fees. The appropriate fees charged for swimming pools is stated in the Fee Ordinance as adopted by the City Council.

DELETE Section 106.2 – Notification – and ADD new Section 106.2 – Notification – to read as follows:

106.2 – NOTIFICATION

It shall be the duty of the person or firm doing the work authorized by the permit, to notify the Department of Planning and Development, that each phase of said work is ready for inspection. No work shall be concealed or encased in concrete before an inspection is made and a written release is obtained from the Department of Planning and Development.

AMENDMENT TO THE 1992 EDITION OF THE GEORGIA STATE ENERGY CODE FOR BUILDINGS

ADD NEW SECTION 100 to CHAPTER 1 – ADMINISTRATIVE AND ENFORCEMENT, to read as follows:

SECTION 100 – SUPPLEMENTAL ADMINISTRATIVE PROVISIONS

The provisions contained in new Chapter 1 – “ADMINISTRATIVE PROVISIONS” in this Code shall SUPPLEMENT this code chapter. THE GEORGIA STATE ENERGY CODE FOR BUILDINGS shall take precedent and shall govern when in conflict with the provisions of this Code.

AMENDMENT TO THE 1996 EDITION OF THE NATIONAL ELECTRICAL CODE

ADD NEW PARAGRAPH TO THE END OF ARTICLE 90-4 – ENFORCEMENT, to read as follows:

90-4. ENFORCEMENT

The “ADMINISTRATIVE PROVISIONS” as contained in this Code shall SUPPLEMENT this article. This supplemental Chapter 1 shall take precedent and govern whenever the provisions of this technical code article are in conflict.

**AMENDMENT TO THE 1995 EDITION OF THE
CABO ONE AND TWO FAMILY DWELLING CODE
CHAPTER 1-25**

PART I – ADMINISTRATIVE, CHAPTER 1

ADD new SECTION R-100 TO CHAPTER 1 – ADMINISTRATIVE, to read as follows:

SECTION R-100 – SUPPLEMENTAL ADMINISTRATIVE PROVISIONS

The “ADMINISTRATIVE PROVISIONS” as contained in this Code shall SUPPLEMENT this article. This supplemental Chapter 1 shall take precedent and govern whenever the provisions of this technical code article are in conflict.

TABLE R-301.2 CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

ADD the following underlined information to the blank spaces in Table R-201.2:

1. Roof live load 20 lbs. per square foot
2. Roof snow load 8 lbs. per square foot
3. Wind pressure 24 lbs. per square foot
4. Seismic Conditions by zone 2.
5. Weathering severe.
6. Frost line depth yes/12” minimum.
7. Termite damage – yes/very heavy.
8. Decay damage – yes

FIGURE R-403 – FOOTING THICKNESSES

CHANGE the minimum thickness of concrete as shown for interior and exterior bearing wall footings from six inches to eight inches. This Figure is used for wood stud framed construction only. Footings for masonry walls shall be in accordance with the requirements of the Standard Building Code, latest edition, or professionally designed by a registered engineer.

ADOPTION OF APPENDICES

- APPENDIX “A” - This appendix provides for the installation, alteration, addition and repair of manufactured homes and related foundation systems, sewage systems, water, fuel, or power supplies, accessory buildings and structures.

NOTICE

DUE TO RECENT CHANGES IN THE GEORGIA FIRE LAW, THE CITY OF DULUTH HAS ADOPTED THE GWINNETT COUNTY FIRE PREVENTION AND PROTECTION ORDINANCE AS AMENDED BY GWINNETT COUNTY AND IN ACCORDANCE WITH GEORGIA STATE LAW.

PLEASE CONTACT THE GWINNETT COUNTY FIRE MARSHAL'S OFFICE AT 770-822-7690 FOR ASSISTANCE.

STANDARD OPERATING PROCEDURE FOR CODES APPLICATION

PURPOSE: To define the areas of responsibility and provide a procedure for arriving at solutions to differing code requirements and/or interpretations during the plan review or inspection processes.

PART A – AREAS OF RESPONSIBILITY DEFINED

The Building Official of the City of Duluth is hereby authorized and directed to enforce the provisions of the applicable ordinances and technical codes, in accordance with this Standard Operating Procedure.

The outlined areas of responsibility will be regulated by the latest editions of the codes, standards, rules and regulations and laws as adopted and amended by the City of Duluth, and as further modified by Items 1, 2 and 3 of Part A.

ITEM 1: Department of Planning and Development

APPLICABLE CODES

Standard Building Code, as amended	except as modified by PART A, Items 3-a through 3-o.
Standard Gas Code, as amended	except as modified by PART A, Item 3-d.
Standard Mechanical Code, as amended	except as modified by PART A, Item 3-d.
Standard Swimming Pool Code, as amended	except as modified by PART A, Item 3-h.
Georgia State Energy Code for Buildings, as Amended	without modification
National Electrical Code, as amended	without modification
CABO 1 and 2 Family Dwelling Code, as amended	without modification

ITEM 2: Gwinnett County Fire Marshal's Office

APPLICABLE REGULATIONS:

NATIONAL FIRE CODES, as amended

OFFICIAL CODE OF GEORGIA – TITLE 25, as amended

TITLE 36 of the CODE OF FEDERAL REGULATIONS, PART 1191, as amended

STANDARD FIRE PREVENTION CODE, as amended

ITEM 3: Enforcement Authority: The Gwinnett County Fire Marshal's Office shall have the responsibility and enforcement authority over the following fire protection requirements:

Contact the Gwinnett County Fire Marshal's Office at 770-822-7690 for requirements of that office.

PART B – SOLUTION GUIDELINES

ITEM 1: Plans Review

Plans and specifications as submitted by an Architect, Engineer, Owner, Developer or Contractor shall be reviewed by staff members of the Fire Marshal's Office of the Gwinnett County Department of Fire and Emergency Services and the City of Duluth Department of Planning and Development. Each plan review unit will apply their respective codes and ordinances as defined by Part A, Items 1, 2, and 3 of this document.

During the review process, whenever differing code requirements or interpretations surface and cannot be resolved by the plan review staff, the following shall take place:

1. The differing requirements and/or opinions shall be referred to the Building Inspector and the Fire Marshal for disposition.
2. In the event that the Building Inspector and Fire Marshal are unable to resolve the problem, it shall be referred to the Director of Planning and Development and the Chief of the Department of Fire and Emergency Services.
3. Provided the Director of Planning and Development and the Chief of the Department of Fire and Emergency Services are unable to reach an accord, the quandary shall be referred to the attention of the Board of Construction Adjustment and Appeals for final decision.

ITEM 2: Inspections

Once the facility is permitted and under construction, it will be inspected by members of the Fire Marshal's Office of the Gwinnett County Department of Fire and Emergency Services and the City of Duluth Department of Planning and Development. Each unit applies their respective regulations pursuant to the approved plans and specifications relating to the construction project.

During the inspection process whenever differing code requirements or interpretations surface and cannot be resolved by the field inspections staff the following shall take place:

1. The differing requirements and/or opinions shall be referred to the Building Inspector and the Field Inspections Supervisor of the Fire Marshal's Office of the Gwinnett County Department of Fire and Emergency Services for disposition.
2. In the event that the Building Inspector and Field Inspections Supervisor are unable to resolve the problem, it shall be referred to the Director of Planning and Development and the Chief of the Department of Fire and Emergency Services.
3. Provided the Director of Planning and Development and the Chief of the Department of Fire and Emergency Services are unable to reach an accord, the quandary shall be referred to the attention of the Board of Construction Adjustment and Appeals for final decision.

PART C – EFFECTIVE DATE

The amended text of the Standard Operating Procedures for Codes Application as indicated herein shall become effective on the date of adoption by the City Council.

IT IS SO ORDAINED this 9th day of June, 1997.

Mayor Shirley Fanning-Lasseter
Councilmember Robert Peterson
Councilmember Maxine S. Garner
Councilmember Linda Hutchinson
Councilmember Douglas F. Mundrick
Councilmember Doris Kirouac (absent)

ATTEST:
Teresa S. Lynn, City Clerk