

1 STATE OF GEORGIA

2 CITY OF COLLEGE PARK

3 ORDINANCE NO. 2015-15

4 AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY  
5 OF COLLEGE PARK, GEORGIA; TO REQUIRE THE POSTING OF A  
6 PERFORMANCE BOND UPON THE REQUEST FOR A SECOND BUILDING  
7 PERMIT OR AN EXTENSION OF A BUILDING PERMIT; TO AUTHORIZE  
8 THE BUILDING OFFICIAL TO UTILIZE FORFEITED PERFORMANCE  
9 BOND FUNDS TO COMPLETE ABANDONED OR SUSPENDED  
10 CONSTRUCTION; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR  
11 SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO  
12 PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.  
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14 WHEREAS, the duly elected governing authority of the City of College Park, Georgia  
15 (the "City") is the Mayor and Council thereof; and

16 WHEREAS, the City is aware of the abandonment or suspension of construction on  
17 several projects for which building permits have been issued by the City; and  
18 WHEREAS, such abandonment and suspension of construction presents an eyesore and  
19 numerous health and safety issues for the City; and

20 WHEREAS, there currently exists in the City's Code of Ordinances no compelling  
21 penalty to urge permit holders to complete construction in a timely manner; and

22 WHEREAS, the City has determined that to serve the needs of the community certain  
23 amendments are needed to the City's Code of Ordinances; and

24 WHEREAS, the City proposes an amendment to its Code of Ordinances that would  
25 impose a performance bond requirement upon any building permit extensions or subsequent  
26 permits; and

27       **WHEREAS**, the City proposes an amendment to its Code of Ordinances that would  
28 allow the building official to utilize forfeited performance bond funds to complete abandoned or  
29 suspended construction; and

30       **WHEREAS**, the Mayor and Council determine that the health, safety, and welfare of the  
31 citizens of the City will be positively impacted by the adoption of this Ordinance.

32       **BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE**  
33 **CITY OF COLLEGE PARK, GEORGIA**, and by the authority thereof:

34       **Section 1.**   **That the City’s Code of Ordinances, Chapter 5, Building;**  
35 **Construction and Related Matters, Article 1, In General, Division 2, Administrative**  
36 **Procedures, Section 5-11, Powers and duties of building official, is hereby amended by**  
37 **inserting new text as subsection (h) to read as follows:**

38       “(h)   *Utilization of performance bond funds.* The building official is authorized  
39 to utilize forfeited funds (as defined in Sec. 5-12(g)) posted by permit holders as  
40 performance bonds to finance the completion of abandoned or suspended  
41 construction.”  
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43       **Section 2.**   **That the City’s Code of Ordinances, Chapter 5, Building; Construction**  
44 **and Related Matters, Article 1, In General, Division 2, Administrative Procedures, Section**  
45 **5-12, Permits, is hereby amended by striking through existing subsections (f) through (j)**  
46 **and replacing them with the following text to read as follows:**

47       “(f)   *Conditions of the permit.*

48       (1)   *Permit intent.* A permit issued shall be construed to be a license to  
49 proceed with the work and not as authority to violate, cancel, alter, or set aside  
50 any of the provisions of the construction codes, nor shall issuance of a permit  
51 prevent the Building Official from thereafter requiring a correction of errors in  
52 plans, construction, or violations of the construction codes. Every permit issued  
53 shall become invalid unless the work authorized by such permit is commenced  
54 within ninety (90) days after its issuance, or if the work authorized by such permit  
55 is suspended or abandoned, in the opinion of the building official, for an  
56 accumulated period of ninety (90) days after the time the work is commenced. An  
57 extension of time, for a period of not more than one hundred eighty (180) days,

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may be allowed for the permit. The extension shall be requested in writing and justifiable cause demonstrated. Extensions shall be granted or denied, in writing, by the building official.

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(2) *Permit issued on basis of an affidavit.* Whenever a permit is issued in reliance upon an affidavit or whenever the work to be covered by a permit involves installation under conditions which, in the opinion of the building official, are hazardous or complex, the building official shall require that the architect or engineer who signed the affidavit or prepared the drawings or computations shall supervise such work. In addition, the supervising architect or engineer shall be responsible for conformity with the permit, provide copies of inspection reports as inspections are performed, and upon completion make and file with the Building Official written affidavit that the work has been done in conformity with the reviewed plans and with the structural provisions of the construction codes. In the event such architect or engineer is not available, the owner shall employ a competent person or agency whose qualifications are reviewed by the building official.

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(3) *Plans.* When the building official issues a permit, the Building Official shall enforce, in writing or by stamp, both sets of plans "THIS PLAN HAS BEEN REVIEWED FOR CONSTRUCTION ACCORDING TO THE INFORMATION GIVEN. THE ACCURACY OF THIS INFORMATION SHALL BE THE SOLE RESPONSIBILITY OF THE DESIGN ENGINEER/ARCHITECT AND THE OWNER. APPROVAL DOES NOT GRANT VARIANCE FROM APPROVED CODES." One set of drawings so reviewed shall be retained by the building official 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 the authorized representative.

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(g) *Performance bond required upon permit extension or second permit.*

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(1) Before the issuance of a permit extension under subsection (f)(1) herein, the applicant shall be required to post a performance bond with the building official. For any subsequent permit extensions, no additional performance bond shall be required. The requirement of a performance bond shall be made, in writing, by the building official.

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(2) The amount of such performance bond is to be determined by the building official. Under no circumstances shall the amount of such performance bond be less than an estimate of the total cost of completion of construction.

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(3) Such performance bond shall be forfeited if, at the expiration of the first permit extension, the work authorized by the permit is, in the opinion of the building official, suspended or abandoned. The forfeited funds of such performance bond shall be utilized by the building official to complete the scope of construction, as defined in the permit.

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(4) If such performance bond is not forfeited as provided in subsection (g)(3) herein, the bond shall not be released until the work authorized in the permit is satisfactorily complete. Satisfactory completion of construction shall be verified by the building official.

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(5) *Second permit.* An applicant who applies for a second permit to continue the performance of work authorized in another permit within three (3) months of, or after the lapse of, such permit shall post a performance bond pursuant to subsection (g)(1) herein. However, if the applicant for a second permit is not affiliated with the applicant for the first permit, the applicant for the second permit may, notwithstanding Section 5-14, obtain a waiver of the performance bond upon petition to Mayor and Council. The term "affiliate" includes each person who falls into one or more of the following categories: each person having, directly or indirectly, a controlling interest in the applicant; each person in which the applicant has, directly or indirectly, a controlling interest; each officer, director, joint venturer or joint venture partner, or the applicant; and, each person, directly or indirectly, controlling, controlled by, or under common control with, the applicant. Examples of relationships of affiliation include, but are not limited to, contractors, subcontractors, co-owners, and persons related by blood or marriage.

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(h) *Fees.*

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(1) *Prescribed fees.* A permit shall not be issued until the fees prescribed by the City of College Park have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, due to an increase in the estimated cost of the building, structure, electrical, plumbing, mechanical or gas systems, etc. has been paid.

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(2) *Work commencing before permit issuance.* Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing, etc. system before obtaining the necessary permits, shall be subject to a penalty of one hundred (100) percent of the usual permit fee in addition to the required permit fees.

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(3) *Accounting.* The building official shall keep a permanent and accurate accounting of all permit fees and other money collected, the names of all persons upon whose account the same was paid, along with the date and amount thereof.

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(4) *Schedule of permit fees.* On all buildings, structures, electrical, plumbing, mechanical 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 fee schedules as set by the City of College Park.

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(5) *Building permit valuations.* If, in the opinion of the Building Official, the valuation of building, alteration, structure, electrical, gas, mechanical or plumbing systems appears to be underestimated on the application, permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. Permit valuations shall include total cost, such as electrical, gas, mechanical, plumbing equipment and other systems, including materials and labor.

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(i) *Inspections.*

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(1) *Existing building inspections.* Before issuing a permit the Building Official may examine or cause to be examined any building, electrical, gas, mechanical or plumbing systems for which an application has been received for a permit to enlarge, alter, repair, move, demolish, install, or change the occupancy.

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149 The building official shall inspect all buildings, structures, electrical, gas,  
150 mechanical and plumbing systems, from time to time, during and upon  
151 completion of the work for which a permit was issued. He shall make a record of  
152 every such examination and inspection and of all violations of the construction  
153 codes.

154 (2) *Manufacturers and fabricators.* When deemed necessary by the  
155 building official the building official shall make, or cause to be made, an  
156 inspection of materials or assemblies at the point of manufacture or fabrication. A  
157 record shall be made of every such examination and inspection and of all  
158 violations of the construction codes.

159 (3) *Inspection service.* The building official may make, or cause to be  
160 made, the inspections required by subsection (6), below. The building official  
161 may accept reports of inspectors of recognized inspection services provided that,  
162 after investigation, the building official is satisfied as to their qualifications and  
163 reliability. A certificate called for by any provision of the construction codes shall  
164 not be based on such reports unless the same are in writing and certified by a  
165 responsible officer of such service.

166 (4) *Inspections prior to issuance of certificate of occupancy or*  
167 *completion.* The building official shall inspect or cause to be inspected at various  
168 intervals all construction or work for which a permit is required, and a final  
169 inspection shall be made of every building, structure, electrical, gas, mechanical  
170 or plumbing system upon completion, prior to the issuance of the certificate of  
171 occupancy or completion.

172 (5) *Posting of permit.* Work requiring a permit shall not commence  
173 until the permit holder or his/her agent posts the permit card in a conspicuous  
174 place on the premises. The permit shall be protected from the weather and located  
175 in such position as to permit the building official or representative to conveniently  
176 make the required entries thereon. This permit card shall be maintained in such  
177 position by the permit holder until the certificate of occupancy or completion is  
178 issued by the building official.

179 (6) *Required inspections.* Upon notification from the permit holder or  
180 designated agent, the building official shall make the following inspections and  
181 such other inspections as necessary, and shall either release that portion of the  
182 construction or shall notify the permit holder or designated agent of any violations  
183 which must be corrected in order to comply with the technical code:

- 184 a. Building.
- 185 (i) Foundation inspection: To be made after trenches  
186 are excavated and forms erected.
- 187 (ii) Frame inspection: To be made after the roof, all  
188 framing, fire blocking and bracing are in place, all concealing wiring, all pipes,  
189 chimneys, ducts and vents are complete.
- 190 (iii) Final inspection: To be made after the building is  
191 completed and ready for occupancy.
- 192 b. Electrical.

- 193 (i) Underground inspection: To be made after trenches  
194 or ditches are excavated, conduit or cable installed, and before any backfill is put  
195 in place.
- 196 (ii) Rough-in inspection: To be made after the roof,  
197 framing, fire blocking and bracing is in place and prior to the installation of wall  
198 or ceiling membranes.
- 199 (iii) Final inspection: To be made after the building is  
200 complete, all required electrical fixtures are in place and properly connected or  
201 protected, and the structure is ready for occupancy.
- 202 c. Plumbing.
- 203 (i) Underground inspection: To be made after trenches  
204 or ditches are excavated, piping installed, and before any backfill is put in place.
- 205 (ii) Rough-in inspection: To be made after the roof,  
206 framing, fire blocking and bracing is in place and all soil, waste and vent piping is  
207 complete, and prior to the installation of wall or ceiling membranes.
- 208 (iii) Final inspection: To be made after the building is  
209 complete, all plumbing fixtures are in place and properly connected, and the  
210 structure is ready for occupancy.
- 211 (iv) Note: See Section 312 of the Standard Plumbing  
212 Code for required tests.
- 213 d. Mechanical.
- 214 (i) Underground inspection: To be made after trenches  
215 or ditches are excavated, underground duct and fuel piping installed, and before  
216 any backfill is put in place.
- 217 (ii) Rough-in inspection: To be made after the roof,  
218 framing, fire blocking and bracing are in place and all ducting, and other  
219 concealed components are complete, and prior to the installation of wall or ceiling  
220 membranes.
- 221 (iii) Final inspection: To be made after the building is  
222 complete, the mechanical system is in place and properly connected, and the  
223 structure is ready for occupancy.
- 224 e. Gas.
- 225 (i) Rough piping inspection: To be made after all new  
226 piping authorized by the permit has been installed, and before any such piping has  
227 been covered or concealed or any fixtures or gas appliances have been connected.
- 228 (ii) Final piping inspection: To be made after all piping  
229 authorized by the permit has been installed and after all portions which are to be  
230 concealed by plastering or otherwise have been so concealed, and before any  
231 fixtures or gas appliances have been connected. This inspection shall include a  
232 pressure test.
- 233 (iii) Final inspection: To be made on all new gas work  
234 authorized by the permit and such portions of existing systems as may be affected  
235 by new work or any changes in order to insure compliance with all the  
236 requirements of the construction codes and to assure that the installation and  
237 construction of the gas system is in accordance with reviewed plans.
- 238 f. Energy.

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(i) Foundation inspection: To be made before slab concrete is poured in place. To verify that perimeter insulation has been installed correctly on any slab on grade foundations, if required.

(ii) Frame inspection: To be made before exterior wall insulation is concealed by wall board, to check installation of exterior walls insulation, and to inspect that all holes and cracks through the structure envelope have been sealed in an appropriate manner as to restrict air passage.

(iii) Final inspection: To be made after the building is completed and ready for occupancy; to verify installation and R-value of ceiling and floor insulation, and to verify correct SEER ratings on appliances.

(7) *Written release.* Work shall not be done on any part of a building, structure, electrical, gas, mechanical or plumbing system beyond the point indicated in each successive inspection without first obtaining a written release from the building official. Such written release 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 three inspections.

(8) *Reinforcing steel, structural frames, insulation, plumbing, mechanical, or electrical systems.* Reinforcing steel, structural frame, insulation, plumbing, work of any part of any building or structure shall not be covered or concealed without first obtaining a release from the building official.

(9) *Plaster fire protection.* In all buildings where plaster is used for fire protection purposes, the permit holder or designated agent shall notify the building official after all lathing and backing is in place. Plaster shall not be applied until the release from the building official has been received.

(j) *Certificates.*

(1) *Certificate of occupancy.*

a. Building occupancy. A new building shall not be occupied or a change made in the occupancy, nature or use of a building or part of a building until after the building official has issued a certificate of occupancy. Said certificate shall not be issued until all required electrical, gas, mechanical, plumbing and fire protection systems have been inspected for compliance with the construction codes and other applicable laws and ordinances and released by the building official.

b. Issuing certificate of occupancy. Upon satisfactory completion of construction of a building or structure and installation of electrical, gas, mechanical and plumbing systems in accordance with the construction codes, reviewed plans and specifications, and after the final inspection, the building official 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 the construction codes.

c. Temporary/partial certificate of occupancy. A temporary/partial certificate of occupancy may be issued for a portion of a building, which may safely be occupied prior to final completion of the building.

d. Existing building certificate of occupancy. A certificate of occupancy for any existing building may be obtained by applying to the building

285 official and supplying the information and data necessary to determine  
286 compliance with the construction codes for the occupancy intended. Where  
287 necessary, in the opinion of the building official, two (2) sets of detailed  
288 drawings, or a general inspection, or both, may be required. When, upon  
289 examination and inspection, it is found that the building conforms to the  
290 provisions of the construction codes and other applicable laws and ordinances for  
291 such occupancy, a certificate of occupancy shall be issued.

292 (2) *Certificate of completion.* Upon satisfactory completion of a  
293 building, structure, electrical, gas, mechanical or plumbing system, a certificate of  
294 completion may be issued. This certificate is proof that a structure or system is  
295 complete and for certain types of permits is released for use and may be  
296 connected to a utility system. This certificate does not grant authority to occupy or  
297 connect a building, such as a shell building, prior to the issuance of a certificate of  
298 occupancy.

299 (3) *Service utilities.*

300 a. Connection of service utilities. No person shall make  
301 connections from a utility, source of energy, fuel or power to any building or  
302 system which is regulated by the construction codes for which a permit is  
303 required, until released by the building official and a certificate of occupancy or  
304 completion is issued.

305 b. Temporary connection. The building official may authorize  
306 the temporary connection of the building or system to the utility source of energy,  
307 fuel or power for the purpose of testing building service systems or for use under  
308 a temporary certificate of occupancy.

309 c. Authority to disconnect service utilities. The building  
310 official shall have the power to authorize disconnection of utility service to the  
311 building, structure or system regulated by the construction codes, in case of  
312 emergency where necessary, to eliminate an immediate hazard to life or property.  
313 The building official shall notify the serving utility and, whenever possible, the  
314 owner and occupant of the building, structure or service system of the decision to  
315 disconnect prior to taking such action. If not notified prior to disconnecting, the  
316 owner or occupant of the building, structure or service system shall be notified in  
317 writing, as soon as practical thereafter.

318 (k) *Posting floor loads.*

319 (1) *Occupancy.* An existing or new building shall not be occupied for  
320 any purpose, which will cause the floors thereof to be loaded beyond their safe  
321 capacity. The building official may permit occupancy of a building for mercantile,  
322 commercial or industrial purposes, by a specific business, when he is satisfied that  
323 such capacity will not thereby be exceeded.

324 (2) *Storage and factory-industrial occupancies.* It shall be the  
325 responsibility of the owner, agent, proprietor or occupant of Group S and Group F  
326 occupancies, or any occupancy where excessive floor loading is likely to occur, to  
327 employ a competent architect or engineer in computing the safe load capacity. All  
328 such computations shall be accompanied by an affidavit from the architect or  
329 engineer stating the safe allowable floor load on each floor in pounds per square



330 foot uniformly distributed. The computations and affidavit shall be filed as a  
331 permanent record of the building department.

332 (3) *Signs required.* In every building or part of a building used for  
333 storage, industrial or hazardous purposes, the safe floor loads, as reviewed by the  
334 building official on the plan, shall be marked on plates or approved design which  
335 shall be supplied and securely affixed by the owner of the building in a  
336 conspicuous place in each story to which they relate. Such plates shall not be  
337 removed or defaced, and if lost, removed or defaced, shall be replaced by the  
338 owner of the building.

339 (l) *Development services fee schedule.* All persons who utilize the services of  
340 the engineering department of the City are subject to the fees established by  
341 resolution from time to time by the Mayor and Council. The most recently  
342 adopted or amended fee schedule can be confirmed through the records of the  
343 City, maintained in the office of the city clerk.”

344 **Section 3.** (a) It is hereby declared to be the intention of the Mayor and Council that all  
345 sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their  
346 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

347 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest  
348 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this  
349 Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this  
350 Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the  
351 greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this  
352 Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase  
353 of this Ordinance.

354 (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance  
355 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise  
356 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the  
357 express intent of the Mayor and Council that such invalidity, unconstitutionality or  
358 unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional  
359 or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or

361 sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases,  
362 clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional,  
363 enforceable, and of full force and effect.  
364 Section 4. The preamble of this Ordinance shall be considered to be and is hereby  
365 incorporated by reference as if fully set out herein.  
366 Section 5. This Ordinance shall be codified in a manner consistent with the laws of the  
367 State of Georgia and the City.  
368 Section 6. All ordinances and parts of ordinances in conflict herewith are hereby  
369 expressly repealed.  
370 Section 7. The effective date of this Ordinance shall be the date of adoption unless  
371 otherwise specified herein.

372 **ORDAINED** this 21<sup>st</sup> day of September, 2015.

373 **CITY OF COLLEGE PARK, GEORGIA**

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376 **JACK P. LONGINO, Mayor**

377 **ATTEST:**

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380 **MELISSA BROOKS, City Clerk**

381 **APPROVED AS TO FORM:**  
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383 **STEVE FINCHER, City Attorney**