

CONSTRUCTION CODES IN GEORGIA

The Uniform Codes Act is codified at chapter 2 of title 8 of The Official Code of Georgia Annotated. O.C.G.A. Section 8-2-20(9)(B) identifies the ten "state minimum standard codes". Each of these separate codes typically consists of a base code (e.g. The International Building Code as published by the International Code Council) and a set of Georgia amendments to the base code. Georgia law further dictates that eight of these codes are "mandatory" (are applicable to all construction whether or not they are locally enforced) and two are "permissive" (only applicable if a local government chooses to adopt and enforce one or more of these codes). The Department of Community Affairs (DCA) is charged with the administration of the construction code program. The website is : www.dca.state.ga.us/development/ConstructionCodes/index.asp

The Current State Minimum Standard Codes

The following are the current state minimum standard codes for construction as adopted by the Board of Community Affairs. These are effective as of January 1, 2007.

PLEASE NOTE: There are Georgia Amendments to most of the following codes. Please contact the Construction Codes and Industrialized Buildings Section of DCA at 404-679-3118 for more information concerning these amendments.

Current Codes as Adopted by DCA - Mandatory Codes:

- International Building Code, 2006 Edition, with Georgia **Amendments (2007)**
- International Residential Code, 2006 Edition, with Georgia **Amendments (2007)**
- International Fire Code, 2006 Edition, with Georgia **Amendments (2007)**
- International Plumbing Code, 2006 Edition, with Georgia **Amendments (2007)**
- International Mechanical Code, 2006 Edition, with Georgia **Amendments (2007)**
- International Fuel Gas Code, 2006 Edition, with Georgia **Amendments (2007)**
- National Electrical Code, 2005 Edition, with Georgia **Amendments (2006)**
- International Energy Conservation Code, 2000 Edition, with Georgia **Supplements and Amendments (2003)**, **Supplements and Amendments (2005)**, **Supplements and Amendments (2006)**, and **Supplements and Amendments (2007)**

Note: The DCA Board specifically omitted the plumbing and electrical requirements of the International Residential Code for One- and Two-Family Dwellings (IRC). Therefore the plumbing requirements of the International Plumbing Code and the electrical requirements of the National Electrical Code must be used.

Current Codes as Adopted by DCA - Permissive Codes:

- International Property Maintenance Code, 2003 Edition
- International Existing Building Code, 2003 Edition

As noted above, the building, one and two family dwelling (IRC), fire, plumbing, mechanical, gas, electrical and energy codes are mandatory codes, meaning that under Georgia law, any structure built in Georgia must comply with these codes, whether or not the local government chooses to locally enforce these codes.

In addition, since Georgia law gives the enumerated codes statewide applicability, local governments should not adopt the mandatory codes themselves. Local governments must, however, adopt administrative procedures in order to enforce them (O.C.G.A. Section 8-2-25(a)). However, the local government can choose which of the mandatory codes it wishes to locally enforce.

The remaining codes are referred to as permissive codes. Unlike the mandatory codes, in order for a local government to enforce one or more of these permissive codes, that code or codes must be adopted, either by ordinance or resolution, by the local jurisdiction. A copy of the ordinance or resolution adopted must be forwarded to DCA (O.C.G.A. Section 8-2-25 (b)).

Administration and Enforcement of the State Minimum Standard Codes

In order to properly administer and enforce the state minimum standard codes, local governments must adopt reasonable administrative provisions. The power to adopt these administrative procedures is set forth in O.C.G.A. Section 8-2-26(a)(1). These provisions should include procedural requirements for the enforcement of the codes, provisions for hearings, provisions for appeals from decisions of local inspectors, and any other procedures necessary for the proper local administration and enforcement of the state minimum standard codes. These powers include:

- Inspecting buildings and other structures to ensure compliance with the code;
- Employing inspectors and other personnel necessary for the proper enforcement of codes;
- Requiring permits and to establishment charges for said permits; and
- Contracting with other local governments for code enforcement.

DCA periodically reviews, amends and/or updates the state minimum standard codes. If a local government chooses to locally enforce any of these codes, it must enforce the latest editions and the amendments adopted by DCA.

DCA has developed a sample resolution/ordinance that may be used as a guide for local governments in the development of their administrative procedures. Please contact DCA for a copy of this sample resolution/ordinance and for any technical assistance needed in the development of a local code enforcement program.

Appendices

It should be noted that The Uniform Codes Act states that the appendices of the codes are not enforceable unless referenced in the body of the code, adopted by DCA, or specifically adopted by a municipality or county. If any appendices have been adopted by DCA, they will be noted in the Georgia amendments to the base code.

Local Amendments

The Uniform Codes Act provides that local governments may, under certain conditions, adopt local amendments to the state minimum standard codes. **Please note that DCA does not approve or disapprove any local amendment. The department provides a recommendation only. However, in order to enforce any local amendment, the local government must submit the proposed amendment to DCA for review** (O.C.G.A. Section 8-2-25(c)).

There are several requirements local governments must meet in order to enact a local code amendment. These requirements are as follows:

- The requirements in the proposed local amendment cannot be less stringent than the requirements in the state minimum standard code;
- The local requirements must be based on local climatic, geologic, topographic, or public safety factors;
- The legislative findings of the local governing body must identify the need for the more stringent requirements; and
- The local government must submit the proposed amendment to DCA 60 days prior to the proposed adoption of such an amendment.

After submittal of the proposed local amendment, DCA has 60 days in which to forward its recommendations to the local government. DCA may respond in three ways: recommend adoption of the amendment, recommend the amendment not be adopted, or have no comment on the proposal. If DCA recommends against the adoption of the proposed amendment, the local governing body must vote specifically to reject DCA's recommendation before the local amendment can be adopted and enforced. If DCA fails to respond within the 60-day timeframe, the local government may adopt the proposed local amendment.

After adoption by the local governing authority, copies of local amendments must be filed with DCA.

For more information contact Ted Miltiades, Director of Construction Codes and Industrialized Buildings (DCA) at 404-679-3118 or Bettie Sleeth, Vice-President of Regulatory Affairs (HBAG) at 404-763-2453 or bsleeth@hbag.org