

## **TITLE 7**

### **BUILDINGS AND CONSTRUCTION**

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## Chapter 1

**BUILDING AND BUILDING  
REGULATIONS****ARTICLE 1 IN GENERAL****Sec. 7-1-1. Scope.**

The provisions of this Chapter shall govern the administration and enforcement of the Standard Building, Gas, Mechanical and Plumbing Codes, and the National Electric Code, hereinafter referred to as the technical codes, as are adopted in Article 7 herein.

**Sec. 7-1-2. Title.**

The provisions embraced within the following articles and sections shall constitute and be known and may be cited as The Building Code of Augusta-Richmond County, hereinafter referred to as this building code.

**Sec. 7-1-3. Code remedial.**

(a) *General.* This building 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.

(b) *Quality control.* Quality control of materials and workmanship is not within the purview of this building code except as it related to the purposes stated herein.

(c) *Permitting and inspection.* The inspection or permitting of any building, system or plan by any jurisdiction, under the requirements of this building code, shall not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy. No

jurisdiction nor any employee thereof shall be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building, system or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting.

**Sec. 7-1-4. Applicability.**

(a) *Generally.* Where, in any specific case, different sections of this building code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

(b) *Building.* The provisions of the Standard Building Code 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.

(c) *Electrical.* The provisions of the National Electrical Code shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

(d) *Gas.* The provisions of the Standard Gas Code shall apply to the installation of consumers' gas piping, gas appliances and related accessories as covered in this building 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.

(e) *Mechanical.* The provisions of the Standard Mechanical Code 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.

(f) *Plumbing.* The provisions of the Standard Plumbing Code shall apply to every plumbing installation, including alterations, repairs, replace-

ment, equipment, appliances, fixture, fittings and appurtenances, and when connected to a water or sewerage system.

(g) *Federal or state authority.* The provisions of this building 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 the adoption of this building code or of any remedy then existing for the enforcement of its orders, nor shall it deprive any individual or corporation of its legal rights as provided by law.

(h) *Appendices.* To be enforceable, the appendices included in the technical codes must be referenced in the code text or specifically included in the adopting ordinance.

(i) *Referenced standards.* Standards referenced in the technical codes shall be considered an integral part of the codes without separate adoption. If specific portions of a standard are denoted by code text, only those portions of the standard shall be enforced. Where code provisions conflict with a standard, the code provisions shall be enforced. Permissive and advisory provisions in a standard shall not be construed as mandatory.

**Sec. 7-1-5. Alteration or repair of existing building.**

Alterations or repairs to existing buildings shall be governed by the Standard Housing Code.

**Sec. 7-1-6. Change in occupancy of existing building.**

If the occupancy of an existing building is entirely changed, the building shall be made to conform to the requirements of this building code for the new occupancy. If the occupancy of only a portion of an existing building is changed and that portion is separated from the remainder of the building, then that portion must be made to conform pursuant to applicable building codes.

**Sec. 7-1-7. Reserved.**

**Sec. 7-1-8. Preferential classification and assessment of landmark historic property.**

Property in Augusta-Richmond County, Georgia, may qualify as landmark historic property and be eligible to receive the preferential assessment provided for in section (c.1) of O.C.G.A. § 48-5-7.

**Sec. 7-1-9. Installation or maintenance by homeowner.**

Nothing in this building code shall prevent a homeowner from installing electrical, mechanical or plumbing systems or maintaining his home within his own property boundaries, provided such work is done by himself and is used exclusively by him or his family. Such privilege does not convey the right to violate any of the provisions of this building code, nor is it construed as exempting any such property owner from obtaining a permit, paying required fees and requesting inspections.

**Secs. 7-1-10—7-1-15. Reserved.**

**ARTICLE 2. STRUCTURAL STANDARDS AND REQUIREMENTS**

**Sec. 7-1-16. Technical codes—Adopted by reference.**

The following codes as promulgated by the State of Georgia through the Department of Community Affairs are hereby adopted and incorporated by reference effective April 1, 1996. (Several have been in effect since October 1, 1995).

Adoption of the codes and appropriate appendices; codes that are amended by the State of Georgia are so denoted:

| <i>Code</i>                   | <i>Edition</i> | <i>GA</i> | <i>Adopted Amend<br/>Appendices</i> |
|-------------------------------|----------------|-----------|-------------------------------------|
| <b>Georgia Mandated Codes</b> |                |           |                                     |

| <i>Code</i>                             | <i>Edition</i> | <i>GA</i> | <i>Adopted Amend Appendices</i> |
|---|----------------|-----------|---------------------------------|
| International Building Code             | 2006           | *         |                                 |
| International Plumbing Code             | 2006           | *         |                                 |
| International Fuel Gas Code             | 2006           | *         |                                 |
| International Mechanical Code           | 2006           | *         |                                 |
| National Electrical Code                | 2005           | *         |                                 |
| International Energy Conservation Code  | 2000           | *         |                                 |
| International Fire Code                 | 2006           | *         |                                 |
| International Residential Code          | 2006           | *         |                                 |
| <b>Georgia Optional Codes</b>           |                |           |                                 |
| Standard Unsafe Building Abatement      | 1985           |           |                                 |
| International Property Maintenance Code | 2003           |           |                                 |
| Standard Swimming Pool Code             | 1994           | *         |                                 |

The building and inspection department shall be responsible for the administration and enforcement of the above codes adopted by reference.

Any person or persons failing to comply with the provisions of the above codes in Augusta-Richmond County shall be guilty of an offense and upon trial as a misdemeanor and conviction, shall be punished as provided in section 1-6-1 of this Code.

(Ord. No. 6448, § 1, 1-2-02; Ord. No. 6689, § 1, 3-16-04; Ord. No. 6939, § 12, 1-2-07)

**Sec. 7-1-17. Same—Conflicts with chapter provisions.**

All provisions in this chapter in conflict with any provisions of the codes adopted in section 7-1-16 shall govern and control, and the conflicting provisions of the adopted codes shall be repealed.

**Sec. 7-1-18. Reserved.**

**Editor’s note**—Ord. No. 6176, adopted in 1999, repealed § 7-1-18 in its entirety. Formerly, said section pertained to rigid or thin wall conduit required in certain installations.

**Sec. 7-1-19. Mothballing vacant structures.**

(a) In lieu of enforcement under other provision of this Code, *the* owner(s) of a vacant structure may elect to close or 'mothball' the structure if the structure is vacant and unfit for human habitation and occupancy, and it is not dilapi-

dated, unsafe, unsanitary, or in danger of structural collapse. Mothballing is defined as a method used to protect a vacant structure from weather damage and vandals while preserving the structure for future use. The goal of mothballing is to temporarily protect the property to allow the owner to plan the property's future, or acquire funds for preservation, rehabilitation or restoration. In historic districts, the owner, prior to mothballing, must obtain a certificate of appropriateness pursuant to Augusta-Richmond County Code Title 7, Chapter 4, Article 4, Application to Preservation Commission for certificate of appropriateness.

(b) Prior to mothballing a structure, the property owners will be required to register the vacant property with the Augusta License and Inspection Department. The Augusta License and Inspection Department will issue a mothballing permit. Within ten (10) days of completion of the mothballing, the property owner must contact the Augusta License and Inspection Department to schedule an initial compliance inspection. Annually, the property will be inspected for compliance with the provisions of this Code Section.

(Ord. No. 6875, § 1, 3-29-06)

**Sec. 7-1-19.2. Registration of vacant and abandoned buildings.**

(a) Owners of vacant buildings, who elect to mothball in lieu of repairing or demolishing the structure, must register their properties at the

license and inspection department prior to beginning work. This registration shall be made through a form provided by the department and shall include a list of a contact person or persons responsible for the maintenance and repair of the property. This form shall contain the current telephone numbers and addresses of all contact persons. It is the sole responsibility of the property owner to update this information at the license and inspection department.

(b) Mothballing permit. After registration, the owners of vacant buildings must obtain a mothballing permit from the license and inspection department. The cost of the mothballing permit is twenty dollars (\$20.00) that includes the compliance inspection. A separate building permit may be required for building repairs.

(c) Term of permit, one year; option to renew for one year. A mothballing permit shall be valid for one year next following the date of the registration of the property and may be renewed for one year next following the first anniversary of the date of the issuance of said permit. The fee for the renewal term shall be \$20.00 and shall be paid when application is made for renewal. (Ord. No. 6875, § 1, 3-29-06; Ord. No. 6957, § 2, 3-6-07)

**Sec. 7-1-19.3. Specific mothballing procedures.**

The three highest priorities for a mothballed building are: 1) to protect the building from sudden loss, 2) to weatherize and maintain the property to stop moisture penetration, and 3) to control the humidity levels inside once the building has been secured. (Ord. No. 6875, § 1, 3-29-06)

**Sec. 7-1-19.4. General mothballing procedures.**

(a) A properly mothballed building will have a watertight roof, secured doors and windows, repaired or stabilized rot problems, painted wood, repaired masonry, and well maintained grounds. All trash, debris, garbage should be removed from inside, outside and under the house.

(b) To ensure compliance with this Code section, the property owner, at a minimum, should take the following actions:

- (1) The building's roof should be weather tight. Missing shingles should be replaced, holes should be repaired. Rolled roofing is acceptable as a temporary repair material; but if it is used, it must be securely installed.
- (2) Windows should be covered on the exterior with high grade plywood cut to fit within the window opening. Window coverings should be attached with screws to minimize damage to the window when they are removed. Window coverings should be painted a flat color — i.e. dark grey or black, or a color that matches the building.
- (3) The water should be turned off and the pipes drained. If the building has a functional sprinkler system, it should remain operational.
- (4) All electrical systems not necessary for security, fire prevention, and/or ventilation should be disconnected.
- (5) Exterior walls surfaces shall be free of breaks, holes, loose or missing materials to prevent deterioration. All exterior surfaces shall be repaired and protected from the elements including but not limited to porches, decks, balconies and fences. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion. Gutters should be cleaned and inspected to verify that they discharge away from the building. Corrective measures should be taken as necessary.
- (6) Potential points for water intrusion, like crawlspace openings and basement windows, should be blocked and the water diverted away from the building; however, basement and crawlspace ventilation shall be maintained.
- (7) Loose architectural elements like brackets that should be documented, removed, and stored on site. Securely attached material should not be removed.

- (8) Chimneys should be securely blocked with heavy duty wire mesh to prevent animal intrusion.
  - (9) The building should be adequately ventilated. Small openings covered with heavy duty wire mesh at the top of window coverings may be adequate. In humid climates, forced air ventilation may be necessary.
  - (10) Vegetation around the building should be pruned back from the walls a minimum of twelve (12) inches to allow good airflow. Overhanging dead tree limbs and branches should be removed. The property grounds shall be maintained at all times (including bushes, beds, and other vegetation), the grass shall not exceed six (6) inches in height and the property shall be kept free of trash and debris at all times.
  - (11) The owner shall establish a monitoring and maintenance schedule for the building. The schedule, at a minimum, should require that a drive-by inspection be done on a monthly basis, that a walk around be done every three (3) months, and that the building be entered and inspected annually.
- (Ord. No. 6875, § 1, 3-29-06)

**Sec. 7-1-19.5. Mothballing—Boarding specifications.**

The property owner must comply with the following minimum requirements regarding windows, exterior doors and other openings in exterior walls of vacant structures.

- (1) *Minimum cleaning and safety requirements:*
  - a. Remove to legal dumpsite all trash debris, garbage from inside, outside and under house before boarding. (Keep on file copy of all receipts from landfill or their disposal facility for review.)
  - b. Correct health and structural hazards inside, outside and under house before boarding.
- (2) *Minimum window board-up requirements*
  - a. Remove windowpanes if broken. If window panes not broken, lower or raise window sash to permit installation of carriage bolts described below.
  - b. Neatly cut a single piece of one-half ( $\frac{1}{2}$ ) inch high grade exterior plywood that is sized to fit snugly inside the window opening against the windows stop. Consider installing two (2) inches  $\times$  four (4) inches blocking within opening for back of plywood to rest against snugly.
  - c. Cut an opening centered and six (6) inches below the top of the plywood and install a metal soffit vent that covers the opening but allows light to enter the structure once the plywood has been installed. Use screws to attach the vent to the plywood.
  - d. Cut at least two two (2) inches  $\times$  four (4) inches wood support members that are sixteen (16) inches wider than the window opening.
  - e. The support members are to be mounted horizontally and flush against the interior window casing with eight (8) inches extending left and right of the window opening. The top support should be located within one-fourth ( $\frac{1}{4}$ ) and one-third ( $\frac{1}{3}$ ) of the window opening height from the top of the opening. The bottom support should be located within one-half ( $\frac{1}{2}$ ) to one-third ( $\frac{1}{3}$ ) of the window opening height from the bottom of the opening.
  - f. Drill at least two holes in each of the two (2) inches  $\times$  four (4) inches support members then drill holes in the plywood that line up with the holes drilled in the support members.
  - g. Insert a washer over the end of a three-eighths ( $\frac{3}{8}$ ) inch diameter round, smooth head, carriage bolt.
  - h. Line up each hole in the two (2) inches  $\times$  four (4) inches support member and the plywood.

- i. At each hole, insert a three-eighths ( $\frac{3}{8}$ ) inch diameter carriage bolt—from exterior to interior—through the plywood, through the window opening and through the two (2) inches × four (4) inches and plywood toward each other until there is no play.
  - j. Prime the exterior surface of the plywood.
  - k. On the exterior, caulk the perimeter edges of the plywood.
  - l. Paint the exterior surface of the plywood a flat color — i.e. dark grey or black, or a color that matches the building.
- (3) *Minimum exterior door board-up requirements.*
- a. Remove door.
  - b. Neatly cut a single piece of one-half ( $\frac{1}{2}$ ) inch high grade exterior plywood that is sized to fit snugly inside the door opening against the door-stop. Consider installing two (2) inches × four (4) inches blocking within opening for back of plywood to rest against snugly.
  - c. Cut an opening centered and six (6) inches below the top of the plywood and install a metal soffit vent that covers the opening but allow light to enter the structure once the plywood has been installed. Use screws to attach the vent to the plywood.
  - d. Cut a least two two (2) inches times; four (4) inches wood support members that are sixteen (16) inches wider than the door opening.
  - e. The support members are to be mounted horizontally and flush against the interior door casing with eight (8) inches extending left and right of the door opening. The top support should be located within one-fourth ( $\frac{1}{4}$ ) and one-third ( $\frac{1}{3}$ ) of the door opening height from the top of the opening. The bottom support should be located within one-fourth ( $\frac{1}{4}$ ) to one-third ( $\frac{1}{3}$ ) of the door opening height from the bottom of the opening.
  - f. Drill at least two (2) holes in each of the two (2) inches × four (4) inches support member and the plywood. At each hole, insert a three-eighths ( $\frac{3}{8}$ ) inch diameter carriage bolt—from exterior to interior—through the plywood, through the door opening and through the two (2) inches × four (4) inches.
  - g. Insert a washer over the end of a three-eighths ( $\frac{3}{8}$ ) inch diameter round, smooth head, carriage.
  - h. Line up each hole in the two (2) inches × four (4) inches support member and the plywood. At each hole, insert a three-eighths ( $\frac{3}{8}$ ) inches diameter carriage bolt—from exterior to interior—through the door opening and through the two (2) inches × four (4) inches.
  - i. Slip a three-eighths ( $\frac{3}{8}$ ) inch diameter nut and washer over the end of the carriage bolt inside the structure and securely tighten the nut—pulling the two (2) inches × four (4) inches and plywood toward each other until there is no play.
  - j. Prime the exterior surface of the plywood.
  - k. On the exterior, caulk the perimeter edges of the plywood.
  - l. Paint the exterior surface of the plywood a flat color—i.e. dark grey or black, or a color that matches the building.
- (4) *Crawlspace / basement door, gable vent or other opening.*
- a. Remove door or vent and install when necessary two (2) inches × four (4) inches blocking in the opening.

- b. Cut a single piece of one-half (½) inch high grade exterior plywood that will fit snugly against the outside edge of the blocking.
- c. Screw plywood snugly to blocking using at least one (1) inch screws.
- d. Prime the exterior surface of the plywood and caulk the perimeter edges.
- e. Paint the exterior surface of the plywood a flat color — i.e. dark grey or black, or a color that matches the building.

(Ord. No. 6875, § 1, 3-29-06)

**Sec. 7-1-19.6. Completion period.**

(a) *Period of completion.* Owners of vacant structures shall have ninety (90) days from date of issuance of the mothballing a permit to complete mothball the building, in compliance with these provisions.

(b) *Extension.* The director, license and inspection department may extend the completion period up to ninety (90) days based on unusual circumstances and financial hardships.  
(Ord. No. 6875, § 1, 3-29-06)

**Sec. 7-1-19.7. Initial compliance inspection.**

(a) *Initial compliance inspection.* The license and inspection department will conduct an initial mothballing compliance inspection of the building, and shall issue an acceptance certificate if the property owner has substantially complied with the requirements as set forth in.

(b) *Non-acceptance.* If the owner has not substantially complied with the requirement of this ordinance, the department shall issue a note of non-acceptance during the initial compliance inspection, the department shall provide the owner with a copy of the noted deficit area(s). The building owner will have thirty (30) days from the date of the inspection within which to take corrective action(s) and request another compliance inspection. The owner may be subject to other

enforcement proceedings under this Code if the department notes the structure as non-acceptance during a follow-up compliance inspection.  
(Ord. No. 6875, § 1, 3-29-06)

**Sec. 7-1-19.8. Annual compliance inspections.**

To ensure compliance, the license and inspection department will conduct annual inspections of all structures registered under this Code section.  
(Ord. No. 6875, § 1, 3-29-06)

**Sec. 7-1-19.9. Enforcement.**

The license and inspection department will be responsible for enforcing compliance with the mothballing ordinance.  
(Ord. No. 6875, § 1, 3-29-06)

**Secs. 7-1-20—7-1-25. Reserved.**

**ARTICLE 3. LICENSE AND INSPECTION DEPARTMENT**

**Sec. 7-1-26. Established.**

There is hereby established a department, to be called the License and Inspection Department.

**Sec. 7-1-27. Employee qualifications.**

(a) *Director-Building Official qualifications.* The person in charge of the License and Inspection Department shall be known as the Director-Building Official. The Director-Building Official shall have had at least ten (10) years' experience or equivalent as an architect, engineer, inspector, contractor, or superintendent of construction, or any combination of these, five (5) years of which shall have been in responsible charge of work. The Director-Building Official shall be certified as a building official through a recognized certification program. The Director-Building Official shall be appointed or hired by the Augusta-Richmond County Commission and shall not be removed from the office except for cause after full opportunity has been given to be heard on specific charges before the Commission.

(b) *Manager of construction qualifications.* The Director-Building Official, with the approval of the applicable governing authority, may designate a Manager of Construction to administer the provisions of the Building, Electrical, Gas, Mechanical and Plumbing codes. The Manager shall have at least ten (10) years' experience or equivalent as an architect, engineer, inspector, contractor, or superintendent of construction, or any combination of these, five (5) years of which shall have been in responsible charge of work. The Manager should be certified at a minimum as a building inspector through a recognized certification program. The Manager shall also be known as Chief Inspector and shall not be removed from office except for cause after full opportunity has been given to be heard on specific charges before the Commission.

(c) *Inspector qualifications.* The Director-Building Official, with the approval of the chief appointing authority, may appoint such number of officers, inspectors, assistants, and other employees as shall be authorized from time to time. A person shall not be appointed as inspector of construction who has not had at least five (5) years' experience as an building inspector, engineer, architect, or as a superintendent, foreman, or competent mechanic in charge of construction. The inspector should be certified, through a recognized certification program for the appropriate trade.

**Sec. 7-1-28. Restrictions on employees' business interests.**

An officer or employee connected with the department, except one whose only connection is as a member of the board established by this building code, shall not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, structure, service, system, or in the making of plans or specifications therefor, unless he is the owner of such building. Such officer or employee shall not engage in any work which is inconsistent with his duties or with the interests of the department.

**Sec. 7-1-29. Records and reports.**

(a) The Director-Building Official shall keep, or cause to be kept, a record of the business of the department. The records of the department shall be open to public inspection.

(b) The Director-Building Official shall annually submit a report to the Augusta-Richmond County Administrator covering the work of the department during the preceding year. He may incorporate in said report a summary of the decisions of the Construction Advisory Board during said year.

**Sec. 7-1-30. Liability, defense of employees for actions taken in the course of their duties.**

Any officer or employee, or member of the Construction Advisory Board, charged with the enforcement of this building code, acting for the governing body in the discharge of his duties, shall not thereby render himself liable personally; and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer or employee or member because of such act performed by him in the enforcement of any provision of this building code shall be defended by the Augusta-Richmond County attorney until the final termination of the proceedings.

**Sec. 7-1-31. Powers and duties of Director-Building Official.**

(a) The Director-Building Official shall enforce the provisions of this building code, and is authorized to render interpretations of this building code which are consistent with its spirit and purpose. The Director-Building Official's powers shall include, but not be limited to, the following:

- (1) *Right of entry.* Whenever necessary to make an inspection to enforce any of the provisions of this building code, or whenever the Director-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, electrical, gas, mechanical or plumbing systems unsafe, dangerous or hazardous, the building official may enter such building, structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Director-

Building Official by this building code. If such building or premises are occupied, he shall first present proper credentials and request entry. If such building, structure, or premises are unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of such and request entry. If entry is refused, the building official shall have recourse to every remedy provided by law to secure entry.

When the Director-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 Director-Building Official, or his designer, for the purpose of inspection and examination pursuant to this building code.

- (2) *Inspections.* The Director-Building Official may make, or cause to be made, the inspections required by this building code.
- (3) *Tests.* The Director-Building Official may require tests or test reports as proof of compliance. Tests, if required, are to be made at the expense of the owner, or his agent, by an approved testing laboratory or other approved agency. Copies of such test reports or the results of all such tests shall be kept on file in the office of the Director-Building Official.
- (4) *Stop work orders.* Upon notice from the license and inspection department, work on any building, structure, electrical, gas, mechanical or plumbing system that is being done contrary to the provisions of this building code or in a dangerous or unsafe manner, shall be immediately stopped. 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 may be resumed.

Where an emergency exists, written notice shall not be required to be given by the license and inspection department.

- (5) *Revocation of permits.*
  - a. The Director-Building Official may revoke a permit or approval, issued under the provisions of this chapter, in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.
  - b. The Director-Building Official may revoke a permit upon determination by the Director-Building Official that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the building, structure, electrical, gas, mechanical or plumbing systems for which the permit was issued is in violation of, or not in conformity with, the provisions of this building code.

**Sec. 7-1-32. Requirements not covered by code.**

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

**Sec. 7-1-33. Alternate materials and methods.**

The provisions of the technical codes are not intended to prevent the use of any material or method of construction not specifically prescribed by them, provided any such alternate has been reviewed by the Director-Building Official. The Director-Building Official shall approve any such alternate, provided the Director-Building Official finds that the alternate for the purpose intended is at least the equivalent of that prescribed in the technical codes, in quality, strength, effectiveness, fire resistance, durability and safety. The Director-

Building Official shall require that sufficient evidence or proof by submitted to substantiate any claim made regarding the alternate.

**Secs. 7-1-34—7-1-45. Reserved.**

**ARTICLE 4. CONSTRUCTION ADVISORY BOARD\***

**Sec. 7-1-46. Created.**

There is hereby created the Augusta-Richmond County Construction Advisory Board which shall consist of ten (10) members. The Board shall serve in an advisory and mediation capacity only, and all members shall be appointed by the Augusta-Richmond County Commission and shall serve at the pleasure thereof.

**Sec. 7-1-47. Composition.**

The board shall be composed of the following:

- a. One (1) licensed electrical contractor;
- b. One (1) master plumber;
- c. One (1) licensed HVAC contractor;
- d. One (1) commercial contractor;
- e. One (1) residential contractor;
- f. One (1) architect;
- g. One (1) electrical engineer;
- h. One (1) consulting engineer;
- i. One (1) consumer member—Super District 9; and
- j. One (1) consumer member—Super District 10.

Members, other than the initial members, shall be appointed for terms of four (4) years. Vacancies shall be filled for an unexpired term in the amount of which the original appointments are required to be made. Continued absence of any member from regular meetings of the Board shall, at the discretion of the Commission, render any such member liable to immediate removal from office.

\***Editor’s note**—Ord. No. 6308, § 1, adopted Oct. 3, 2000, amended Art. 4 in its entirety to read as herein set out. See the Code Comparative Table.

The Augusta-Richmond County employee holding the position of Director-Building Official of the License and Inspection Department shall be responsible for all administrative duties and support to the Advisory Board. The Director-Building Official, Building Inspectors, Planning Commission Director, Utilities Department Director, Public Works Director, and Fire Chief, employed by Augusta-Richmond County shall serve in an advisory capacity as non-voting, ex-officio members of the Advisory Board.

At its first meeting of each calendar year, the Construction Advisory Board shall elect one (1) of its members as Chairman and one (1) of its members as Vice-Chairman to serve during the calendar year and until his/her successor has been elected and qualified for office. The Chairman shall preside at meetings of the Advisory Board. In the absence of the Chairman, the Vice-Chairman shall preside at the meetings. In order to take any action, a quorum of at least a majority of the voting members of the Advisory Board must be present at the duly called meeting. A vote of a majority of the voting members present at the duly called meeting at which a quorum is present shall be required to adopt or approve any proposed action by the Board.

The Construction Advisory Board shall meet on the second Thursday in each of the following months: January, March, May, July, September, and November. Special meetings may be called by the Chairman, or Vice-Chairman, as he/she deems necessary.

**Sec. 7-1-48. Duties.**

The Construction Advisory Board shall adopt such reasonable rules and regulations as are necessary for the conduct of its affairs and shall, when needing legal advice, consult with the Augusta-Richmond County attorney, through the department Director/Building Official. It shall be the duties of the Construction Advisory Board to:

- (a) Serve in an advisory capacity to the Commission on matters pertaining to Construction.
- (b) Conduct mediation hearings to resolve differences of opinions in the interpreta-

tion of all construction codes and inspection procedures in force in Augusta-Richmond County.

- (c) Make recommendations to the Commission concerning unresolved matters in interpretation of codes and inspection procedures.
- (d) The Advisory Board Committee will not make any changes from the standard codes adopted. If it is felt that any code does not meet Augusta-Richmond County's needs due to unique physical or climatological conditions, a proposal to modify a code may be submitted to the Commission through the department Director/Building Official.
- (e) Serve as a liaison between the City of Augusta and builders, developers, design professionals and other disciplines involved in the building and development industries. This duty includes dissemination of information such as adoption of new building codes and changes in policies to these groups and the general public.
- (f) Appoint a member of the Construction Advisory Committee to serve as an ex-officio member of the Subdivision Regulations Committee.

**Secs. 7-1-49—7-1-55. Reserved.**

**Sec. 7-1-56. Appeals proceedings—authorized; filing notice of appeal.**

(a) Whenever the Director/Building Official shall reject or refuse to approve the mode or manner of construction proposed to be followed, or materials to be used in the erection or alteration of a building or structure, or when it is claimed that the provisions of the building code do not apply, or that an equally good or more desirable form of construction can be employed in any specific case, or when it is claimed that the true intent and meaning of the building code or any of the regulations thereunder have been misconstrued or wrongly interpreted, the owner of such building

or structure or his duly authorized agent, may appeal from the decision of the Director/Building Official to the Construction Advisory Board.

(b) Notice of Appeal shall be in writing and filed within ten (10) days after the decision is rendered by the Director/Building Official. A fee of fifty dollars (\$50.00) shall accompany such notice of appeal. In case of a building or structure which, in the opinion of the Director/Building Official, is unsafe or dangerous, the Director/Building Official may, in his order, limit the time for such appeal to be a shorter period. Appeals hereunder shall be on forms provided by the Director/Building Official.

**Sec. 7-1-57. Same-decisions.**

(a) The Advisory Board shall, in every case, reach a decision without unreasonable or unnecessary delay.

(b) The Advisory Board, when so appealed to and after a hearing, may vary the application of any provision of this building code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this building code or public interest, or when, in its opinion, the interpretation of the Director/Building Official would be modified or reversed. A decision of the Board to vary the application of any provision of this building code or to modify an order of the Director/Building Official shall specify in what manner such variation or modification is made, the conditions upon which it is made, and the reasons therefor.

(c) Every decision of the Advisory Board shall be final, subject, however, to such remedy as any aggrieved party might have at law or in equity. It shall be in writing and shall indicate the vote upon the decision. Every decision shall be promptly filed in the office of the Director/Building Official, and shall be open to public inspection; a copy shall be sent by mail or otherwise to the applicant.

(d) If a decision of the Advisory Board reverses or modifies a refusal, order, or disallowance of the Director/Building Official, or varies the applica-

tion of any provision of the building code, the Director/Building Official shall immediately take action in accordance with such decision. (Ord. No. 6308, 10-3-00)

**Secs. 7-1-58-7-1-80. Reserved.**

**ARTICLE 5. PERMITS, INSPECTIONS AND CERTIFICATES OF OCCUPANCY**

**Sec. 7-1-81. Permit application; exceptions.**

(a) *When required.* Any owner, authorized agent, or 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, mechanical or plumbing system, the installation of which is regulated by the technical codes, or to cause any such work to be done, shall first make application to the Director-Building Official and obtain the required permit for the work.

(b) *Exceptions.* Permits shall not be required for the following mechanical work: (i) any portable heating appliance; (ii) any portable ventilation equipment; (iii) any portable cooling unit; (iv) any steam, hot or chilled water piping within any heating or cooling equipment regulated by this building code; (v) replacement of any part which does not alter its approval or make it unsafe; (vi) any portable evaporative cooler; or (vii) any self-contained refrigeration system containing 10 lb. (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.

(c) *Temporary structures.* A special building permit for a limited time shall be obtained before the erection of temporary structures such as construction sheds, seats, canopies, tents and fences used in construction work or for temporary purposes such as reviewing stands. Such structures shall be completely removed upon the expiration of the time limit stated in the permit.

(d) *Work authorized.* A building, electrical, gas, mechanical or plumbing permit 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 covered by the specifications submitted with the application, separate permits shall be required.

(e) *Minor repairs.* Ordinary minor repairs 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 the technical codes.

(f) *Information required.* Each application for a permit, with the required fee, shall be filed with the license and inspection department 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 license and inspection department.

(g) *Time limitations.* An application for a permit for any proposed work shall be deemed to have been abandoned six (6) months after the date of filing for the permit, unless before then a permit has been issued. One or more extensions of time for periods of not more than ninety (90) days each may be allowed by the Director-Building Official for the application, provided the extension is requested in writing and justifiable cause is demonstrated.

(h) *Issuance to contractors only.* No permit, except for homeowners as provided for in section 7-1-9 and section 7-1-121(a), shall be issued to anyone other than a properly licensed contractor under the laws of the State of Georgia and the ordinances of Augusta-Richmond County.

**Sec. 7-1-82. Drawings and specifications.**

(a) *Requirements.* When required by the Director-Building Official, two (2) or more copies of specifications, and of drawings drawn to scale with sufficient clarity and detail to indicate the nature and character of the work, shall accompany every application. 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 building code. Such information shall be specific, and this building code shall not be cited as a whole or in part, nor shall the term legal or its equivalent be used, as a substitute for specific information. All information, drawings, specifications and accompanying data shall bear the name and signature of the person responsible for the design.

(b) *Additional data.* The Director-Building Official may require details, computations, stress diagrams, and other data necessary to describe the construction and basis of calculations.

(c) *Design professionals.* All drawings, specifications, and accompanying data shall bear the name and address of the designer. In the case of buildings or structures of Group E-Educational, Group I-Institutional and Group A-Assembly occupancy, and all buildings or structures three (3) stories or more in height or five thousand (5,000) square feet in area, except one and two-family dwellings, such designer shall be an architect or engineer legally registered under the laws of this state regulating the practice of architecture or engineering and shall affix his official seal to said drawings, specifications and accompanying data. For all other buildings and structures, the submittal shall bear the certification of the applicant that some specific state law exception permits its preparation by a person not so registered. Group R-3 buildings, regardless of size, shall require neither a registered architect or engineer, nor a certification that an architect or engineer is not required.

(d) *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 required fire-resistive wall, floor or partition will be made for electrical, gas, mechanical, plumbing and communication conduits, pipes and systems and also indicate in sufficient detail how the fire integrity will be maintained where required fire resistive floors intersect the exterior walls.

**Sec. 7-1-83. Site drawings; boundary line survey.**

The Director-Building Official shall require drawings showing the location of the proposed

building or structure and of every existing building or structure on the site or lot. He may also require a boundary line survey, if necessary, prepared by a qualified surveyor.

**Sec. 7-1-84. Hazardous occupancies.**

The Director-Building Official may require the following:

- (a) *General site plan.* A general site plan drawn at a legible scale which shall include, but not be limited to, the location of all buildings, exterior storage facilities, permanent access ways, evacuation routes, parking lots, internal roads, chemical loading areas, equipment cleaning areas, storm and sanitary sewer accesses, emergency equipment and adjacent property uses. The exterior storage areas shall be identified with the hazard classes and the maximum quantities per hazard class of hazardous materials stored.
- (b) *Building floor plan.* A building floor plan drawn to a legible scale which shall include, but not be limited to, all hazardous materials storage facilities within the building and shall indicate rooms, doorways, corridors, exits, fire rates 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.

**Sec. 7-1-85. Examination of permit applications and documents; inspection of buildings prior to permit decisions.**

(a) *Review.* The Director-Building Official shall examine, or cause to be examined, each application for 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 the technical codes and all other pertinent laws or ordinances.

(b) *Affidavits.* The Director-Building Official may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the technical codes. For buildings and structures, the affidavit shall state that the plans conform to the laws as to egress, type of construction and general arrangement and, if accompanied by drawings, show the structural design and that the plans and design conform to the requirements of the technical codes as to strength, stresses, strains, loads and stability. The Director-Building Official may without any examination or inspection accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the Director-Building Official copies of inspection reports as inspections are performed and upon completion of the structure, electrical, gas, mechanical, or plumbing systems a certification that the structure, electrical, gas, mechanical or plumbing system has been erected in accordance with the requirements of the technical codes. Where the Director-Building Official relies upon such affidavit, the architect or engineer shall assume full responsibility for the compliance with all provisions of the technical codes and other pertinent laws or ordinances.

(c) Before issuing a permit, the Director-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 permit to enlarge, alter, repair, move, demolish or change the occupancy.

#### **Sec. 7-1-86. Issuing permits.**

(a) Action on permits. The Director-Building Official shall act upon an application for a permit with plans as filed, or as amended, without unreasonable or unnecessary delay. If the Director-Building Official is satisfied that the work described in an application for permit and the documents filed therewith conform to the requirements of the technical codes and other pertinent laws and ordinances, he shall issue a permit therefor to the applicant.

(b) Refusal to issue permit. If the application for a permit and the accompanying documents describing the work do not conform to the require-

ments of the technical codes or other pertinent laws or ordinances, the Director-Building Official shall not issue a permit, but shall return the documents to the applicant with his refusal to issue such permit. Such refusal shall, when requested, be in writing and shall contain the reasons therefor.

(c) *Public right-of-way.* A permit shall not be given by the Director-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 the exterior walls, bays, balconies, or other appendages or projections fronting on any street, alley or public lane, or for the placing on any lot or premises of any building or structure removed from another lot or premises, unless the applicant has made application at the office of the Director of public works for the lines of the public street on which he proposes to build, erect or locate said building; and it shall be the duty of the Director-Building Official to see that the street lines are not encroached upon except as provided in chapter 3 hereof.

#### **Sec. 7-1-87. Contractor's responsibilities.**

It shall be the duty of every contractor who shall make contracts for the installation or repairs of building, structure, electrical, gas, mechanical or plumbing systems, for which a permit is required, to comply with state and/or local rules and regulations concerning licensing which the applicable governing authority may have adopted.

#### **Sec. 7-1-88. Special permits for foundation pending permit issuance.**

When application for permit to erect or enlarge a building has been filed, and pending issuance of such permit, the Director-Building Official may, at his own discretion, issue a special permit for the foundation only of such building. The holder of such a special permit shall proceed at his own risk and without assurance that a permit for the remainder of the work will be granted or that corrections will not be required in order to meet the provisions of the technical codes.

**Sec. 7-1-89. Conditions of permit.**

(a) *Permit intent.* A permit issued shall be construed to be a license to proceed with the work and shall not be construed as authority to violate, cancel, alter, or set aside any of the provisions of the technical codes, nor shall such issuance of a permit prevent the Director-Building Official from thereafter requiring a correction of errors in plans or in construction, or of violations of this building code. Every permit issued shall become invalid unless the work authorized by such permit is commenced within six (6) months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six (6) months after the time the work is commenced; provided that, for cause, one (1) or more extensions of time, for periods not exceeding ninety (90) days each, may be allowed. The extension shall be requested in writing and justifiable cause demonstrated. Extensions shall be granted in writing by the Director-Building Official.

(b) *Permit issued on basis of 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 Director-Building Official, are hazardous or complex, the Director-Building Official shall require that the architect or engineer who signed the affidavit or prepared the drawings or computations shall supervise the work. In addition, they shall be responsible for conformity with the permit, provide copies of inspection reports as inspection 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 technical codes. In the event such architect or engineer is not available, the owner shall employ in his stead a competent person or agency whose qualifications are reviewed by the Director-Building Official.

**Sec. 7-1-90. Permit fees.**

(a) *When due and payable.* A permit shall not be issued until the fees prescribed in this section shall have been paid, nor shall an amendment to permit be approved until the additional fee, if any,

due to an increase in the estimated cost of the building, structure, electrical, plumbing, mechanical or gas systems, shall have been paid.

(b) *Accounting of fees.* The Director-Building Official shall keep a permanent and accurate accounting of all permit fees and other monies collected, the names of all persons upon whose account the same was paid, along with the date and amount thereof.

(c) *Amount-fee schedule.* 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 in subsection (a) of this section at the time of filing application, in accordance with the following schedule:

(1) Residential.

a. Single-family fee schedule.

|   |          |
|---|----------|
| Building, per sq. ft. under roof  | \$ 0.048 |
| Electrical, per house   | 21.60    |
| Mechanical, per house   | 21.60    |
| Plumbing, per house   | 21.60    |
| Fireplace, each   | 6.00     |
| Inspection fee, per house on crawl space (10 inspections at \$15.00 each) | 150.00   |
| Inspection fee, per house on slab (11 inspections at \$15.00 each)        | 165.00   |

b. Single-family attached (town houses). Where lot is sold with house, fees shall be same as for single-family.

c. Apartment and condominium dwelling units permit fees. The permit fee will be based on the construction cost using fee schedule.

|                               |         |
|-------------------------------|---------|
| Electrical, per dwelling unit | \$21.60 |
| Mechanical, per dwelling unit | 21.60   |
| Plumbing, per dwelling unit   | 21.60   |
| Fireplace, per unit           | 6.00    |

d. Fifteen dollars (\$15.00) for each required inspection per dwelling unit.

- e. All repairs, additions, alterations will be based on cost of labor and materials, using fee schedule, plus fifteen dollars (\$15.00) for each required inspection.
- (2) Commercial, industrial, multifamily and public building, having total valuation.

|                              |  |
|------------------------------|--|
| \$100.00 and less            | No fee unless inspection required, in which case a \$15.00 fee for each inspection shall be charged.                             |
| \$101.00 to \$2,000.00       | \$6.00 per thousand or fraction thereof.   |
| \$2,001.00 to \$15,000.00    | \$12.00 for the first \$2,000.00 plus \$3.60 for each additional thousand or fraction thereof, to and including \$15,000.00.     |
| \$15,001.00 to \$50,000.00   | \$58.80 for the first \$15,000.00 plus \$3.00 for each additional thousand or fractions thereof, to and including \$50,000.00.   |
| \$50,001.00 to \$100,000.00  | \$163.80 for the first \$50,000.00 plus \$2.40 for each additional thousand or fraction thereof, to and including \$100,000.00.  |
| \$100,001.00 to \$500,000.00 | \$283.80 for the first \$100,000.00 plus \$1.50 for each additional thousand or fraction thereof, to and including \$500,000.00. |
| \$500,000.00 and Up          | \$883.80 for the first \$500,000.00 plus \$0.90 for each additional thousand or fraction thereof.                                |

- (3) Moving of buildings or structures. For the moving of any building or structure, the fee shall be sixty dollars (\$60.00).
- (4) Demolition of buildings or structures. For the demolition of any building or structure, the fee shall be thirty dollars (\$30.00) per building, except that a complimentary permit shall be issued to the fire department for burning a building as part of a training exercise.
- (5) All subcontractors and contractors for electrical, mechanical, plumbing, low voltage and sprinklers (buildings and grounds) will be required to purchase their own permits based on the fee schedule provided in paragraph (2) of this subsection.
- (6) All commercial repairs will be based on the cost of contract using the fee schedule in paragraph (2) of this subsection for building, electrical, mechanical, plumbing, low-voltage and sprinkler system contractors.
- (7) Electrical permits for mobile homes shall be twenty-four dollars (\$24.00) and permit for electrical repairs to mobile homes shall be fifteen dollars (\$15.00).
- (8) Reinspection. If it is necessary to make a reinspection for a required building, electrical, mechanical or plumbing inspection because of improper work, the contractor responsible shall pay a reinspection fee of fifteen dollars (\$15.00) for each reinspection.

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

(e) *Plan review fees.* The fee for reviewing all plans shall be sixty (60) percent of the permit amount. One and two-family dwellings are exempt from plan review fees. (Ord. No. 5994, 1-20-98; Ord. No. 6182, § 1, 7-20-99; Ord. No. 6579, §§ 1, 2, 12-17-02)

**Sec. 7-1-91. Commencing work without permit prohibited; penalty for violation.**

A person, firm or corporation who commences any work on a building, structure, electrical, gas, mechanical or plumbing system, or who causes the same to be done, before obtaining the necessary permits, shall be subject to a five hundred dollar (\$500.00) penalty for the first offense and a one thousand dollar (\$1,000.00) penalty for the second offense and each offense occurring thereafter. (Ord. No. 6574, § 1, 12-3-02)

**Sec. 7-1-92. Posting building permit card; keeping approved drawings available for inspection at site required.**

(a) Work requiring a building permit shall not be commenced until the permit holder or his agent shall have posted the building permit card in a conspicuous place on the front of the premises. The permit shall be protected from the weather and located in such position as to permit the Director-Building Official or his authorized representative to conveniently make the required entries thereon. This permit card shall be maintained in such position by the permit holder until the certificate of occupancy or completion has been issued by the Director-Building Official.

(b) When the Director-Building Official issues a permit, he shall endorse, in writing or by stamp, both sets of plans Reviewed for Code Compliance. One set of drawings so reviewed shall be retained by the building official and the other set shall be returned to the applicant. The permit drawings shall be kept at the site of work and shall be open to inspection by the Director-Building Official or his authorized representative.

**Sec. 7-1-93. Filing contractor permit and certification; when required; penalty for violation.**

(a) Each contractor's permit and certification shall be filed with the Director-Building Official, on a form furnished for that purpose, and shall contain the location of the work, the building permit number, the contractor's address and license numbers, and such other information as may be required by the Director-Building Official. The contractor's permit and certification shall be signed by the contractor and mailed or delivered to the license and inspection department prior to requesting the first required inspection.

(b) If any person fails to submit to the inspection department a contractor's permit and certification form for electrical, mechanical, gas or plumbing work before the first inspection is required, he shall be subject to a fifty dollar (\$50.00) penalty.

**Sec. 7-1-94. Inspections.**

(a) *Existing building inspections.* The Director-Building Official shall inspect all buildings, structures, electrical, gas, mechanical 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.

(b) *Manufacturers and fabricators.* When deemed necessary by the Director-Building Official, he shall make, or cause to be made, an inspection of materials or assemblies at the point of manufacture or fabrication. He shall make a record of every such examination and inspection and of all violations of the technical codes.

**Sec. 7-1-95. Same—Inspection service.**

The Director-Building Official may make, or cause to be made, the inspections required by section 7-1-94. He may accept reports of inspectors of recognized inspection services, provided that after investigation he is satisfied as to their qualifications and reliability. A certificate called for by any provision of the technical codes shall not be based on such reports unless the same are in writing and certified by a responsible officer of such service.

**Sec. 7-1-96. Same—Inspection prior to issuance of certificate of occupancy or completion.**

The Director-Building Official shall inspect or cause to be inspected at various intervals all construction or work for which a permit is required, and a final inspection shall be made of every building, structure, electrical, gas, mechanical or plumbing system upon completion, prior to the issuance of the certificate of occupancy or completion.

**Sec. 7-1-97. Same—Required inspections.**

The Director-Building Official, upon notification from the permit holder or his agent, shall make the following inspections of buildings and such other inspections as may be necessary, and shall either approve 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 the technical codes:

| <i>Required Inspections</i>   | <i>Special Conditions</i>   |
|-------------------------------|---|
| Foundation: setback; footing  | Do not pour any concrete until inspections approved                       |
| Concrete slab: building;      | Do not pour slab until plumbing; or block foundation inspections approved |
| Rough: electrical; framing;   | Do not cover work until mechanical; plumbing inspections approved         |
| Finals: building; electrical; | Do not occupy until inspections plumbing; mechanical approved             |

Final Certificate of occupancy and final electric will not be authorized until inspections approved. (Ord. No. 5994, 1-20-98)

**Sec. 7-1-98. Written approval required.**

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 the written approval of the inspector. Such written approval 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.

**Sec. 7-1-99. Reinforcing steel and structural frames.**

Reinforcing steel or structural framework of any part of any building or structure shall not be covered or concealed in any manner whatsoever without first obtaining the approval of the Director-Building Official.

**Sec. 7-1-100. Plaster fire protection.**

In all buildings where plaster is used for fire protection purposes, the permit holder or his agent shall notify the Director-Building Official after all lathing and backing is in place. Plaster shall not be applied until the approval of the Director-Building Official has been received.

**Sec. 7-1-101. Certificates of occupancy.**

(a) *Building occupancy.* A new building shall not be occupied or a change be made in occupancy or the nature or the use of a building or part of a building until after the Director-Building Official shall have issued a certificate of occupancy therefor. Said certificate shall not be issued until all required electrical, gas, mechanical, plumbing

and fire protection systems have been inspected for compliance with the technical codes and other applicable laws and ordinances, and approved by the Director-Building Official.

(b) *Prerequisites to issuance; contents.* Upon satisfactory completion of construction of a building or structure and installation of electrical, gas, mechanical and plumbing systems in accordance with the approved plans and the technical codes, payment of all fees, and after the final inspection herein referred to, and upon application therefor, the Director-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 this building code.

(c) *Temporary / partial certificates of occupancy.* A temporary/partial certificate of occupancy may be issued for a portion or portions of a building which may safely be occupied prior to final completion of the building.

**Sec. 7-1-102. Certificates of occupancy for existing buildings.**

A certificate of occupancy for any existing building may be obtained by applying to the Director-Building Official and supplying the information and data necessary to determine compliance with this building code for the occupancy intended. When necessary, in the opinion of the Director-Building Official, two (2) sets of detailed drawings, or a general inspection, or both, may be required. When, upon examination and inspec-

tion, it is found that the building conforms to the provisions of this building code for such occupancy, a certificate of occupancy shall be issued.

#### **Sec. 7-1-103. Certificate of completion.**

Upon satisfactory completion of a building, structure, electrical, gas, mechanical or plumbing system, a certificate of completion may be issued. This certificate is proof that a structure or system is complete and for certain types of permits is approved for use and may be connected to a utility system. This certificate does not grant authority to occupy or connect a building, such as a shell building, prior to the issuance of a certificate of occupancy.

#### **Sec. 7-1-104. Service utilities.**

(a) *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 the technical codes for which a permit is required, until approved by the Director-Building Official and a certificate of occupancy or completion issued.

(b) *Temporary connection.* The Director-Building Official may authorize the temporary connection of a 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 occupancy.

(c) *Authority to disconnect service utilities.* The Director-Building Official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by the technical codes, in case of emergency where necessary to eliminate an immediate hazard to life or property. The Director-Building Official shall notify the serving utility, and whenever possible the owner and 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 or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

#### **Sec. 7-1-105. Posting floor loads.**

(a) *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 Director-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.

(b) *Storage and facility-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 of the license and inspection department.

(c) *Signs required.* In every building or part of a building used for storage, industrial or hazardous purposes, the safe floor loads, as reviewed by the Director-Building Official on the plan, shall be marked on plates of approved design which shall be supplied and securely affixed by the owner of the 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.

#### **Sec. 7-1-106. Tests.**

The Director-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.

#### **Secs. 7-1-107—7-1-115. Reserved.**

## **ARTICLE 6. CONSTRUCTION TRADES REGULATION**

### **Sec. 7-1-116. Registration of building contractors and building inspectors; payment of occupation tax, bond and liability insurance required.**

(Ord. No. 6704, § 1, 6-15-04)

#### **Sec. 7-1-116-1. Registration of building contractors and building inspectors; payment of occupation tax, bond and liability insurance required.**

It shall be the duty of every contractor or builder who shall make contracts for the erection or construction or repair of buildings for which a permit is required, and every contractor, private inspector/consultant, builder or specialty contractor making such contracts and subletting the same, or any part thereof, to do the following.

- (a) Obtain a business tax certificate in accordance with Title 2 of the Augusta-Richmond County Code; or, if a business tax certificate or business license has been obtained elsewhere in the State of Georgia and is current and valid, present a copy of said business tax certificate or license to the License & Inspection Department.
- (b) Execute and deposit in the license and inspection department a bond as specified. Such bond to be conditioned that all work performed by the contractor or under his supervision shall be performed in accordance with the provisions of this building code and that he shall pay all fees and penalties properly imposed upon him for violations of the provisions of this building code.
- (c) Place on file in the license and inspection department office a certificate of insurance for public liability and property damage for an amount not less than fifty thousand dollars (\$50,000.00) for each person and one hundred thousand dollars (\$100,000.00) for each occurrence. It shall

be the responsibility of the contractor to notify the License and Inspection office immediately upon cancellation of or change in public liability and property damage insurance.

- (d) Present proof of worker's compensation insurance in amounts as required by the laws of the State of Georgia. Each registrant under this Article must have workers compensation insurance on its employees, as required by the laws of the state of Georgia. Failure to keep such workers compensation insurance in force at all times shall be grounds for immediate revocation of the registration and the certificate evidencing same.

- (e) Comply with the regulations provided in sections 7-1-116-2 through 7-1-116-17.

(Ord. No. 6704, § 1, 6-15-04)

#### **Sec. 7-1-116-2. Definitions.**

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

*Building Inspector/Consultant* means a private person or entity which performs or offers to perform building inspection/consulting services.

*Building official* means that person designated with the title of building official employed within the License & Inspection Department.

*Certificate* means a registration certificate issued in accordance with this chapter.

*City* means Augusta, Georgia.

*Commercial contractor* means a person or entity which performs, supervises or offers to perform or supervise the construction, installation, alteration, replacement or repair of a building or structure, or the improvement of any kind to real property, for which a permit is required by the Code of Ordinances of Augusta, Georgia.

*Commission* means the Augusta-Richmond County Commission which is also known as the Augusta Commission.

*Construction Board* means the Augusta Construction Advisory Board established under this chapter (see §7-1-46).

*Continuing Education Units* means credits that are received for participation in continuing education and professional development activities, i.e.: attending Construction Advisory Board meetings, Subdivision Regulation Committee meetings, and construction, development, and environmental seminars, etc.

*Department* means the License & Inspection Department.

*Designated Committee* means a committee of the commission designated by the commission to act as provided for in this article.

*Residential builder* means a person or entity which performs, supervises, or offers to perform or supervise the construction, repair, improvement, or re-improvement of a residential building or structure which is not over three floors in height and which does not have more than sixteen units in any single apartment building, and/or any ancillary structures or facilities related to such residential buildings for which a permit is required by the Code of Ordinances of Augusta, Georgia. Residential builders are authorized to build commercial structures up to 5,000 square feet of heated area.

*Specialty contractor* means a person or entity which is not a registered residential builder or commercial contractor which performs or offers to perform construction installation, alteration, repair, improvement, or alteration of a specific aspect of any part of a building, structure or other improvement to real estate which requires special skills and involves the use of specialized construction trades or craft, involving the following elements of construction work for which a permit is required by the Code of Ordinances of Augusta, Georgia:

- (a) Roofing
- (b) Pool construction
- (c) Landscaping
- (d) Yard sprinkler installation

(Ord. No. 6704, § 1, 6-15-04)

**Sec. 7-1-116-3. Registration required.**

Any person or other entity desiring to own, operate, conduct and carry on, in Augusta, the business of performing services as a residential builder, commercial contractor, specialty contractor, or private building inspector/consultant before doing so, shall register with the City as herein provided and shall have in his possession a then current certificate. A registrant holding a specialty contractor certificate is not registered to own, operate, conduct or carry on a business of providing the services of a residential builder or commercial contractor. A registrant holding a residential builder certificate is not registered to own, operate or conduct a business of providing the services of a commercial contractor, but may provide the services of a specialty contractor. A registrant holding a commercial contractor's certificate may perform the services of a residential builder or a specialty contractor. A registrant holding a private building inspector/consultant certificate may perform only the services of building inspection.

A certificate for any entity that is not a natural person must be held by an owner, partner, member, or officer of the business entity who is primarily responsible for the oversight of the performance of the construction services offered by the registrant in Augusta, Georgia.  
(Ord. No. 6704, § 1, 6-15-04)

**Sec. 7-1-116-4. Qualifications for a residential builder's registration and certificate.**

(A) In order to register as a residential builder and obtain a residential builder's certificate under this article, the applicant must satisfy the following requirements:

- (1) File with the commission a written application on a form as prescribed by the commission.
- (2) Present proof of a passing grade on the National Standardized Contractor Examination for residential builders or any other examination for residential builders that is approved for this purpose by the commission or certification by a residential builder or commercial contractor reg-

istered in the City that the applicant has a minimum of one year of actual experience or a certificate of completion in a building construction related field from a technical school. Proof of licensure in good standing in other jurisdictions following passage of any examination which has been determined by the Building Official to be a comparable examination to that required by this ordinance, including, but not limited to, South Carolina, Florida, North Carolina, Tennessee, Alabama and such other jurisdictions as the commission shall approve shall be sufficient to satisfy the requirements of this paragraph.

- (3) Present proof of worker's compensation insurance in amounts as required by the laws of the State of Georgia. Failure to keep such workers compensation insurance in force at all times shall be grounds for immediate revocation of the registration and the certificate evidencing same.
- (4) Submit executed bond on the form and with a surety approved by the commission in the sum of not less than fifteen thousand dollars.
- (5) Provide certification from the providers of continuing education for contractors that the applicant has received not less than 6 hours of such continuing education in the preceding calendar year. Continuing Education Units means credits that are received for participation in continuing education and professional development activities, i.e.: attending Construction Advisory Board meetings, Subdivision Regulation Committee meetings, and construction, development, and environmental seminars, etc. One hour of credit is received for each meeting or seminar that is attended.

(B) The License & Inspection Department shall register the applicant as a residential builder if, based on the information generated in the application process or obtained from sources reasonably believed by the commission to be credible, the commission finds that the applicant has met

all of the requirements and demonstrated an ability to engage in the business of serving as a residential builder in the City. The submission of false or misleading information in the application will be a basis for denying or revoking a registration.

(Ord. No. 6704, § 1, 6-15-04)

**Sec. 7-1-116-5. Qualifications for a commercial contractor's registration and certificate.**

(A) In order to register as a commercial contractor and obtain a commercial contractor's certificate under this article, the applicant must satisfy the following requirements:

- (1) File with the commission a written application on a form as prescribed by the commission.
- (2) Present proof of a passing grade on the National Standardized Contractor Examination for commercial contractors or any other examination for commercial contractors that is approved for this purpose by the commission, or certification by a commercial contractor registered in that City that the applicant has a minimum of one year actual experience under a licensed general contractor or a certificate of completion in a building construction related field from a technical school. Proof of licensure in good standing in other jurisdictions following, a passage of any examination which has been determined by the Building Official to be a comparable examination to that required by this ordinance, including, but not limited to, South Carolina, Florida, North Carolina, Tennessee, Alabama and such other jurisdictions as the commission shall approve shall be sufficient to satisfy the requirement of this paragraph.
- (3) Present proof of worker's compensation insurance in amounts as required by the laws of the State of Georgia. Failure to keep such workers compensation insurance in force at all times shall be grounds for immediate revocation of the registration and the certificates evidencing same.

- (4) Submit executed bond in the form and with a surety approved by the commission in the sum of not less than twenty thousand dollars.
- (5) Provide certification from the providers of continuing education for contractors that the applicant has received not less than 6 hours of such continuing education in the preceding calendar year. Continuing Education Units means credits that are received for participation in continuing education and professional development activities, i.e.: attending Construction Advisory Board meetings, Subdivision Regulation Committee, meetings, and construction, development, and environmental seminars, etc.

(B) The License & Inspection Department shall register the applicant as a commercial contractor if, based on the information generated in the application process or obtained from sources reasonably believed by the commission to be credible, the commission finds that the applicant has met all of the requirements and demonstrated an ability to engage in the business of serving as a commercial contractor in the City. The submission of false or misleading information in the application will be a basis for denying or revoking a registration.

(Ord. No. 6704, § 1, 6-15-04)

**Sec. 7-7-116-6. Qualifications for a specialty contractor's registration and certificate.**

(A) In order to register as a specialty contractor and obtain a specialty contractor's certificate under this article, the applicant must satisfy the following requirements.

- (1) File with the commission a written application on a form as prescribed by the commission.
- (2) Present proof of worker's compensation insurance as required by the laws of the State of Georgia. Failure to keep such workers compensation insurance in force at all times shall be grounds for immediate revocation of the registration and the certificates evidencing same.

- (3) Submit executed bond in the form and with a surety approved by the commission in the sum of not less than five thousand dollars.

(B) The commission shall register the applicant as a specialty contractor if, based on the information generated in the application process or obtained from sources reasonably believed by the commission to be credible, the commission finds that the applicant has met all of the requirements and demonstrated an ability to engage in the business of serving as a specialty contractor in the designated areas of specialty in Augusta. The submission of false or misleading information in the application will be a basis for denying or revoking a registration.

(C) The field and scope of the operations of a specialty contractor in the City are limited to those in which the specialty contractor is registered.

(Ord. No. 6704, § 1, 6-15-04)

**Sec. 7-1-116-7. Do it yourself registration for single family residential property owner.**

(A) An owner of single family residential property who improves the property or who builds or improves structures or appurtenances on the property which require a building permit must apply for a do it yourself registration and certificate which will be good for and apply only to the specific construction project described therein if:

- (1) the owner does the work himself, with his own employees, or serves as his own residential builder using licensed specialty contractors;
- (2) the structure, group of structures, or appurtenances, including the improvements, are intended for the owner's sole occupancy or occupancy by the owner's family and are not intended for sale or rent; and
- (3) the general public does not have access to this structure.

(B) In order to register for a do it yourself project and obtain a do it yourself certificate under this article, the applicant must satisfy the following requirements:

- (1) File with the commission a written application on a form as prescribed by the commission;

- (2) Present a statement describing the project to be constructed, the role that the applicant will play in the construction, listing those who will be involved in performing any of the construction work and listing the applicant's education, training experience and other related factors demonstrating the applicant's ability and fitness to perform the work; and
- (3) Present proof of worker's compensation insurance coverage in the amount required by the laws of the State of Georgia for those working on the project. Failure to keep such workers compensation insurance in force at all times shall be grounds for immediate revocation of the registration and the certificates evidencing same.

(C) The commission shall register the applicant as a do it yourself contractor if, based on the information generated in the application process, or obtained from sources reasonably believed by the commission to be credible, the commission finds the applicant is at least minimally qualified to construct the do it yourself project in accordance with the ordinances of the City. The submission of any false or misleading information in the application will be a basis for denying or revoking a registration.

(D) To qualify for a do it yourself registration under this section, an owner must personally appear and sign the building permit application. The department shall provide the person with a disclosure agreement in substantially the following form, which must be signed by the registrant agreeing to the terms thereof:

"Disclosure Agreement"

The Undersigned Agrees As Follows:

Augusta, Georgia ordinances require that residential construction work shall be performed by registered residential builders. I have applied for a do it yourself registration. The registration allows me, as the owner of my property, to act as my own residential builder even though I have not registered as a residential builder. I must supervise the ? construction myself. I may build or improve a single-family residence for use and occupancy only by myself

and my family. It may not be built for sale or rent. If I sell or rent a building I have built myself within two years after the construction is complete, it will be presumed (subject to any right to rebut same) that I built the home for sale or rent, which is a violation of the ordinance. I may not hire an unregistered person or entity to perform services for me as a residential builder. It is my responsibility to make sure that people employed by me have the registration certificates required by Augusta's contractor registration ordinances. My construction must comply with all applicable laws, ordinances, building codes, and zoning regulation.

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Registrant's Signature

(E) Nothing in this chapter may be construed to authorize an owner of residential property to hire or engage a person or entity that is not registered in accordance with this Article, and an Owner shall not use a person as a superintendent who performs many of the duties of a registered residential builder, unless such person is a registered residential builder.  
(Ord. No. 6704, § 1, 6-15-04)

**Sec. 7-1-116-8. Qualifications for home and commercial private building inspectors/consultants—Registration required.**

(A) In order to register as a private residential home inspector/consultant or a private commercial building inspector/consultant and obtain a residential or commercial private sector building inspector's/consultant's certificate under this article, the applicant must satisfy the following requirements:

- (1) Present proof of current certification by the American society of Home Inspectors, or any other national certifying agency for building inspectors that is approved for this purpose by the Commission, as a private building inspector for residential and commercial structures.
- (2) File with the commission a written application on a form as prescribed by the commission.

- (3) Present proof of worker's compensation insurance in amounts as required by the laws of the State of Georgia. Failure to keep such workers compensation insurance in force at all times shall be grounds for immediate revocation of the registration and the certificates evidencing same.
- (4) Provide certification from the providers of continuing education for building inspectors that the applicant has received not less than 6 hours of such continuing education in the preceding calendar year. Continuing Education Units means credits that are received for participation in continuing education and professional development activities, i.e.: attending Construction Advisory Board meetings, Subdivision Regulation Committee meetings, and construction, development, and environmental seminars, etc.

(B) The commission or examining officials shall register the applicant as a building inspector if, based on the information generated in the application process or obtained from sources reasonably believed by the commission or examining officials to be credible, the commission or examining officials finds that the applicant has met all of the requirements and demonstrated an ability to engage in the business of serving as a building inspector in the County in a competent and ethical manner. The submission of false or misleading information in the application will be a basis for denying or revoking a registration.  
(Ord. No. 6704, § 1, 6-15-04)

**Sec. 7-1-116-9. Forms for application for registration.**

(A) Application Forms for registration under this Article shall require, but shall not be limited to the following information:

- (1) The name and address of each applicant.
- (2) A description of all of the goods and services to be offered by the proposed business, and the type of registration being sought.

- (3) The name of the business and location of the principal office of the business to be carried on.

(B) Incomplete applications; swearing to before notary public. Failure to pay the license, administrative and investigative fees at the time of filing the registration application, or failure to furnish all information as required by an application form, will cause the application to be deemed to be incomplete and no action will be taken thereon until such application is complete. All applications shall be sworn to by the applicant before a notary public or other officer empowered by law to administered oaths.  
(Ord. No. 6704, § 1, 6-15-04)

**Sec. 7-1-116-10. Approval Procedures.**

An application for a registration or renewal of registration under this article shall be presented to the Commission within 45 days after the date such application is deemed complete.  
(Ord. No. 6704, § 1, 6-15-04)

**Sec. 7-1-116-11. Expiration; renewal of registration.**

(A) Each registration granted under this article shall expire on December 31 of the third calendar year in which the certificate was issued. To renew a registration the person or entity holding the current registration shall file with the commission, on a form as prescribed by the commission, a written application for renewal of the registration. Such application form shall include but not be limited to updated information of that called for in the prior years registration or renewal application.

(B) If a registration expires and is not renewed within one (1) year after its expiration, the holder of such certificate seeking to again register will have to apply for registration as a new registrant and will not be allowed to use the reapplication process.

(C) As a condition of registration renewal, registrant must satisfactorily complete 18 hours of continuing education.

(D) Renewal applications shall be approved if the commission or designated committee finds from the information available that the applicant has met all of the requirements, complied with this Article and demonstrated an ability to engage in the business covered by the registration sought to be renewed. The submission of false or misleading information in the renewal application will be a basis for denying or revoking a renewal of the registration.

(E) A registrant must notify the commission in writing within thirty days of any change in the information required to be on file with the commission including, but not limited to, the licensee's current mailing address.  
(Ord. No. 6704, § 1, 6-15-04)

**Sec. 7-1-116-12. Phase in procedures.**

(A) Any applicant seeking to register under this Article as a residential builder or commercial contractor in calendar years 2005 and 2006 will not be required to meet the examination requirement set out in Sections 7-1-116-4-(A)2) or 7-1-116-5-A(2) as the case may be if such applicant files proof in a form acceptable to the examining officials that in the two years preceding the date of the application the applicant, acting in the capacity of residential builder or commercial contractor, as the case may be, started, pursued and successfully completed not less than three construction jobs of the type for which the applicant is seeking registration. The term "successfully completed" for this purpose shall mean that such job has been completed prior to the filing of the application. Such jobs need not be located in the City.

(B) Any applicant seeking registration under this Article as a building inspector/consultant in calendar years 2005 and 2006 will not be required to meet the examination requirement set forth in Section 7-1-116-8 A(2) if such applicant files proof in a form acceptable to the examining officials that in the two years preceding the date of the application, the applicant, acting as a building inspector, has performed and successfully completed not less than three building inspection jobs of the type applicant is proposing to conduct if registered. The term "successfully completed" for

this purposed shall mean that such inspection has been completed prior to the filing of the application. Such inspections need not have been performed on property located in the City.

(C) The provisions of this Section 7-1-116-12 shall expire without any further action required by the Board of Commissioners on January 1, 2007 and thereafter shall be of no further force and effect.

(Ord. No. 6704, § 1, 6-15-04)

**Sec. 7-1-116-13. Transferability.**

No registration under this article shall be transferable.

(Ord. No. 6704, § 1, 6-15-04)

**Sec. 7-1-116-14. Standards of performance and quality.**

(A) All registrants under this article are required to provide the construction services which they are registered to perform in accordance with all applicable ordinances, construction standards and building codes adopted by the state and City and all applicable state and federal laws, rules and regulations or acceptable insured warranties.  
(Ord. No. 6704, § 1, 6-15-04)

**Sec. 7-1-116-15. Exemption from complaint handling procedure.**

(A) If the complainant possesses an insured warranty provided by the registrant, the remedy of the complainant is through the complaint resolution procedures of the warranty company. At a minimum the insured warranty provided by the registrant must include one-year coverage for defects in material and workmanship and ten year coverage for major structural defects.

(B) Code violations are not exempt.  
(Ord. No. 6704, § 1, 6-15-04)

**Sec. 7-1-116-16. Procedure for handling complaints.**

(A) Complaint and Right to Hearing. Any party, including the City, may file a complaint against a registrant under this Article for violation of the provisions of this Article. The complaint shall be filed in writing on a form prepared by the building

official which form shall be completed and sworn to by the person filing the complaint. The building official shall give written notice of a complaint to the registrant being complained against. The building official shall try to resolve the complaint between the complainant and the registrant. If the complaint is not resolved in this manner, the building official shall make a determination as to whether or not the complaint could involve a violation of this article and notify the complainant and the registrant of this determination. If the building official determines that the complaint could involve a violation of this article, the complaint shall be heard by the construction board in an open hearing. The building official shall give the complainant and the registrant notice of the time and place of the hearing which must be mailed at least thirty (30) days before the date fixed for the hearing. The notice of the hearing shall set forth the nature of the complaint being made with reference to any relevant supporting documents that have been provided to the building official by the complainant. The notice must be sufficiently adequate to apprise the registrant of the charges against it.

(B) Rights of hearing participants. Any participant in the hearing shall be entitled to be accompanied and represented at the hearing by an attorney or other person of the participant's choice. During a hearing, the representatives of each of the participants shall have the right to:

- (1) Call and examine witnesses who voluntarily agree to appear on behalf of the participant calling such witnesses. Notice is given to the participants that the construction board does not have the legal power of subpoena.
- (2) Introduce exhibits and documents relevant to the issues.
- (3) Cross-examine witness of other participants on any matter relevant to issues.
- (4) Rebut any evidence.
- (5) Request that the record of the hearing be made by use of a court reporter (if such request is made at least ten (10) days prior to the hearing date or, if the mate-

rial is to be reduced to writing promptly after the hearing, an electronic recording unit.

If any of the participants in the hearing do not testify in their own behalf, such participant may be called and examined by another participant as if under cross-examination.

(C) Presiding officer. The chairman of the construction board, or in his absence the vice chairman or in the absence of both the chairman and vice chairman a member of the construction board designated by the members present at the hearing shall be the presiding officer at the hearing. The presiding officer shall act to maintain decorum and to assure that all participants in the hearing have a reasonable opportunity to present relevant oral and documentary evidence. The presiding officer shall be entitled to determine the order of proceedings during the hearing, to promulgate rules of procedure not inconsistent with this Article, to exclude or remove any person who is disruptive to an orderly and professional hearing, and to refuse to admit evidence, which is not relevant to the subject matter of the hearing. Service as the presiding officer shall not in any way prevent the presiding officer from full participation in the deliberations and actions of the construction board on the matter. The presiding officer may in his/her discretion appoint a parliamentarian to serve as an advisor to the presiding officer on procedural matters during the course of the hearing and in preparing the construction board's report. The parliamentarian may in the discretion of the presiding officer be present during deliberations by the construction board, but shall not have a vote on the matters to be determined by the construction board.

(D) A record of the hearing shall be kept that is of sufficient accuracy to permit the making of an informed judgment by anybody that may later be called upon to review the record and render a decision in the matter. The presiding officer of the hearing shall select the method to be used, such as court reporter, electronic recording unit, details transcription or minutes of the proceedings for making the record, subject to the right of either participant set forth in subsection B(5) of this section. If a court reporter is requested by

either participant, the take down charge of the court reporter shall be paid equally by the participants to the hearing and each participant shall bear the cost of obtaining copies of the transcript for such participant's use.

(E) Obligations to present evidence. The complainant shall have the initial obligation to present evidence in support of the complaint. The registrant shall thereafter be responsible for presenting evidence in support of the registrant's response to and defense against the complaint. Following the close of the registrant's evidence, the complainant shall have the right to introduce evidence in rebuttal of that presented by the registrant. The construction board shall base its decision only on the evidence introduced at the hearing. It shall be the function of the construction board to determine whether the complaint involves a violation of this Article and if so the corrective action as specified in this article to be taken against the registrant. Such decision must be supported by a preponderance of the evidence presented at the hearing.

(F) Evidence permitted. The hearing need not be conducted in accordance with the rules of evidence which are followed in a court of law. The presiding officer may permit the admission of any relevant evidence, which at his/her discretion is of the type on which responsible people customarily rely in the conduct of serious affairs.

(G) Construction board report. Within twenty-one (21) days after the closing of the hearing, the construction board shall make a written report of its findings and determinations in the matter and shall forward the same together with the hearing record and all other documentation introduced at the hearing to the commission. A copy of the report shall be sent to the participants in the hearing. The construction board report shall concisely state the reasons for the findings and recommendations made in the report and how such findings are supported by the facts and the evidence as presented at the hearing. The construction board report shall specifically recommend any corrective action as specified in this article that the construction board finds should be taken. The construction board may request the participants in the hearing to submit proposed

findings and recommendations for its consideration in preparing its report. No participant shall be required to submit proposed findings and recommendations. If requested, proposed findings and recommendations must be submitted to the construction board within fourteen (14) days after the closing of the hearing.

(H) Appeal. If any participant in the hearing desires to appeal the findings and recommendations of the construction board, such participant file a written request for such an appeal with the Clerk of the Augusta Commission within fifteen (15) days after the mailing of a copy of the construction board's report. Failure to file a timely request for appeal shall constitute waiver by the party of his/her rights to appeal the report of the construction board from the construction board.

(I) Hearing of the appeal. Any appeal shall be heard by the Augusta Commission. The Clerk of Commission shall set a date and time for the hearing of the appeal and the participants shall be notified in writing thereof. The date of the hearing of the appeal shall be set as soon as possible but not less than thirty (30) days after the date of the notice of the appeal is received by the Clerk of the Commission.

- (1) After timely filing of an appeal to the Augusta Commission and prior to any assignment of the appeal for hearing on any agenda of the Augusta Commission, the appealing party shall submit the case to mediation.
- (2) The Commission mediator shall be a person chosen by the agreement of the appealing party and the Construction Board. In the event the appealing party and the Construction Board cannot agree upon the appointment of a mediator, the mediator shall be the Director of Planning & Zoning or his/her designee.
- (3) Any fee charged by the mediator for professional mediation services shall be paid by the appealing party prior to the commencement of the mediation.
- (4) If the mediation is not scheduled and heard within thirty (30) days of the filing of the appeal, the decision of the Construc-

tion Board shall be affirmed without further hearing by the Augusta Commission.

- (5) The Augusta may affirm the determination made by the Construction Board, or if the Augusta Commission finds that the Construction Board abused its discretion in reaching its decision, the Augusta Commission may modify or reverse the determination made by the Construction Board. Appeals from decisions of the Augusta Commission may be taken to the Superior Court of Richmond County, Georgia in the manner provided by law.

(J) Written statements. The party seeking the appeal shall submit a written statement detailing the findings, conclusions, recommendations and procedural matters with which such participant disagrees and the reasons for such disagreement. The written statement may cover any matters raised at any step in the hearing process and legal counsel may assist in the preparation thereof. The statement shall be submitted to the building official at least ten (10) days prior to the scheduled date for the hearing of the appeal, with a copy being furnished to the other participants. A similar written statement and reply may be submitted by the other participants at least two (2) days prior to the scheduled date of the hearing on the appeal with a copy being furnished to the other participants. Failure of the appealing party to file such written statement in a timely manner shall constitute a waiver of such participant's rights to appellate review.

(K) Oral arguments. If the participant requesting an appeal desires to have oral arguments before the Commission hearing the appeal, he, she or it shall so state in the request for appeal. If the other participants desire oral arguments before the Commission hearing the appeal, he, she or it shall file a request with the building official within five (5) days after the filing of the request for appeal. No party shall have a right to oral argument and the decision as to whether or not to permit oral argument shall be entirely within the discretion of the Commission hearing the appeal as the case may be. Oral arguments may be required by the commission or the designated committee hearing the appeal as the case may be, even if not requested by any participant. If oral

arguments are made, they may be presented for each participant by one representative of such participant.

(L) Consideration of new or additional matters. New or additional matters or evidence not raised or presented during the hearing before the construction board or in the construction board's report, nor otherwise reflected in the record, shall not be introduced during the appellate process. The commission or the designated committee hearing the appeal, in its sole discretion, shall determine whether such matters or evidence shall be considered or accepted.

(M) Function of Commission (See Subsection "N" below)

(N) The Commission may recommend affirmation, reversal or modification of the findings and recommendations of the construction board or it may refer the matter back to the construction board with directions for further consideration or additional hearings.

(O) Action by the commission. Once the hearing and appeal process has been completed or the participants involved have waived their rights to any further hearing or appeal hereunder, the commission may act upon the findings and recommendations made to it by the construction board as modified by the findings and recommendations on any appeal which may have been taken thereto and such action by the commission shall be final and subject to no further appeal. Notice of the final action of the commission shall include a statement of the basis for the decision and shall be promptly given to the participants in the hearing.

(P) Corrective action. The commission on motion adopted by not less than six affirmative votes may revoke or suspend for such period of time up to one (1) year as the commission shall specify the registration of the registrant or reprimand the registrant and/or fine the registrant in an amount not to exceed \$1,000 if it finds that the registrant:

- (a) Violated the obligations of the registrant in performing construction services as provided for in this article;

- (b) Committed fraud or deceit in obtaining registration under this article; or

The building official or commission may require the forfeiture of the surety bond if the registrant fails to make necessary repairs required by the commission after the hearing and appeal process have been completed. The property owner will be paid an amount to cover documented costs up to the amount of the repairs or the amount of the surety bond, whichever is lower. County funds will not be used to pay the cost of repairs.

(Ord. No. 6704, § 1, 6-15-04)

**Sec. 7-1-116-17. Violation; penalties.**

In addition to a suspension or revocation of a registration, a person or entity which engages or offers to engage in the business of providing the services of a residential builder, specialty contractor, commercial contractor, do-it-yourselfer, or private building inspector/consultant without first having registered with the City, which registration has not expired or been revoked or suspended, or who knowingly presents to, or files with, the City false information for the purpose of obtaining registration shall be subject to the penalties as set forth in Section 1-6-1 of the Code of Ordinances of Augusta, Georgia.

(Ord. No. 6704, § 1, 6-15-04)

**Sec. 7-1-117. Performing electrical, plumbing, and HVAC work.**

Electrical, Plumbing, and HVAC contractors required to employ State certified personnel. Before being licensed to perform electrical, plumbing, and HVAC contracting and construction in Augusta-Richmond County, each person, firm or corporation desiring such license shall have a person regularly employed who has been certified by the Georgia State Construction Industry Board (O.C.G.A. Title 43).

**Sec. 7-1-118. Limitations on use of master electrician's or plumber's certificate to obtain permit.**

(a) No person holding State certification as an electrician, plumber or HVAC contractor (conditioned air) shall allow his certification to be used,

directly or indirectly, for the purpose of obtaining a permit, business license, or to perform work unless said person is employed by the firm applying for the permit, business license or performing said work.

(b) Any person or persons found guilty of using another person's master's certificate for the purpose of obtaining a permit or doing work under a certificate other than his own shall be subject to penalty as prescribed in section 7-1-120.

**Sec. 7-1-119. Exemptions from sections 7-1-117 through 7-1-118.**

(a) *Owner wiring residence.* Nothing contained herein shall prevent or prohibit an owner from doing electrical or plumbing work in a dwelling in which he resides; provided, however, such owner shall pay required permit fees and shall make such installations as required by this building code for safety purposes and provided, however, such person does not employ a journeyman electrician or plumber to assist with work.

(b) *Industry maintenance department.* Any manufacturing industry employing fifty (50) or more workers and operating its own maintenance department shall be exempt from the provisions of this article, except that the installations shall be in compliance with the standards provided by the applicable code.

**Sec. 7-1-120. Penalties for violations of sections 7-1-117 through 7-1-118.**

(a) Any violation of any of the provisions, sections or subsections of sections 7-1-117 through 7-1-118, shall be tried as a misdemeanor and punished as provided in section 1-6-1 of this Code. The inspector shall have the authority to issue or cause to be issued a subpoena to the person violating said sections to appear in the appointed court for a hearing.

(b) Any person, firm or corporation who shall continue to violate sections 7-1-117 through 7-1-118, shall, after due consideration by the Commission Council, pursuant to the provision of section 7-1-136 hereof, forfeit his or their licenses and/or certificates issued under the terms of said sections. No licenses and/or certificates shall be

reinstated within thirty (30) days after having been revoked, and no such reinstatement shall be made without examination as required by sections 7-1-117 through 7-1-118.

(c) In addition to (a) of this section, any person, firm or corporation who violates 7-1-117 through 7-1-118 will be reported to the State Construction Industry License Board for further punitive action as provided for in O.C.G.A. (Title 43).

**Secs. 7-1-121—7-1-130. Reserved.**

**ARTICLE 7. MAINTENANCE—  
GENERALLY**

**Sec. 7-1-131. Required.**

All buildings or structures, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by this building code in a building when erected, altered, or repaired shall be maintained in good working order. The owner, or his designated agent, shall be responsible for the maintenance of buildings and structures.

**Sec. 7-1-132. Definitions.**

(a) *Abandoned vehicle.* Abandoned motor vehicle as defined in section 40-11-1 of the official Code of Georgia Annotated.

(b) *Augusta-Richmond County.* Augusta-Richmond County, Georgia.

(c) *Blighted.* Unsightly conditions including the accumulation of debris; fences characterized by holes, breaks, rot, crumbling, cracking, peeling or rusting; landscaping that is dead or damaged through the natural elements; and any other similar conditions of disrepair and deterioration.

(d) *Building.* Any structure designed for occupancy including manufactured homes, factory built buildings, and like property for which taxes may be assessed together with all garages, outbuildings and accessory structures.

(e) *Brush.* Shrubs or growth which present or may present a blight or fire hazard.

(f) *Commission.* The Augusta-Richmond County Commission or its designated representative.

(g) *Debris.* Substance of little or no apparent economic value, which may be present in a state of apparent unpremeditated disarray.

(h) *Deterioration.* A lowering in quality in the condition or appearance of a building or parts thereof characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or any other evidence of physical decay or neglect or excessive use or lack of maintenance.

(i) *Dwelling.* Any building or a portion thereof which is intended, or designated to be built, used, rented, leased, let, or hired out to be occupied, or which is occupied for living purposes by humans.

(j) *Excavation.* Wells, shafts, basements, cess-pools, septic tanks, fish ponds, and other like or similar conditions more than six (6) inches in diameter and three (3) feet in depth.

(k) *Exterior opening.* An open or closed window, door, or passage between interior and exterior spaces.

(l) *Garbage.* Swill, offal, and any accumulation of animal, vegetable or other matter that attends the preparation, handling, consumption, storage or decay of plant and animal matter including meats, fish, fowl, buds, fruits, vegetable or dairy products and the waste wrappers or containers thereof and filthy or odoriferous objects.

(m) *Hazardous waste.* Any chemical, compound, mixture, substance or article which is identified or listed by the United States Environmental Protection Agency or appropriate agency of the State to be Hazardous Waste as defined in 40 C.F.R. Sections 261.1 through 261.33, except that, for purposes of this ordinance hazardous waste shall include household waste as defined in 40 C.F.R. 261.4 Bl.

(n) *Litter.* Decaying or non-decaying solid and semi-solid wastes, including but not limited to both combustible and noncombustible wastes, such as paper, trash, cardboard, waste material, tin cans, yard clippings, wood, glass, debris; scrap paving material, discarded appliances, discarded furniture, bedding, dry vegetation, weeds, dead trees and branches, overgrown vegetation and

trees which may harbor insect or rodent infestations or may become a fire hazard, piles of earth mixed with any of the above or any foreign objects.

(o) *Occupant.* A legal entity that, through rights of ownership or rental, has the use and enjoyment of the subject real property for residential or commercial purposes.

(p) *Owner.* A legal entity listed as current or rightful owner as recorded in the official records of the Clerk of Superior Court of Richmond County, Georgia.

(q) *Responsible party.* An occupant, lessor, lessee, manager, licensee, or other person having control over a structure or parcel of land.

#### **Sec. 7-1-133. Maintenance standards.**

(a) *Exterior surfaces.* All exposed exterior surfaces, windows and doors of all residential, commercial and other buildings and structures shall be maintained so as to be free of deterioration that is a threat to health and safety or otherwise presents a deteriorated or blighted appearance. Windows, doors, locks on doors, hinges must be present and installed properly. These items must be free from deterioration or blighting conditions. Examples of such deterioration and blight include but are not limited to: improperly anchored canopies, metal awnings, stairways, exhaust ducts, and overhead extensions; chimneys that are structurally unsafe; exterior windows and doors that are not fitted securely in their frames and are not substantially weather tight; paint that is deteriorated, indicated by peeling, flaking, cracking, blistering or mildew, resulting in exposed, bare, unprotected surfaces. Window screening, if present, shall be maintained in good condition.

(b) *Fences, retaining walls.* All fences and retaining walls on the premises shall be safe, structurally sound and uniform or compatible in color and structure and shall be maintained so that they do not constitute a blighting influence. Examples of blighting influence with respect to fences include, but are not limited to, leaning fences, fences that are constructed out of deteriorated scrap materials not designed for use as fencing such as doors and sheets of tin, fences

that are missing slats, rails or blocks, fences that contain graffiti or paint which is peeling or otherwise deteriorated.

(c) *Exterior insect and rodent control.* All premises shall be kept free from insect and rodent infestation and other noxious pests.

(d) *Drainage.* All premises shall be maintained so as to prevent the accumulation of stagnant water when such water causes a hazardous or unhealthy condition, becomes a breeding area for insects, or which is causing soil erosion or damage to foundation walls. This does not apply to retention basins or other similar conditions approved by the Commission.

(e) *Foundations, wall and roofs.* Every foundation, exterior wall, roof and all other exterior surfaces shall be maintained in structurally sound and weather tight condition. The foundation elements shall adequately support the building at all points and shall be free from deterioration.

- (1) The building foundation shall be maintained in a safe condition and be capable of supporting the load which normal use may place thereon.
- (2) The exterior walls shall be substantially weather tight, weatherproof, free from dry rot and mildew, and shall be maintained in sound condition and good repair so as to prevent infestation. All exterior surfaces other than decay-resistant materials, shall be protected from the elements by painting or other protective covering according to manufacturer's specifications. No lead-based paint shall be used on any surface of any structure.
- (3) Roofs shall be maintained in a safe condition and have no defects which might admit rain or cause dampness in the walls or interior portion of the building. Roofs shall be free from conditions that contribute to the deterioration of the structure or otherwise present a deteriorated or blighted appearance.

(f) *Outdoor stairs, porches, railings.* All outdoor stairs, porches and hand railings shall be adequate for safety. Every stair and porch shall be maintained so as to be safe and in structurally

sound condition. The support for railings, stairs, and porches shall be structurally sound and adequate. Every stairway, stair, porch, and any appendage thereto shall be maintained in safe condition and shall be capable of supporting a load that normal use may place thereon.

(g) *Exterior premises.*

- (1) Generally. All land, whether improved or unimproved, shall be maintained free from any accumulation of garbage or a blighting influence which includes, but is not limited to graffiti on walls, fences, mail boxes, and similar structures; accumulation of litter, rubbish, refuse, waste material, bottles, papers, glass, cans, organic or inorganic material, abandoned vehicles, discarded appliances, discarded furniture, broken glass, used or deteriorated roofing shingles, piles of mixed material, dry vegetation, rags, empty barrels, boxes, crates, packing cases, mattresses, bedding, excelsior, packing straw, packing hay or other packing material, lumber not neatly piled, lumber stored in front yards, scrap iron, tin and other metal not neatly piled or anything whatsoever in which insects may breed or multiply or which provides harborage for rodents, snakes, or other harmful pests or which may otherwise create a fire hazard.
- (2) Weeds, underbrush and other vegetation. All exterior property areas shall be kept free from weeds, vines, underbrush and dead trees and branches which present a visual blight upon the area, which may harbor insect or rodent infestations or which may likely become a fire hazard or result in a condition which may threaten the health and safety or the economic welfare of adjacent property owners or occupants. All lawn grass shall be kept at less than six (6) inches in height.

**Sec. 7-1-134. Administration and enforcement of standards.**

(a) *Authority to enforce standards.* The Director-Building Official, or his designee, shall enforce the provisions of this section.

(b) *Authority and inspections.* The Director-Building Official or his designee is authorized and directed to make reasonable inspections of property to determine compliance with this section.

- (1) Such an inspector may expand the scope of any inspection on the original complaint to include other violations noted during inspection on the subject property.
- (2) Exempted from the operation of this section are large, remote acreage in its natural state, acreage impossible to service with large machinery due to its terrain, industrially zoned areas wherein zoning permits the storage of material ordinarily prohibited by this section; provided, however, this exemption is not operable when actual and probable danger exists.
- (3) Unscreened exterior areas, buildings, structures and lands, may be inspected at any time with or without the involvement of the owner, in accordance with legal requirements.
- (4) Screened exterior areas shall be inspected only during the normal business hours of Augusta-Richmond County unless otherwise arranged, upon invitation or with the concurrence of the owner or occupant or when ordered by a court or when probable cause exists to believe that conditions therein may be detrimental to health and safety.
- (5) Except in cases of alleged imminent hazards, if the occupant is not the owner of the premises or dwelling unit to be inspected, the Director-Building Official or his designee shall provide reasonable notice in writing or by telephone to the occupant as to the time and place of inspection. A reasonable attempt must be made by Augusta-Richmond County staff to contact the owner and advise the owner of the time and place of inspection.
- (6) The owner or responsible party will be required to correct all violations within a reasonable amount of time. In the event that the building becomes unoccupied, future occupancy will be prohibited until

a compliance letter is issued by Augusta-Richmond County. It shall be incumbent upon the Director-Building Official or his designees to reinspect for the purpose of re-occupancy within five (5) business days of the receipt of a written request by the owner.

(c) *Notice of violation.* If, after an inspection, the Director-Building Official finds one or more violations of this section, he shall, in writing, notify the owner via a Notice of Violation sent by certified mail or hand delivery to the owner. The Notice of Violation shall include:

- (1) Identification of property in violation;
- (2) Statement of violations in sufficient detail to allow the owner to identify and correct the problem;
- (3) Reinspection date.

(d) *Service of notice.* Any notice permitted or required to be given for any purpose under this section shall be deemed effective on the date when written notice is hand delivered to the owner or delivered to the residence of the owner and left with a person of suitable age and discretion or when deposited in the United States mail by certified mail addressed to the property owner at such owner's last known address. In the event of service by certified mail as set forth above, a copy of said notice shall also be posted on the premises for a period of thirty (30) days. The Director-Building Official or his designees will use reasonable efforts to locate and communicate with the owner of the property upon which the violation exists. Service of notice shall also be deemed effective upon notification through one time public notice published in the newspaper in which Sheriff's sales are advertised in Augusta-Richmond County, Georgia and by posting the property for a period of thirty (30) days in the event the address of the owner cannot be obtained upon reasonable inquiry. [For vacant lots see section 4-2-2]

**Sec. 7-1-135. Enforcement.**

(a) The authority of Augusta-Richmond County to enforce the provisions of this section is independent of and in addition to the authority of

other Augusta-Richmond County officials to enforce the provisions of any other law, ordinance or regulation which such officials are authorized to enforce.

(b) The remedies herein are cumulative and Augusta-Richmond County may proceed under one or more such remedies.

(c) Any owner, or other person having control over a structure or parcel of land who causes, permits, facilitates, or aids or abets any violation of any provision of this section or who fails to perform any act or duty required by this section shall be punished as provided in section 1-6-1 of the Augusta-Richmond County Code.

(d) No criminal complaint shall be filed prior to the passage of thirty (30) days from the issuance of the Notice of Violation.

(e) Each day any violation of any provision of this section or the failure to perform any act or duty required by this section exists shall constitute a separate violation or offense.

(f) The owner of record, as recorded in the office of Clerk of Superior Court of Richmond County, Georgia, of the property upon which a violation of this section exists shall be presumed to be the person having lawful control over a structure or parcel of land. If more than one person shall be recorded as the owner of the property, said persons shall be jointly and severally presumed to be persons having lawful control over a structure or parcel of land. This presumption shall not prevent enforcement of the provisions of this section against any person specified in subsection (3) of this section.

(g) It is an affirmative defense for an owner of record that any violation of this section was caused by an act or acts of a lessee or tenant who was a resident of the property on the date of violation alleged in the Notice of Violation provided that the owner provides the Director-Building Official with the name of such tenant(s) in writing and eliminates the violation within a reasonable period of time to be established by the Director-Building Official. No defense shall be asserted pursuant to this provision unless notice thereof is filed with the court having jurisdiction over the violation and is provided to the solicitor

or prosecutor of said court at least three (3) business days in advance of the date set for trial.

**Sec. 7-1-136. Appeals to the construction advisory board.**

(a) Any person may appeal a notice, order or decision of the Director-Building Official to the Augusta-Richmond County Construction Advisory Board when it is claimed that the true intent of the codes or standards described in this section has been incorrectly interpreted or when special circumstances or conditions exist which would authorize a minor variance on the grounds hereinafter set forth. Appeals to the Construction Advisory Board shall be made in writing and filed with the Director of the License and Inspection Department within the time period set in the Notice of Violation or within five (5) days after service of any such order upon the owner as provided herein. The applicant's written appeal shall specifically set forth the grounds upon which said appeal is based. The Commission may grant a minor variance to this section when it is determined that:

- (1) special circumstances or conditions apply to this appeal application such as an undue hardship;
- (2) authorizing of the variance is necessary for the preservation and enjoyment of substantial property rights; and
- (3) authorizing of the variance will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general.

(b) Except for orders to vacate, the timely filing of an appeal shall stay enforcement of the order appealed until the appeal is finally determined by the Commission.

(c) Failure of a person entitled to appeal under this section to timely file an appeal shall constitute a waiver of the right to a hearing of the complaint before the Construction Advisory Board and such person shall be estopped to deny the validity of any order or action of Augusta-Richmond County which could have been timely appealed.

(d) Any party aggrieved by a decision of the Construction Advisory Board may apply to Superior Court. Said appeal shall be the same as an appeal to the superior court from any decision made by the probate court, except that said appeal shall be filed within thirty (30) days from the date of the decision of the Construction Advisory Board or of any official charged with the enforcement of any order, requirement or decision in connection therewith; and upon failure to file said appeal within thirty (30) days, the decision of the Construction Advisory Board shall be final.

**Sec. 7-1-137. Supplemental nature.**

This section shall not be the exclusive regulation of the maintenance of buildings within Augusta-Richmond County, but shall be supplemental in addition to other regulations and ordinances of Augusta-Richmond County and statutes or provisions of law heretofore and hereinafter enacted by the state or other legal entity or agency having jurisdiction. In the event of a conflict between this section and any other such regulation, ordinance, statute or provision of law, the stricter of the two shall apply.

**Sec. 7-1-138. Severability.**

If any section, subsection, paragraph, sentence, clause, or phrase of this section should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this section, which shall remain in full force and effect; and to this end the provisions of this section are hereby declared to be severable.

## Chapter 2

## NUISANCES

## [ARTICLE 1 IN GENERAL]

**Sec. 7-2-1. Generally.**

The following conditions, in addition to those conditions recognized as such pursuant to State law, are hereby declared to constitute nuisances: substances emitting noxious odors, carcasses of animals, establishments or structures emitting noxious odors, vapors, or fumes; deposits of wastewater; litter, trash, refuse, rubble, and rubbish of all sorts; overgrown vegetation, weeds, brambles, brush or thickets; malfunctioning private sewage disposal systems; dilapidated buildings open to unauthorized or unlawful entry; hazardous trees; all articles, conditions, acts, or things whatsoever, kept, maintained or permitted by any person to pose a threat of injury, inconvenience, or annoyance to the public; and, all pursuits followed or engaged in, behavior or conduct performed by any person, which pose a threat of injury, annoyance, or inconvenience to the public.

**Sec. 7-2-2. Nuisances—Prohibited.**

It shall be unlawful for any owner or occupant of any parcel of land lying within Augusta-Richmond County to cause or permit any nuisance to be created or remain upon such premises; and it shall be the duty of such owner or occupant to abate and remove any such nuisance from such premises. No owner or occupant of any parcel of land lying within Augusta-Richmond County shall permit, cause, keep, maintain, or engage in any activity constituting a nuisance, as defined herein, or as otherwise defined by the law of the State of Georgia, within Augusta-Richmond County.

**Sec. 7-2-3. Nuisances—Notice.**

Whenever an inspector of the License and Inspection Department or any other duly constituted inspecting authority of the Augusta-Richmond County Commission determines that a nuisance exists on any premises within Augusta-Richmond County, he may serve written notice upon the owner or occupant, or his agent having

control thereof, to abate such nuisance. The notice shall, at a minimum, set forth the nature of the nuisance and the fact that the same constitutes a nuisance upon said property; describe the premises where the nuisance is alleged to exist or to have been committed; and specify a reasonable period of time for the abatement of said nuisance. Said notice shall be served upon the owner or occupant of the premises by personal delivery, or by mailing said notice, certified mail, return receipt requested, addressed to the owner, occupant or agent. If service cannot be effectuated in such a manner after diligent effort to do so, service may be made by conspicuously posting the notice in or about the premises described in the notice, or by causing such notice to be published once in a newspaper of general circulation in Augusta-Richmond County. If the owner or occupant is a corporation, notice may be served upon an officer, a manager or person in charge of any local business office of such corporation, or the corporation's registered agent for service of process.

**Sec. 7-2-4. Nuisances—Procedures in the event nuisance not abated when specified.**

In the event that such nuisance is not abated by the owner or occupant within the time specified, then the owner and/or occupant may be cited for violation of this chapter.

**Sec. 7-2-5. Nuisances—Penalties.**

Violations of the provisions of this chapter shall be punished as provided in section 1-6-1 of this Code.

**Sec. 7-2-6. Nuisances—Designation of public officer to exercise statutory nuisance abatement powers.**

All unsafe building abatement determinations and proceedings shall be governed by the Standard Unsafe Building Abatement Code as adopted in section 7-1-16 hereof.

**Sec. 7-2-7. Nuisances—Injunctions against order to abate a nuisance, repair, close, or demolish unfit dwellings, buildings or structures.**

Any person affected by an order issued by the public officer under this Article, may petition to the Superior Court for an injunction pursuant to the provisions of O.C.G.A. § 41-2-13.

**Secs. 7-2-8—7-2-40. Reserved.**

**ARTICLE 2 ABATEMENT**

**Sec. 7-2-41. Powers of director-building official to abate nuisance.**

The Director-Building official shall have the powers set forth in O.C.G.A. § 41-2-11, in addition to those powers set forth in this Title, in regard to unfit structures.

**Sec. 7-2-42. Incorporation of state procedures.**

The provisions of O.C.G.A. § 41-2-7 through § 41-2-17, as presently adopted or hereafter amended are incorporated herein by reference.

**Secs. 7-2-43—7-2-62. Reserved.**

**ARTICLE 3. REGULATING AUTOMOBILE JUNK YARDS, SALVAGE/RECYCLING FACILITIES**

**DIVISION 1. DEFINITIONS**

**[Sec. 7-2-63. Definitions.]**

*Affected land* means the area of land that is under operation and under excavation within the approved area only.

*Automobile wrecking yard or automobile used parts lot* shall mean any place where one or more vehicles not in running condition, or parts thereof, are stored in the open or in any building or structure used principally for wrecking or storage of automobiles not in running condition or automotive parts.

*Buffer* shall mean a portion of a lot, tract, or parcel set aside for open space, and visual screening purposes, pursuant to applicant provisions of this ordinance, to separate different use districts, or to separate uses on one property from uses on another property of the same use district or different use district.

*Construction and demolition waste* means waste building materials and rubble resulting from con-

struction, remodeling, repair, and demolition operation on pavements, houses, commercial buildings, and other structures. Such waste include, but are not limited to asbestos containing waste, wood, bricks, metal, concrete, wall board, paper, card board, inert waste landfill material, and other non-putrescible waste which have a low potential for groundwater contamination as defined in the Georgia Rules for Solid Waste Management 391-3-4-.01(14).

*Containment* shall mean the act, process, or means of containing fluids to prevent spillage of contents onto the soil, water ways, sewer system, storm water system, or any other means except through proper disposal procedure.

*Contaminate* shall mean the intrusion or contact with dirt or foulness from an outside source, to taint stresses the loss of purity or cleanliness that follows contamination, to soil stain, stain, corrupt, or infect by contact or association,

*Disposal facility* shall means any facility or location where the final deposition of solid waste occurs and includes, but is not limited to, land filling and solid waste thermal treatment technology facilities.

*Enforcement.* The License and Inspection Department.

*Generator* shall mean any waste generated or accumulated at any facility lying within Augusta-Richmond County Georgia under daily operations, for commercial gain or mass distribution.

*Inventory* shall mean a written recorded description and quantity of materials.

*Junkyard, salvage yard, recycling facility* shall mean any place where waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packaged, disassembled, or handled; including automotive wrecking yards, automobiles used parts lots, used lumber yards, salvaged building materials, salvaged household appliances, or other types of material; but excluding establishments for the sale, purchase, or storage of used automobiles in running condition, used furniture, or salvaged materials used as parts of a manufacturing process on the same site.

*Leachate* shall mean a liquid that has passed through or emerged from solid waste and contains soluble, suspended, or miscible materials removed from such waste.

*Legally existing business.* A business that is in compliance with the Augusta-Richmond County Comprehensive Zoning Ordinance, and the business owner/operator is in possession of a current Occupation Tax Certificate.

*Manifests/receipt* shall mean a form or document used for identifying the quantity or composition and the origin, routing, and destination of special solid or liquid waste during its transport from the point of generation through any intermediate points to the point of disposal, treatment or storage.

*Occupation tax certificate holder* means any person(s), firm or corporation who owns a business and/or holds an Occupation Tax Certificate within Augusta-Richmond County, Georgia and/or operating with an Occupation Tax Certificate in Augusta-Richmond County, Georgia.

*Ordinance administrator.* The Director of the License & Inspection Department.

*Owner* means the person(s), firm, or corporation who owns a parcel of property lying within Augusta-Richmond County Georgia.

*Person* shall mean any individual, firm, partnership, association, company, group, entity, or organization of any kind.

*Petroleum contaminated soil* shall mean any soil tainted or affected by any petroleum or a substance containing any traces of petroleum constituents.

*Pre-existing junkyard, salvage yard, automobile wrecking yard, and/or recycling facility.* Prior to the date of Ordinance implementation.

*Reclamation* shall mean the reconditioning or rehabilitation of affected land under the junkyard, salvage yard, automobile wrecking yard, and recycling facility. Such as refilling, and re-packing the excavated areas with suitable materials, such as dirt, and/or sand.

*Recovered materials processing facility* shall mean a facility engaged solely in the storage,

processing, and resale or reuse of recovered materials. Such term shall not include a solid waste handling facility; provided, however, any solid waste generated by such facility shall be subject to all applicable laws and regulations relating to such solid waste.

*Recycling* shall mean any process by which materials which would otherwise become solid waste or collected, separated, processed and reused or returned in the form of raw materials or products.

*Regulatory fee.* Payment whether designated at license fees, permit fees, or by another name, which are required by a local government as an exercise of its police power and as a part of or an aid to regulation of an occupation, profession, or business.

*Run-off* means any rainwater, leachate, or other liquid that drains over land from any part of a facility.

*Salvageable/recovered/collectable materials* shall mean those materials which have known use, reuse, or recycling potential; can be feasibly used, reused or recycled; and have been diverted or removed from the solid waste stream for sale, use, reuse or recycling, whether or not requiring subsequent separation and processing.

*Solid waste/waste* shall mean any garbage or refuse including solids, semi-solids, liquids, gaseous, materials that have no use or future use.

*State waters* includes any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the state, which are not entirely confined and retained completely upon the property of a single individual, partner ship, or corporation.

*Tire* shall mean a continuous solid or pneumatic rubber covering designed for encircling the wheel of a motor vehicle which is neither attached to the motor vehicle nor a part of the motor vehicle as original equipment.

*Waste* shall mean all discarded substances and materials whatsoever exceeding ten pounds (10 lbs.) in weight or fifteen cubic feet (15 ft.<sup>3</sup>) in

volume, or any such substance in any weight or volume if biomedical waste, hazardous waste, a hazardous substance, or any such substance or material dumped for commercial purposes. With the exception of non-hazardous, low-impact animal by-products classified by the Georgia Department of Natural Resources, "waste" includes without limitation, sand, gravel, slag, brickbats, rubbish, waste material, tin cans, refuse, garbage, trash, debris, dead animals, bottles, boxes, containers, papers, tobacco products, tires, appliances, mechanical equipment or parts, building or construction materials, tools, machinery, wood, motor vehicles and motor vehicle parts, vessels, aircraft equipment, waste oil, batteries, antifreeze, sludge from a wastewater treatment facility, water supply treatment plant, or air pollution control facility, air contaminants from any source or facility, and any other discarded material or substance of every kind and description resulting from domestic, industrial, commercial, mining, or governmental operations.

*Waste stream* shall mean the point of generation/origin of said waste (as defined), manner in which it is recovered, transported, final destination site for generator and/or disposal point.

*Zoning* shall mean by Ordinance into sections reserved for different purposes (as residence, business, or activity).  
(Ord. No. 6727, § 1, 9-21-04)

**DIVISION 2. GENERAL ENVIRONMENTAL MANAGEMENT**

**Sec. 7-2-64. General management.**

(a) The owner or occupant of any premises shall be responsible for the sanitary handling and disposal of all waste; scrap tires, municipal commercial industrial waste, solid waste, recovered or recyclable material, at any place in Augusta Richmond County, Georgia.

(b) It shall be unlawful to dump, open dump, burn, bury, or permit the dumping of waste, scrap tires, municipal, commercial industrial waste, solid waste, recovered or recyclable material, con-

struction/demolition waste at any un-permitted and approved site or place in Augusta Richmond County, Georgia.

(c) It shall be unlawful to operate, accumulate, or generate any type waste in Augusta Richmond County without obtaining proof of disposal documentation, such as manifest, receipts, and other proof approved by enforcement authority.

(d) Unless authorized to do so by law or by duly issued permit, it shall be unlawful for any person to dump or place waste:

- (1) In any pit to include inert waste, scrap tires, waste, concrete, brickbats, stumps, limbs, fluid waste.
- (2) In any fresh water lake, stream, river, canal, creek, storm drain, or sanitary sewer drain.
- (3) In any ambient air, indoor air, incinerator, any form of emission unless duly permitted.

(e) Any business, entity, person, etc. that generates waste shall retain and maintain all receipts, manifests, and documentation for 3 years for any transport of waste, recyclable, salvageable, collectable materials generated within Augusta-Richmond County Georgia.

(f) Any waste not accounted for by referenced terms shall constitute improper management of said waste and/or dumping.  
(Ord. No. 6727, § 2, 9-21-04)

**Sec. 7-2-65. Accumulation.**

(a) No owner or occupant of any property in Augusta-Richmond County shall burn bury any waste without prior authorization and written permission from an applicable governing regulatory agency. Nothing in this provision shall authorize or be construed to permit the burial or burning of any material which is otherwise prohibited by federal, state, or local regulations.

(b) No owner or occupant of any property in Augusta-Richmond County shall allow the accumulation of any type waste on his or her property and/or premises where such material creates or

causes a health hazard to surrounding properties, citizens, and/or impairs the quality of life for surrounding areas.  
(Ord. No. 6727, § 2, 9-21-04)

### DIVISION 3. GENERAL YARD MANAGEMENT

#### **Sec. 7-2-66. Waste management.**

(a) Any auto salvage yards, and those who are involved in operating any type salvage/recycling/junk yard, used parts lots, automobile wrecking yard, and/or any type recycling/salvage operation of any kind shall be subject to rules as noted below:

(b) All auto salvage yards, recycling/junk yard, used parts lots, automobile wrecking yard, and/or any type recycling/salvage operation, used parts lots approved for operation are required to install a "containment station/dismantling area" at the point of entry for said vehicles. Containment station/dismantling area shall be a permanent structure meeting the intent and requirements as follows:

- (1) Secure shelter above a concrete impermeable base with elevated sides without drains, discharge or entry points, designed and suitable to use as a staging area for the extrication of items listed below:
  - a. Waste Oil
  - b. Transmission Fluid
  - c. Gasoline
  - d. Anti-freeze
  - e. Batteries
  - f. Oil filters
  - g. Hydraulic fluid or lubricant
  - h. Transmission filters
  - i. Freon, gases, or gaseous type

(c) Upon vehicle entrance into said salvage yard, vehicle shall be fully relieved of any flowing fluids, filters, and batteries, and waste — except engine oil and transmission fluid. Engine oil and transmission fluid may remain in the engine and transmission provided there are no leaks. The

vehicle must be located on the 'containment station' when the parts (engine and/or transmission) are removed from the vehicle. Said flowing fluids, filters, and batteries, and waste shall be stored in accordance with regulations specified in this ordinance. Any waste generated by said facility is further required to meet any applicable local, state, and federal codes and/or laws concerning "hazardous waste management and/or potential hazardous waste contamination." Maintain verification on any waste generated, accumulated, and/or disposed of on site, and any questionable waste located at said facility shall be documented and accounted for, and located in the containment station area.

(d) Parts containing liquids can be salvaged from the vehicle only while the vehicle is located on the "containment station/dismantling area".

(e) All removed parts/components must be stored on an impermeable surface under roof.

(f) Crushing of vehicles, other than by a manufactured auto crusher with a self containing captured fluid reservoir, shall be performed in the containment area/dismantling area.  
(Ord. No. 6727, § 3, 9-21-04)

#### **Sec. 7-2-67. Vehicular waste management.**

(a) Drain and collect all fluids in the containment station area in the appropriate containers.

(b) Store in appropriate container, metal drums for non-corrosive, plastic for corrosive, both complete with caps.

(c) Monitor container for leaks, rust, cracks, and perform maintenance as needed.

(d) The containers must be clearly identifiable of its contents by proper labeling and markings with birth date and death date.

(e) Reserved.

(f) All materials recovered transported and disposed of must be performed by a permitted and licensed individual(s) that will provide you with the required documentation needed for review.  
(Ord. No. 6727, § 3, 9-21-04)

**Sec. 7-2-68. Storage/containment area.**

(a) Containment stations shall consist of individual containers that are placed on concrete, under shelter, clearly labeled to identify its contents, sealable, and suitable for storage.

(b) Premises must be monitored continuously, and any leaks or drips are to be addressed immediately.

(c) The base of the containment station shall be dry kept only and never cleaned by spraying or pressure washing.

(d) Scrap tires shall be stored as follows:

(1) It shall be unlawful for any commercial business to accumulate more than five hundred (500) scrap tires on the property in which it owns or occupies at any given time. Accumulated scrap tires shall be disposed of a minimum of once every 90 days.

(2) It shall be unlawful for any person or entity authorized by this article and/or state law to handle store, and/or dispose of scrap tires, to do so in any manner other than the following: permitted quantities of scrap tires may be stored outside on the property of an authorized business in a container enclosed on all four (4) sides by a solid screen and having a secure top cover, which container is not visible from any public right of way or any adjoining property.

(Ord. No. 6727, § 3, 9-21-04)

DIVISION 4. GENERAL YARD MAINTENANCE

**[Sec. 7-2-69. General yard maintenance.]**

(a) Vegetation shall be maintained in a manner, which will not be conducive to insect or rodent infestation.

(b) Property shall be maintained in accordance with local and state storm water and environmental and sedimentation regulations.

(c) All waste shall be disposed of by a GAEPD or USEPA approved facility and all manifest, receipts, and or approved documentation shall be retained on site for review upon inspection for a minimum of (3) three years.

(d) Property shall be maintained in a manner not to impair or pose potential threat to human, health, safety and shall not affect the quality of life in surrounding, and/or adjoining properties, as follows:

(1) All vehicles, recovered materials, and waste are not to exceed stacks higher than 1 vehicle high or 6 feet in height.

(2) Vehicles must remain in orderly formation (in rows), and establish and maintain a fire/maintenance lane between rows.

(Ord. No. 6727, § 4, 9-21-04)

DIVISION 5. LAND USE REQUIREMENTS

**[Sec. 7-2-70. Land use requirements.]**

(a) All buildings, (excluding existing buildings and equipment and operation therein) equipment, operation, (except roads) and salvage material and parts thereof, shall not be situated within 50 feet of an intermittent or continuously flowing stream as designated on the most recent Geological survey map and/or labeled or deemed "State Waters."

(b) Any proposed auto salvage yards, used parts lots/junk yards, shall provide a parcel size of 10 acres or greater to include the "active area" labeled after set backs are determined.

(c) All existing and/or proposed auto salvage yards, used parts lots, junk yards shall provide screening as listed:

(1) Green mesh nylon shade cloth securely attached to 6 foot cyclone fence, or

(2) Six foot in height wood board privacy fence with no color alteration, and maintained on a continuous basis.

(3) Comply with the Augusta-Richmond County Tree Ordinance—Chapter 8-4-11(e)(5) Street Yard Requirements.

(Ord. No. 6727, § 5, 9-21-04)

**DIVISION 6. PROCEDURES: REGISTRATION  
AND PERMITTING**

**Sec. 7-2-71. Existing locations.**

(a) All owners, operators, or maintainers of automobile salvage yards, used parts lot or other junk yards legally existing under approved zoning status at the effective date of this Ordinance shall register and pay a Regulatory Fee with Augusta License & Inspection Department within a period of 30 days from the effective date of this Ordinance. Permit application will include:

- (1) The dimensions and acreage of existing or proposed site and the description and location of any structure, heavy equipment or any other permanently affixed edifice.
- (2) A detailed drawing of land use, to include an estimated vehicle capacity, and site entry and exit points.
- (3) Containment station plan to include size of overhead shelter, impermeable concrete base, waste container list, amount, and type waste.

(b) Existing automobile salvage yards, used parts lot, junk yards shall conform to the approved permit and standards of this Ordinance in accordance with the graduated compliance schedule listed as follows. The times listed are from the date of plan approval.

- (1) Meet Section 6-1 (a) within 30 days of effective date of Ordinance.
- (2) Meet Section 5 (c) within 60 days of date of plan approval.
- (3) Meet Section 3-1 (b) within 90 days of date of plan approval.
- (4) Meet Section 3-3-(d) within 120 days of date of plan approval.

All existing auto salvage yards, recycling/junk yard, used parts lots, automobile wrecking yard, and/or any type recycling/salvage operation, or used parts lots that have not been registered within 30 days shall be in violation of the registration provisions of this Ordinance. Unless said facilities can be documented to the satisfaction of the Ordinance Administrator as existing prior to

the effective date of this Ordinance they shall be considered new facilities. If so documented, said auto salvage yards, recycling/junk yard, used parts lots, automobile wrecking yard, and/or any type recycling/salvage operation, used parts lots may be considered existing facilities, be required to register and required to comply with a revised compliance schedule listed

One copy of the completed signed registration application shall be submitted to the Ordinance administrator.

(Ord. No. 6727, § 6, 9-21-04)

**Sec. 7-2-72. New locations.**

(a) Comply with Augusta-Richmond County Comprehensive Zoning Ordinance with regard to zoning and site plan requirements. In addition to requirements specified by the Planning Commission Site Plan Development Regulations, the site plan shall include:

- (1) The dimensions and acreage of the proposed site and the description and location of any structure, heavy equipment or any other permanently affixed edifice.
- (2) A detailed drawing of land use, to include an estimated vehicle capacity, and site entry and exit points.
- (3) Containment station plan to include size of overhead shelter, impermeable concrete base, and waste containers.
- (4) All proposed auto salvage yards, used parts lots, junk yards or recycling facility shall provide screening either green mesh nylon shade cloth securely attached to a 6 foot cyclone fence or a six foot in height wood board privacy fence with no color alteration, and maintained on a continuous basis.

(b) Comply with approved site plan.

(c) Any person, firm or corporation who does business in Augusta-Richmond County as an automobile wrecking yard or automobile used parts lot or junkyard, salvage yard, recycling facility, shall, before engaging in such business, pay such regulatory fee as is provided in § 2-2-3 (c) of the Augusta-Richmond County Code.

(d) Apply for an Occupation Tax Certificate, pay Tax and receive Occupation Tax Certificate, and receive commitment to issue Occupation (Ord. No. 6727, § 6, 9-21-04)

**Sec. 7-2-73. Permit required for automobile wrecking yard, automobile used parts lot, junkyard, salvage yard, recycling facility.**

No person, firm or business entity shall establish, operate, or maintain an auto salvage yards, recycling/junk yard, used parts lots, automobile wrecking yard, and/or any type recycling/salvage operation, used parts lots yard without complying with this ordinance. Any expansion of an auto salvage yards, recycling/junk yard, used parts lots, automobile wrecking yard, and/or any type recycling/salvage operation, used parts lots yard, whether pre-existing or newly permitted, shall require compliance with the sections of this ordinance pertaining to New Locations. The permit shall only be issued upon the persons, firm or business entity seeking the permit submitting a statement that the existing or proposed facility does not violate any of the provisions of this Ordinance. The permit shall be valid unless revoked for non-conformance with this Ordinance. (Ord. No. 6727, § 6, 9-21-04)

**Sec. 7-2-74. Application.**

Application for the permit shall be made to the Administrator of the Ordinance, on such forms as the Administrator of the Ordinance shall prescribe along with a non-refundable regulatory fee as established by the Board of Commissioners. The permit application shall include but not be limited to the information required for the registration application and a junkyard plan. The plan shall indicate setbacks, location of public right-of-ways, all proposed structures, all structures within 500 feet of the proposed facility, driveways, entrances, fencing, screening, types of fencing, types of screening, dimensions of junk yard, gross acreage, preparer of plans name(s) and address(es) and phone numbers.

Any expansion of a junkyard, whether pre-existing or newly permitted, shall require a per-

mit. Procedures and standards for an expansion permit shall be those required for a new establishment. (Ord. No. 6727, § 6, 9-21-04)

**Sec. 7-2-75. Permitting procedure.**

The completed permit application and yard plan shall be submitted to the Ordinance administrator. The administrator shall have the authority to either approve or deny the permit. A denied permit may be resubmitted within 14 days from the date of denial without incurring an additional permit fee. (Ord. No. 6727, § 6, 9-21-04)

DIVISION 7. ENFORCEMENT

**[Sec. 7-2-76. Enforcement.]**

Enforcement of this ordinance shall be the responsibility of the Augusta-Richmond County License and Inspections Department. Any person or person(s) authorized to enforce this ordinance shall be empowered to enter any property, upon reasonable cause, at reasonable or necessary times in order to inspect for violations of this ordinance, subject to the condition that to allow entry onto private property for inspections, the alleged violation of this ordinance, must be visible from a public road or right of way, or upon said officer(s) having received a valid complaint alleging a violation of this ordinance, or by a Judge's Order upon said officers having received information/allegations that constitute reasonable suspicion that a serious unlawful act or threat to the health and safety of the community and/or the environment has occurred or is about to occur. (Ord. No. 6727, § 7, 9-21-04)

DIVISION 8. VIOLATIONS

**[Sec. 7-2-77. Violations.]**

Any person(s), firm, or corporation violating any portion of this ordinance shall be charged with each and every violation and upon trial and

conviction shall be subject to the penalties provided in § 1-6-1 of the Augusta-Richmond County Code.  
(Ord. No. 6727, § 8, 9-21-04)

#### DIVISION 9. PENALTIES REMEDIES AND ABATEMENT OF NUISANCE

##### **[Sec. 7-2-78. Penalties remedies and abatement of nuisance.]**

Upon finding evidence that any provision of this ordinance has been violated, a Notice of Violation will be issued at the discretion of the enforcing officers in lieu of a Citation. If the owner of a business fails to correct the violations and comply with the Ordinance within the time specified, the Ordinance Administrator may request the Augusta Commission to approve an ordinance providing for the actions necessary to correct the violations. The Ordinance Administrator may cause the violations to be corrected either through an available public agency or by contract or by private persons, and the cost of such work shall constitute a lien against the property upon which the work was performed. The delinquent tax collector shall issue a fi. fa. in the name of Augusta-Richmond County, for the cost, and levy the fi. fa. and expose the property for sale.  
(Ord. No. 6727, § 9, 9-21-04)

#### DIVISION 10. SEVERABILITY

##### **[Sec. 7-2-79. Severability.]**

Should any sentence, section, subsection or provisions of this ordinance, or application of a provision of this Ordinance, be declared invalid or unconstitutional by any Court or other competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof that is not specifically declared as invalid or unconstitutional.  
(Ord. No. 6727, § 10, 9-21-04)

#### DIVISION 11. REPEAL OF CONFLICTING RESOLUTIONS OR ORDINANCES

##### **[Sec. 7-2-80. Repeal of conflicting resolutions or ordinances.]**

All ordinances or parts of ordinances previously adopted by the Board of Commissioners of

Augusta-Richmond County, Georgia which are in conflict with this ordinance are hereby repealed to the extent necessary to eliminate such conflict.  
(Ord. No. 6727, § 11, 9-21-04)

#### DIVISION 12. EFFECTIVE DATE

##### **[Sec. 7-2-81. Effective date.]**

This ordinance shall become effective on upon adoption.  
(Ord. No. 6727, § 12, 9-21-04)

## Chapter 3

**STREETLIGHTING****ARTICLE 1 IN GENERAL\*****Sec. 7-3-1. Program—Creation.**

(a) There is hereby created and established within Augusta-Richmond County a Streetlighting Program.

(b) Pursuant to Constitutional authorization in 1970 Ga. Laws, p. 1097, the Augusta-Richmond County Commission is authorized and empowered to establish districts for the purpose of erecting, establishing, maintaining and operating within Richmond County streetlights and lamps for illumination of the public streets, roads, sidewalks and ways situated in said county. If at least fifty (50) percent of the property owners within the proposed district shall assent thereto, the Augusta-Richmond County Commission shall be further authorized to levy, assess and collect a tax or special assessment against the property located in said districts for the aforesaid purposes or make service charges against all businesses and residents served by said facilities as the Commission shall deem necessary for the services rendered, all without regard to uniformity. Such tax assessments shall be collected by the tax commissioner and may be enforced by the issuance of fi fa's or executions for said charges in the same manner and with the same lien dignity and priority as fi fa's or executions are issued for state and county taxes. Said Commission is further authorized to compel compliance with reasonable rules and regulations necessary for said services.

(c) Pursuant to 1995 Ga. Laws, p. 3648, the Augusta-Richmond County Commission is authorized to create special services tax districts and to assess, levy, and collect ad valorem taxes and collect service charges and fees for the provision of district services within a special services district only in accordance with the kind, character, type, and degree of district services provided by

\***Editor's note**—Ord. No. 6189, § 1, adopted Aug. 11, 1999, amended Art. 1 in its entirety to read as herein set out. See the Code Comparative Table.

the Commission within such special services tax district. The provisions of this section shall control ad valorem taxation and the collection of service charges and fees for the provision of district services within special tax districts by the Commission. District services as used herein specifically includes streetlights as provided in Article 9, Section 2, Paragraph 3, of the Constitution of the State of Georgia.

**Sec. 7-3-2. Streetlight program—Responsibility.**

The administrative responsibility for the program is hereby assigned to the traffic engineering division of the public works Department of Augusta-Richmond County.

**Sec. 7-3-3. Streetlight coordinator—Securing services.**

The public works department is hereby authorized to secure the services of a competent and qualified person to assume the duties of streetlight coordinator.

**Sec. 7-3-4. Streetlight coordinator—Duty to recommend standards and procedures.**

(a) The coordinator shall recommend to the Augusta-Richmond County Commission such resolutions, standards and procedures that he deems desirable to implement the streetlighting program.

(b) The coordinator, after completion of any construction or maintenance authorized hereunder in any designated area, shall prepare and make up an assessment roll properly describing said improvements and how the owners of the abutting property are to be assessed with the total cost or any portion thereof, of any given project, and forward the same to the Augusta-Richmond County Commission for approval. Upon approval by the Augusta-Richmond County Commission, the assessment roll shall immediately be forwarded to the tax commissioner. In making assessments against the abutting property, the same shall be equitable and in portion to the street frontage to be served by said streetlights.

(c) The Augusta-Richmond County Commission, by resolution, shall designate a special service tax district, identifying the district boundaries and approving the assessment roll described in subparagraph (b) hereof.

**Sec. 7-3-5. Assessment of cost.**

The annual cost and charges for the maintenance and operation of the streetlights shall be assessed on a street side footage basis per year to each property owner and shall be a lien upon the abutting property annually from January 1 next and continuing each year until all annual charges have been paid.

**Sec. 7-3-6. Standards for installation and operation of system—Adoption.**

The American Standard Practice for Roadway Lighting as sponsored by the Illuminating Engineering Society and approved by the American Standards Association will be used as standards for installation and operation of street and roadway lighting in Augusta-Richmond County.

**Sec. 7-3-7. Standards for streetlights—Mandatory.**

No lighting fixtures will be installed, operated or maintained within the rights-of-way of any public street, road, highway, alley or sidewalk within Augusta-Richmond County or affixed to any pole, standard or other supporting device which is located within rights-of-way, unless such fixture conforms as to location, installation, equipment, operation and maintenance to the roadway and streetlighting standard and procedures established in section 7-3-4. Fixtures located outside of the rights-of-way will be installed, operated and maintained in such a manner as to prevent light beams, patterns or glare from projecting on rights-of-way in such manner as to be a hazard to, or interfere with, the normal use of the public street, road or highway.  
(Ord. No. 6189, 8-17-99)

**ARTICLE 2 CONSTRUCTION AND MAINTENANCE**

**Sec. 7-3-8. Conditions.**

The construction or maintenance of any streets, roads, sidewalks, curbs, stormwater systems and

sewer systems in Augusta-Richmond County may be done by Augusta-Richmond County upon approval of the Augusta-Richmond County Commission when seventy-five (75) percent of the owners of the property abutting such improvements shall consent thereto and agree to be assessed for the cost thereof on a pro rata basis as provided for herein.

**Sec. 7-3-9. Required development.**

No construction or improvement of any streets, roads, sidewalks, or curbs in Augusta-Richmond County may be done by Augusta-Richmond County unless the property adjacent to the street, road, sidewalk or curb is eighty (80) percent developed. The required development herein shall be determined by the following formula: The front footage of all lots or parcels adjacent to the street, road, curb or sidewalk being installed or improved shall be totaled, and the total front footage of all lots or parcels shall be divided into the total front footage of all lots or parcels with improvements thereon to arrive at the percentage of development.

**Sec. 7-3-10. Assessment of cost.**

The Augusta-Richmond County Commission assess the entire cost of such improvements, or any portion thereof, as determined by the Commission, against such abutting property owners; however, no assessment shall be made against the abutting property owners unless the same is consented to in writing by the owners of seventy-five (75) percent of the property abutting such improvements.

**Sec. 7-3-11. Construction by Augusta-Richmond County or by contract.**

The Augusta-Richmond County Commission, after determining the cost of such construction or maintenance to be done, including the cost of acquiring rights-of-way, if any are to be required, and all cost necessary therefor, including the cost of engineering, supervision and inspection, shall proceed to construct the same either by forces of the public works department or by contract, as the Commission deems best.

**Sec. 7-3-12. Collection of assessments.**

The Augusta-Richmond County engineer, after completion of any construction or maintenance authorized hereunder in any designated area, shall prepare and make up an assessment roll properly describing said improvements and how the owners of the abutting property are to be assessed with the total cost or any portion thereof, of any given project, and forward the same to the governing authority for approval. Upon approval of the Augusta-Richmond County Commission, the assessment roll shall immediately be forwarded to the collector of delinquent taxes for collection. In making assessments against the abutting property, the same shall be equitable and in proportion to the street frontage to be served by said improvements.

**Sec. 7-3-13. Liens; collector of delinquent taxes.**

All assessments made hereunder shall be liens against the property abutting such streets, roads, sidewalks, curbs, stormwater systems or sewer systems from the date of the adoption of the resolution authorizing such improvements and the assessment of the cost for the same. A copy of each resolution as adopted by the Augusta-Richmond County Commission shall be forwarded by the clerk to the collector of delinquent taxes.

**Sec. 7-3-14. Docket; payment of assessments; executions.**

A docket shall be kept by the director of delinquent taxes for listing the property owners and property and the amounts assessed thereon for construction and maintenance authorized hereunder. Said assessments shall be paid thirty (30) days from the date that the same is submitted to the property owner or in any other manner as provided for by the Augusta-Richmond County Commission. All delinquent assessments shall bear interest at the rate of nine (9) percent per annum. An execution shall issue for the collection of any delinquent assessments; and the same shall be signed by the chairman of the Commission, and shall be recorded on the general execution docket in the office of the clerk of superior court of Richmond County, and shall be collected

by the delinquent tax collector as other fi.fa.'s, and in the event that the defendant in fi.fa. shall claim the amount thereof, or some part of same thereof is not owing, or that the same is proceeding illegally, he may file illegality thereto, and proceed thereon the same as provided for in case of tax fi.fa.'s.

**Sec. 7-3-15. Fi.Fa.; Propriety; transfer.**

All fi.fa.'s or executions issued hereunder shall be with the same lien, dignity and priority as fi.fa.'s or executions are listed for state and local taxes. Any fi. fa. issued hereunder may be transferred or assigned and the property levied upon and sold under the rules governing judicial sales.

**Sec. 7-3-16. Augusta-Richmond County road system.**

(a) All public roads, streets, avenues, drives, and other ways open to the public and intended or used for its enjoyment and for the passage of vehicles as defined by Georgia Laws 1973, pp. 947, 959, located in Augusta-Richmond County, as shown by recorded deeds of conveyance to the county, which are on file in the office of the Augusta-Richmond County engineer; and all said public roads shown by the county road register maintained by the Augusta-Richmond County engineer; and all said roads shown as county roads on the most recent map of public roads in the county prepared by the state department of transportation, collectively, are hereby designated as the county road system; and each said road or portion thereof is declared to be a part of the county road system as is provided in Georgia Laws 1973, pp. 947, 967.

(b) The county engineer shall notify the state department of transportation of this section and shall, as soon as practicable, submit any additions or deletions which may be necessary to conform the map and written record maintained by the department of transportation showing public roads in the county to reflect those roads which are hereby designated as the county road system.

**Sec. 7-3-17. Adding road to the Augusta-Richmond County road system.**

Prior to the adding of any road to the Augusta-Richmond County road system, the following resolution shall be adopted by the Augusta-Richmond County Commission:

*RESOLUTION ADDING ROAD TO THE AUGUSTA-RICHMOND COUNTY ROAD SYSTEM.*

*WHEREAS*, [Road] is an existing Road in Augusta-Richmond County, Georgia open to public usage; and

*WHEREAS*, Augusta-Richmond County desires to make Road a part of its Road System.

*NOW, THEREFORE, BE IT RESOLVED* by the Augusta-Richmond County Commission that [Road] is hereby added to its official Road System of Record, being described as follows and as shown on the attached sketch map or plat showing the approximate alignment and location of said road:

- (a) Points of beginning and ending:  
Beginning at ;namerule and ending at \_\_\_\_\_.
- (b) Length of road to nearest 1/10th mile: \_\_\_\_\_.
- (c) Width and type of road surface: \_\_\_\_\_.

The Clerk of the Commission is hereby directed to forward a certified copy of this Resolution to: Georgia Department of Transportation, Office of Planning, Inventory Branch, 2 Capitol Square, Atlanta, Georgia, 30334.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

/s/ \_\_\_\_\_  
MAYOR,  
Augusta-Richmond County Commission

ATTEST:

/s/ \_\_\_\_\_  
CLERK,  
Augusta-Richmond County Commission

**ARTICLE 3. EXCAVATIONS**

**Sec. 7-3-18. Requirements.**

No excavation shall be made within any public right-of-way (street, road, alley, lane or other public thoroughfare) of Augusta-Richmond County until the following requirements have been met:

- (a) A fifteen hundred dollar (\$1,500.00) bond with adequate security has been filed with Augusta-Richmond County in the office of the director of public works or a letter from a chartered state or national bank or savings and loan institution within the state, confirming an escrow deposit, by the contractor or applicant for the benefit of Augusta-Richmond County or a letter of credit from a chartered state or national bank or savings and loan institution within the state.

- (b) A letter and/or plans have been submitted to the director of public works or his representative giving the details regarding the proposed excavations and expected dates of the same.
- (c) A permit is obtained from the director of public works or his representative and posted on the job site.

**Sec. 7-3-19. Notification of the director of public works or his representative; completion of work.**

The director of public works or his representative shall be notified at least twenty-four (24) hours prior to the beginning of the excavation, and all work shall be completed within seven (7) calendar days or an extension of time shall be secured in writing from the director of public works or his representative. A minimum of one (1)

hour's advance notice during regular working hours (8:30 a.m. to 5:00 p.m.) shall be given prior to beginning any backfill operation. Any backfill accomplished without the minimum one-hour advance notice shall be removed in its entirety. The applicant must obtain permission from Augusta-Richmond County's inspector before placing concrete or asphalt.

**Sec. 7-3-20. Construction standards.**

Construction for all road cut excavations shall conform to the standard detail approved by the Augusta-Richmond County engineer, including as a minimum:

- (a) Select backfill compacted in lifts no more than six (6) inches, loose measure, to at least ninety-eight (98) percent of the maximum dry density as determined by a standard proctor. No backfill work shall begin until all required materials, along with a mechanical compactor and competent operator for the compactor, are on the job site.
- (b) Eight-inch-thick portland cement concrete, class "A" or better (minimum 611 pounds cement/cu. yd.) shall be placed twelve (12) inches wider, each side, than the excavated trench/ditch. All edges shall be squared. The concrete shall be protected until proper set is obtained.
- (c) Final position of asphalt surface with saw cut edges to match the existing grade of the surrounding pavement after proper rolling.

**Sec. 7-3-21. Blocking traffic; signs.**

No traffic shall be blocked at any time during construction unless approved as part of the permit and all required signs and state-certified flagmen are in place. All signs, barricades and flagmen shall be provided by the contractor at his expense, and placed as directed by the public works director or his representative.

**Sec. 7-3-22. Repairs to cut pavement; cost.**

Where pavement is cut, repairs to such pavement shall be made by the person, utility com-

pany or contractor who made the cut. Such repairs shall be made according to specifications approved by the public works director which shall be furnished to the person, utility company or contractor by said director. All cuts and repairs to cuts shall be made under the supervision of the public works director. The person, utility company or contractor shall pay as a fee the sum of ten cents per square foot on footage agreed upon by the commissioner of public works and the person, utility company or contractor, but not less than three dollars per cut. This fee shall be paid within thirty days after the cut is made, by the person or utility company making the cut and repairs, and shall be deposited to the credit of the department from which inspectors under the public works director are paid.

**Sec. 7-3-23. Failure to complete work.**

In the event the contractor does not complete the excavation work within seven (7) days or within any extended time granted, or in a satisfactory manner, the director of public works or his representative shall have the work done with Augusta-Richmond County forces or by contract and shall bill the bonding company of the contractor at a rate twice the actual cost.

**Sec. 7-3-24. Emergency permits.**

Emergency permits may be obtained from the director of public works or his representative by telephone and must be verified in writing within twenty-four (24) hours by the contractor. All requirements contained herein shall apply to emergency permits (as deemed feasible by the director of public works or his representative).

**Sec. 7-3-25. Penalty for noncompliance.**

Failure to comply with any section or subsection of this article, except as approved in writing by the director of public works or his representative, in advance, shall result in a fine of five hundred dollars (\$500.00) per day, with each day considered a separate violation. This fine is in addition to the cost of repairs as prescribed in section 7-4-22. Any company that violates this

article will not have any further permits issued for additional work until all fines are paid and all outstanding repairs are completed.

**ARTICLE 4. USE OF COUNTY RIGHTS-OF-WAY**

**Sec. 7-3-26. Heavy equipment on right-of-way.**

This section shall cover any person, association, or business entity using heavy equipment (as hereinafter defined) on or over an Augusta-Richmond County road, right-of-way and/or easement in carrying out its business by loading, unloading and/or transporting materials of any nature, whether on the road surface or on the paved or unpaved portion of a right-of-way and/or easement (including ditches or embankments).

**Sec. 7-3-27. Definitions.**

As used in this article, the term:

- (a) *Access site.* Any temporary or permanent roadway, drive, structure, fill or device, existing or constructed, that is used or employed for the purpose of crossing, traveling upon or using an Augusta-Richmond County road, right-of-way and/or easement.
- (b) *Augusta-Richmond County right-of-way.* For the purpose of this Ordinance, the entire right-of-way of any road (as defined herein), including without limitation the shoulder, front slope, ditch, drain, back slope, facility or any appurtenance of such road.
- (c) *Heavy equipment and vehicle.* Any and all motorized devices in, upon or by which any person, material or property may be transported or drawn, including without limitation semitrailers, trailers, tractors, and truck tractors, provided, however, that heavy equipment and/or vehicles being used for the control or extinguishing of fire and/or flood control shall be exempt from this statute.
- (d) *Loading and/or unloading* shall be defined by their everyday meanings, but

also shall include any activity known as harvesting or mining of any product or material.

- (e) *Operations.* Those activities contemplated by this article, including without limitation the loading, unloading and/or transporting of raw materials such as stone, metal, timber, oil, fill dirt, produce and kaolin.
- (f) *Operator.* Any individual, partnership, corporation, association or private organization of any character, including without limitation said operator's agents and employees, carrying out the activities contemplated by this article.
- (g) *Road.* Any Augusta-Richmond County-owned or maintained highway, road, street, avenue, drive, detour or other way open to the public and intended or used for the passage of motor vehicles.

**Sec. 7-3-28. Commencement of operations.**

(a) All persons engaging in operations using heavy equipment or vehicles in excess of three (3) tons on or across an Augusta-Richmond County road, right-of-way and/or easement must provide in writing to the Engineering Services department the following information at least forty-eight (48) hours before commencing said operations:

- (1) The name, address, and phone number of the party which will be carrying on said operations;
- (2) The approximate location of access site(s) to the road or the approximate location of the right(s)-of-way and/or easements affected;
- (3) The date operations are to commence;
- (4) The estimated date all operations will be completed; and
- (5) The name of the title owner of the tract of land on which operations shall occur;

(b) Provided, however, that any Operator using Augusta-Richmond County roads, rights-of-way and/or easements more frequently than once each month in the same location shall be required to:

- (1) Provide this information to the Engineering Services department once each three (3) months;
- (2) Allow monthly inspections by the Engineering Services department of its operations; and
- (3) Pay to the Engineering Services department a user impact fee of fifty dollars (\$50.00) per inspection in connection with said inspections.

**Sec. 7-3-29. Performance standards.**

(a) *Loading and/or unloading.* All loading and/or unloading shall be conducted at a site outside the Augusta-Richmond County rights-of-way and behind the established ditch line of Augusta-Richmond County roads and/or easements.

(b) *Ditches and drainage structures.* Ditches and drainage structures within fifty (50) feet of an access site and/or right-of-way and/or easement shall be kept clear of debris, soil and residue at all times to allow for proper drainage. Culverts shall be installed at access sites and/or temporary entrances, as needed, to facilitate proper drainage flow. Culvert openings shall be as approved by the Engineering Services department.

(c) *Warning signs.* Any Operator engaging in operations as defined herein shall be required to post warning signs at least 500 feet on all approaches to the location of operations, adequately warning oncoming traffic of persons, heavy equipment, vehicles or machinery entering the area.

(d) *Roadway.* Operators shall be responsible for keeping Augusta-Richmond County roads, rights-of-way and/or easements serviceable and clear of debris, soil, mud and/or other materials at all times to allow for the safe passage of school buses, emergency vehicles, mail carriers, and traffic of the general public.

(e) *Notifications upon completion of operations.* No later than forty-eight (48) hours after completion of operations, Operator shall give written notification of such completion to the Engineering Services department. Within eight (8) days of receiving said notification of completion, the Engineering Services department shall cause a site inspection to be made by a designated official of said department, and shall provide written notice to the Operator as to whether the site is in proper repair. Should said written notice not be provided by the Engineering Services department within a reasonable time period, Operator shall not be held responsible or liable under this article.

(f) *Determination of proper state of repair; appeal of determination.* If it is determined by the Engineering Services department during operations that any Augusta-Richmond County road, right-of-way and/or easement, or any access site, is not in a proper state of repair, a written notification of said determination shall be issued to the Operator. Any Operator receiving notification that a site is not in a proper state of repair (whether said notification is received during or at the completion of operations) shall have ten (10) days to correct the site or to appeal the determination of the Engineering Services department to the Augusta-Richmond County Commission. Appeal shall be made by filing a notice of appeal with the Clerk of the Commission within said ten (10) day period. In the event of appeal, the Commission shall render a decision on the appeal at the next regular meeting of the Commission following receipt of the notice of appeal. The Commission may receive evidence on behalf of both the Operator and/or the Engineering Services department at the hearing of any appeal under this article.

(g) *Abatement; bonding requirement.* If repairs in accordance with subsection (f), above, are not made by Operator within ten (10) days of notification by the Engineering Services department, or within ten (10) days of a decision of the Commission adverse to the Operator, then the Commission shall cause the repairs to be made and shall tax the cost of the repairs against the Operator and the property in the same manner and under the same terms as the cost of other

public improvements is taxed. The cost shall constitute a lien against the property, and the delinquent tax collector shall issue a fi.fa. in the name of the Augusta-Richmond County, acting by and through its Commission, for the cost, and, at the sole option of the Commission, levy the fi.fa. upon, and expose for sale, the property in the same manner as levies and sales under tax fi.fas are now executed. The Commission shall further require posting of a bond or letter of credit in an amount to be determined by the Commission after recommendation from the Engineering Services department for future operations on Augusta-Richmond County roads, rights-of-way and/or easements. Said bond will remain in force until the conclusion of operations with all access sites, roads, rights-of-way and/or easements being in satisfactory condition as prescribed by this Ordinance. At such time, said bond will be returned to Operator within ten (10) days.

**Sec. 7-3-30. Violation; penalty.**

For all violations of this article besides failure to repair as addressed in subsections (f) and (g), above, the Engineering Services department shall make a case against the offending party and, upon trial and conviction, the offending party shall be punished as provided in section 1-6-1 of this Code.

**ARTICLE 5 SOIL EROSION AND SEDIMENT CONTROL**

**Editor’s note**—Ord. No. 6947, adopted February 22, 2007, repealed and readopted Article 5 in its entirety. Formerly, said article pertained to similar subject matter and derived from Ord. No. 6710, §§ I—X, adopted 7-21-04. A copy of this Ordinance is available in the offices of the city and is anticipated to be printed in Supplement No. 1, 2007.

**Secs. 7-3-31—7-3-51. Reserved.**

**7-3-52—7-3-59. Reserved.**

**ARTICLE 6.B STREET AND ROAD DESIGN\***

**ARTICLE 6. GRADING PERMIT**

**Sec. 7-3-40. Statement of purpose.**

Soil erosion and sediment deposition onto lands and into waters in Augusta, Georgia are occurring as a result of land clearing, excavation, filling, grading, and construction activities. Such erosion and sediment deposition results in pollution of Augusta, Georgia waters and damage to domestic, agricultural, recreational, fish and wildlife, and other resource uses.

This article provides rules and regulations for excavation, filling, and grading activities within Augusta, Georgia and provides for administration and enforcement of said rules and regulations. (Ord. No. 6166, 6-1-99)

**Sec. 7-3-41. Definitions.**

Unless the context otherwise requires, the following terms, as used in this article, are defined as follows:

- (a) *Excavation.* Mechanical removal of earth material.
- (b) *Fill.* The deposit of earth material placed by artificial means.
- (c) *Grading.* Any excavation or filling or combination thereof.

(Ord. No. 6166, 6-1-99)

**Sec. 7-3-42. Exemptions.**

No excavation, filling, or grading shall be conducted within Augusta, Georgia, except for those activities as provided below, without first securing a permit as required by this article. The following activities are exempted from the provisions of this article.

- (a) Minimum land disturbing activities such as house gardens, and individual home landscaping, repairs, maintenance work and other related activities;

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\***Editor’s note**—Ord. No. 6174, § 1, adopted July 6, 1999, set out provisions for an Art. 7. Whereas Art. 7 already existed, these provisions were redesignated as Art. 6.5. See the Code Comparative Table.

- (b) Agricultural practices involving the establishment, cultivation, or harvesting of products of the field or orchard, preparing and planting of pasture land, forestry land management practices including harvesting (where stumps are not removed), farm ponds, dairy operations, livestock and poultry management practices, and the construction of farm buildings;
  - (c) Projects carried out under the technical supervision of the Soil Conservation Service of the U.S. Department of Agriculture;
  - (d) Excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation nor exempt any excavation having an unsupported height greater than five (5) feet after the completion of such structure;
  - (e) Cemetery graves;
  - (f) Approved refuse disposal sites controlled by other regulations;
  - (g) Excavations for wells or tunnels or utilities;
  - (h) Approved mining, quarrying, excavation, processing, stockpiling of rock, sand, gravel, aggregate or clay where established and provided for by law, provided such operations do not affect the lateral support or increase the stress in or pressure upon any adjacent or contiguous property;
  - (i) Exploratory excavations under the direction of soil engineers or engineering geologists.
- (Ord. No. 6166, 6-1-99)

**Sec. 7-3-43. Permit procedures.**

(a) Except as exempted in § 7-3-42, no person shall do any excavation, filling, or grading without first obtaining a grading permit from the Augusta-Richmond County Planning Commission. A separate permit shall be required for each site.

(b) Where a new single family residential building is to be immediately constructed or where a manufactured home is to be placed on a parcel, an individual plot plan pursuant to the Soil Erosion and Sediment Control Ordinance section 7-3-35 (b)(1) shall be provided and reviewed by the license and inspections department before a building permit is issued for a single family residential building or before a certificate of occupancy is issued for a manufactured home.

(c) To obtain a permit for a residential lot in an approved subdivision where grading is to be conducted but a home is not to be immediately constructed, the applicant shall phone or visit the Augusta-Richmond County Planning Commission to obtain a permit number. Information required for each residential grading site shall be:

- (1) Lot number, block number, subdivision name, tax parcel number (if available) and street address or similar description that will readily identify and locate the proposed grading activity;
- (2) Lot owner;
- (3) Contractor performing the grading activity;
- (4) Name, address and phone number of person making the application;
- (5) Estimated start and completion dates.

In all other areas, to obtain a permit for grading activities where no new building construction (residential or commercial) is immediately imminent; the applicant shall submit a grading plan per the requirements of section 7-3-44 of this Code.

(d) A site plan will also be required for commercial development not specifically exempted in section 7-3-42. The Augusta-Richmond County Planning Commission staff shall review each application for a site plan under this article, and determine whether said application is in conflict with other ordinances of the Augusta-Richmond County Code, such as those relative to zoning, subdivision of land, soil erosion and floodplain management. Unless exempted elsewhere in this article, a grading plan will be required.

(e) Site activity involving land disturbance greater than one and one-tenth (1.1) acre shall also be required to submit a soil erosion sediment control plan per the provisions of section 7-3-31 et seq. of the Augusta-Richmond County Code.

(f) A site plan/grading plan/soil erosion plan will be reviewed by the appropriate reviewing agencies for compliance with Augusta-Richmond County Code and a grading permit will be issued upon approval from said reviewing agencies. (Ord. No. 6166, 6-1-99)

#### **Sec. 7-3-44. Grading plan requirements.**

(a) Grading plans shall be drawn to scale no smaller than one (1) inch equals one hundred (100) feet. Where large sites are being planned, they may be drawn on one or more sheets. No drawing shall exceed thirty-six (36) inches by forty-eight (48) inches in size.

(b) The following information shall be included on each grading plan:

- (1) Name of development;
- (2) Owner (name, address, and telephone number);
- (3) Developer (name, address, and telephone number);
- (4) Date plan drawn, and revision dates as applicable;
- (5) Seal and signature of a registered engineer;
- (6) North arrow with reference;
- (7) Scale (no less than one (1) inch = one hundred (100) feet);
- (8) Tax parcel number;
- (9) Zoning classification;
- (10) Use and zoning of all adjacent parcels with owner(s) name(s);
- (11) Existing and proposed elevations referenced to mean sea level, with a contour interval of two (2) feet, accurate to one-half contour to indicate surface drainage patterns;
- (12) Source of datum (benchmark used: GS benchmark, if available), and location of BM or TBM at the site;
- (13) Existing pavement width and right-of-way width of any existing streets adjacent to the development and distances to nearest intersection;
- (14) Acreage of property to be developed;
- (15) Location sketch (scale no less than one (1) inch = two thousand (2,000) feet); and
- (16) Heavy outline of 100-year flood plain and note thereof. Any disturbances within flood plain limits must comply with the city flood ordinance. If the property is not in a 100-year flood plain then write a note stating that.

(Ord. No. 6166, 6-1-99)

#### **Sec. 7-3-45. Placard.**

(a) No placard is required for residential lots in an approved subdivision; however a permit number is required per the phone-in procedures listed elsewhere in this article.

(b) When a site plan application is approved pursuant to this article, a placard shall be presented to the applicant illustrating the permit number, name of the applicant and the location and description of the permitted activity. Such placard shall be provided free of charge and shall be placed on the site in a conspicuous place visible from nearby streets or roads before work commences.

(Ord. No. 6166, 6-1-99)

#### **Sec. 7-3-46. Inspection and revocation.**

The city engineer shall be responsible for inspecting or requiring inspection of work being performed under the requirements of this article. Permits issued under the provisions of this article may be suspended, revoked or modified upon a finding that the activity of the holder is not consistent with information provided in his permit application.

(Ord. No. 6166, 6-1-99; Ord. No. 6939, § 13, 1-18-07)

**State law reference**—O.C.G.A. § 41-2-12.

**Sec. 7-3-47. Enforcement.**

It shall be the duty of the city engineer to enforce the provisions of this article within Augusta, Georgia. This enforcement shall be in the manner and form with the powers provided in the laws of the state and in the Augusta-Richmond County Code. Violations of the provisions of this article shall be called to the attention of the county attorney, who shall immediately institute injunctions, abatement, or any other appropriate action to prevent, enjoin, abate, or remove such violations. Any property owner who may be damaged by any violation of this article may also institute such action. Any person or corporation, whether as principal, agent, employee, or otherwise, who violates any provision of this article shall be guilty of an offense and upon conviction shall be punished as provided in Augusta-Richmond Code section 1-6-1.  
(Ord. No. 6166, 6-1-99)

**Sec. 7-3-48. License required.**

Contractors or builders conducting excavation, grading, and filling projects in August, Georgia that are not exempted under the provisions of this article shall comply with section 2-1-1 et seq. of the Augusta-Richmond County Code.  
(Ord. No. 6166, 6-1-99)

**Sec. 7-3-49. Conflict with other laws.**

No provision of this article shall authorize any person to violate, or to pollute any waters of the State of Georgia as defined by any provisions of the "Water Quality Control Act" (Georgia Laws, 1964, p. 416), as now or hereafter amended, or the rules and regulations promulgated and approved thereunder nor shall this article release any person from legal obligations embodied in any other federal, state or local laws or ordinances.  
(Ord. No. 6166, 6-1-99)

**Sec. 7-3-50. Appeal procedure.**

Any person aggrieved by a decision or order of the issuing authority to the requirements of this article shall first present the grievance to the issuing authority for a hearing within thirty (30) days of the decision or order and lacking a satisfactory settlement shall then have the right to

appeal de novo to the Superior Court of Richmond County. Appeals to superior court must be filed within thirty (30) days of the date of the decision of the issuing authority; and upon failure to file said appeal within thirty (30) days, the decision of the issuing authority shall be final.  
(Ord. No. 6166, 6-1-99)

**Sec. 7-3-51. Severability.**

Any clause or provision of this article declared invalid shall not affect the validity of the article as a whole or any part thereof.  
(Ord. No. 6166, 6-1-99)

**Sec. 7-3-60. Construction standards.**

Construction of all roads and streets to be dedicated to Augusta, Georgia shall conform to the standard detail approved by the Augusta Department of Public Works and Engineering, as set forth in the Street and Road Design Technical Manual.

**ARTICLE 7 NUISANCE ABATEMENT—IN REM PROCEEDINGS****Sec. 7-3-61. Findings of the existence of nuisances.**

(a) The governing authority of Augusta, Georgia find and declare that within Augusta there is the existence or occupancy of dwellings or other buildings or structures which are unfit for human habitation or for commercial, industrial, or business occupancy or use and not in compliance with applicable state minimum standard codes as adopted by ordinance or operation of law or any optional building, fire, life safety, or other codes relative to the safe use of real property and real property improvements adopted by ordinance in Augusta; or general nuisance law and which constitute a hazard to the health, safety, and welfare of the people of Augusta and the State of Georgia; and that a public necessity exists for the repair, closing, or demolition of such dwellings, buildings, or structures.

(b) It is further found and declared that in Augusta where there is in existence a condition or use of real estate which renders adjacent real

estate unsafe or inimical to safe human habitation, such use is dangerous and injurious to the health, safety, and welfare of the people of Augusta and a public necessity exists for the repair of such condition or the cessation of such use which renders the adjacent real estate unsafe or inimical to safe human habitation. The governing authority of Augusta finds that there exists in Augusta dwellings, buildings, or structures which are unfit for human habitation or for commercial, industrial, or business uses due to dilapidation and which are not in compliance with applicable codes; which have defects increasing the hazards of fire, accidents, or other calamities; which lack adequate ventilation, light, or sanitary facilities; or other conditions exist rendering such dwellings, buildings or structure unsafe or unsanitary, or dangerous or detrimental to the health, safety, or welfare, or otherwise inimical to the welfare of the residents of Augusta, or vacant, dilapidated dwellings, buildings, or structures in which drug crimes are being committed, and private property exists constituting an endangerment to the public health or safety as a result of unsanitary or unsafe conditions to those persons residing or working in the vicinity of the property.

(c) It is the intention of the governing authority that this Ordinance shall comply with and does comply with O.C.G.A. § 41-2-9(a) as a finding that conditions as set out in O.C.G.A. § 41-2-7 exist within Augusta, Georgia.  
(Ord. No. 6454, § 1, 1-15-02)

**Secs. 7-3-62—7-3-70. Reserved.**

**ARTICLE 8 RULES AND REGULATIONS FOR ABATEMENT OF UNSAFE OR UNHEALTHFUL PREMISES\***

**Sec. 7-3-71. Definitions.**

- (a) *Applicable codes* shall mean
  - (1) Any technical code, together with applicable appendices, adopted in Augusta-Richmond County Code §7-1-16, as currently provided or hereafter amended.

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\***Editor's note**—Ord. No. 6455, § 1, adopted January 15, 2002, designated the provisions of this article as §§ 7-3-44—7-3-46. Inasmuch as these sections already exist in this Code, at the editors discretion, these sections have been redesignated as §§ 7-3-71—7-3-73.

- (2) Any optional housing or abatement standard provided in Chapter 2 of Title 8 of the O.C.G.A. as adopted by ordinance or operation of law, or general nuisance law, relative to the safe use of real property;
- (3) Any fire or life safety code as provided for in Chapter 2 of Title 25 of the O.C.G.A.; and
- (4) Any building codes adopted by local ordinance prior to October 1, 1991, or the minimum standard codes provided in O.C.G.A. Chapter 2 of Title 8 after October 1 provided that such building or minimum standard codes for real property improvements shall be deemed to mean those building or minimum standard codes in existence at the time such real property improvements were constructed unless otherwise provided by law.

(b) *Closing* shall mean causing a dwelling, building, or structure to be vacated and secured against unauthorized entry.

(c) *Drug crime* shall mean an act which is a violation of O.C.G.A. Article 2 of Chapter 13 of Title 16, known as the Georgia Controlled Substances Act.

(d) *Dwellings, buildings, or structures* shall mean any building or structure or part thereof used and occupied for human habitation or commercial, industrial, or business use, or intended to be so used, and includes any outhouses, improvements, and appurtenances belonging thereto or usually enjoyed therewith and also includes any building or structure of any design. The term 'dwellings, buildings, or structures' shall not mean or include any farm, any building or structure located on a farm, or any agricultural facility or other building or structure used for the production, growing, raising, harvesting, storage, or processing of crops, livestock, poultry, or other farm products.

(e) *Governing authority* shall mean the Augusta-Richmond County Commission.

(f) *Municipality* shall mean Augusta-Richmond County.

(g) *Owner* shall mean the holder of the title in fee simple and every mortgagee of record.

(h) *Parties in interest* shall mean:

- (1) Persons in possession of said property and premises;
- (2) Persons having a record in the county in which the dwelling, building, or structure is located any vested right, title, or interest in or lien upon such dwelling, building, or structure or the lot, tract, or parcel of real property upon which the structure is situated or upon which the public health hazard or general nuisance exists based upon a 50 year title examination conducted in accordance with the title standards of the State Bar of Georgia;
- (3) Persons having paid an occupational tax to the governing authority for a location or office at the subject building or structure; or
- (4) Persons having filed a property tax return with the governing authority as to the subject property, building, or structure.

(i) *Public authority* shall mean any member of a governing authority, any housing authority officer, or any officer who is in charge of any department or branch of the government of the municipality, county, or state relating to health, fire, or building regulations or to other activities concerning dwellings, buildings, or structures in the county or municipality.

(j) *Public officer* shall mean the officer or officers who are authorized by O.C.G.A. Section 41-2-7, Section 41-2-8 and Sections 41-2-9 through 41-2-17 and by this Ordinance adopted under Section 41-2-7, Section 41-2-8, and Sections 41-2-9 through 41-2-17 to exercise the powers prescribed by this article or any agent of such officer or officers.

(k) *Repair* shall mean altering or improving a dwelling, building, or structure so as to bring the structure into compliance with the applicable codes in the jurisdiction where the property is located and the cleaning or removal of debris,

trash, and other materials present and accumulated which create a health or safety hazard in or about any dwelling, building, or structure.

(l) *Resident* shall mean any person residing in the jurisdiction where the property is located on or after the date on which the alleged nuisance arose.

(Ord. No. 6455, § 1, 1-15-02)

#### **Sec. 7-3-72. Duties of owners.**

It is the duty of the owner of every dwelling, building, structure, or property within the jurisdiction of Augusta to construct and maintain such dwelling, building, structure, or property in conformance with applicable codes in force within Augusta, or such ordinances which regulate and prohibit activities on property and which declare it to be a public nuisance to construct or maintain any dwelling, building structure or property in violation of such codes or ordinances;

(Ord. No. 6455, § 1, 1-15-02)

#### **Sec. 7-3-73. Nuisance abatement procedures.**

(a) *Appointment of public officer.* The Augusta-Richmond County Commission appoints and designates the Director, License and Inspection and his/her designee as public officer(s) to exercise the powers prescribed by this Article;

(b) *Procedures for determining premises to be unsafe or unhealthful.*

- (1) Whenever a request is filed with the public officer by a public authority or by at least five (5) residents of Augusta charging that any dwelling, building, or structure is unfit for human habitation or for commercial, industrial or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the public officer shall make an investigation or inspection of the specific dwelling, building, structure, or property. If the public officer's investigation or inspection identifies that any dwelling, building, structure, or property is unfit for human hab-

itation or for commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the public officer shall make an investigation or inspection of the specific dwelling, building, structure, or property. If the officer's investigation or inspection identifies that any dwelling, building, structure, or property is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is vacant, and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the public officer may issue a complaint in rem against the lot, tract, or parcel of real property on which such dwelling, building, or structure is situated or where such public health hazard or general nuisance exists and shall cause summons and a copy of the complaint to be served on the owner and parties in interest in such dwelling, building, or structure. The complaint shall identify the subject real property by appropriate street address and official tax map reference; identify the owner of the parties in interest, state with particularity the factual basis for the action; and contain a statement of the action sought by the public officer to abate the alleged nuisance. The summons shall notify the owner and parties in interest that a hearing will be held before a court of competent jurisdiction as determined by O.C.G.A. Section 41-2-5, at a date and time certain and at a place within Augusta where the property is located. Such hearing shall be held not less than fifteen (15) days nor more than forty-five (45) days after the filing of said complaint in court. The owner and parties in interest shall have the right to file an answer to the complaint and to appear in person or by attorney and offer testimony at the time and place fixed for hearing;

(2) If after such notice and hearing, the court determines that the dwelling, building, or structure in question is unfit for human habitation or is unfit for its current commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health and safety as a result of unsanitary or unsafe conditions, the court shall state in writing findings of fact in support of such determination and shall issue and cause to be served upon the owner and any parties in interest that have answered the complaint or appeared at the hearing an order:

- a. If the repair, alteration, or improvement of the said dwelling, building, or structure can be made at a reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the owner, within the time specified in the order, to repair, alter, or improve such dwelling, building, or structure so as to bring it into full compliance with the applicable codes relevant to the cited violation and if applicable, to secure the structure so that it cannot be used in connection with the commission of drug crimes; or
- b. If the repair, alteration, or improvement of the said dwelling, building, or structure in order to bring it into full compliance with applicable codes relevant to the cited violations cannot be made at a reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the owner, within the time specified in the order, to demolish and remove such dwelling, building, or structure and all debris from the property.

For purposes of this Article, the court shall make its determination of reasonable cost in relation to the present value of the dwelling, building or

structure without consideration of the value of the land on which the structure is situated; provided, however, that costs of the preparation necessary to repair, alter, or improve a structure may be considered. Income and financial status of the owner shall not be a factor in the court's determination. The present value of the structure and the costs of repair, alteration, or improvement may be established by affidavits of real estate appraisers with a Georgia appraiser classification as provided in Chapter 39A of Title 41, of the O.C.G.A., qualified building contractors, or qualified building inspectors without actual testimony presented. Costs of repair, alteration, or improvement of the structure shall be the cost necessary to bring the structure into compliance with the applicable codes relevant to the cited violations in force in the jurisdiction.

- c. If the owner fails to comply with an order to repair or demolish the dwelling, building, or structure, the public officer may cause such dwelling, building, or structure, to be repaired, altered, improved, to be vacated and closed, or demolished. The public officer shall cause to be posted on the main entrance of the building, dwelling, or structure a placard with the following words:

'This building is unfit for human habitation or commercial, industrial, or business use and does not comply with applicable codes or has been ordered secured to prevent its use in connection with drug crimes or constitutes an endangerment to public health or safety as a result of unsanitary or unsafe conditions. The use or occupation of this building is prohibited and unlawful.'

- d. If the public officer has the structure demolished, reasonable effort shall be made to the salvage reusable ma-

terials for credit against the cost of demolition. The proceeds of any monies received from salvaged materials shall be used or applied against the cost of the demolition and removal of the structure, and proper records shall be kept showing application of sales proceeds. Any such sale of salvaged materials may be made without necessity of public advertisement and bid. The public officer and Augusta are relieved of any and all liability resulting from or occasioned by the sale of any such salvaged materials, including, without limitation, defects in such salvaged materials.

- e. The amount of the cost of demolition, including all court costs, appraisal fees, administrative costs incurred by the tax commissioner, and all other costs necessarily associated with the abatement action, including restoration to grade of the real property after demolition, shall be a lien against the real property upon which such cost was incurred.

1. The lien provided for in paragraph c. of subsection 2. of this Ordinance section shall attach to the real property upon the filing of a certified copy of the order requiring repair, closure or demolition in the office of the Clerk of Superior Court in Richmond County and shall relate back to the date of the filing of the lis pendens notice required under subsection (g) of O.C.G.A. § 41-2-12. The Clerk of Superior Court shall record and index such certified copy of the order in the deed records of Richmond County and enter the lien on the general execution docket. The lien shall be superior to all other liens on property, except liens for taxes to which the lien shall be inferior,

and shall continue in force until paid. After filing certified copy of the order with Clerk of Superior Court, the public officer shall forward a copy of the order and final statement of costs to the county tax commissioner. It shall be duty of the county tax commissioner to collect the amount of lien in conjunction with the collection of ad valorem taxes on the property and to collect the amount of the lien as if it were real property ad valorem tax, using all methods available for collection of real property ad valorem tax, including specifically Chapter 4 of Title 48 of the O.C.G.A., provided, however that the limitation of O.C.G.A. § 48-4-78 which requires twelve (12) months of delinquency before commencing a tax foreclosure shall not apply. The tax commissioner shall remit the amount collected to the governing authority of Augusta, Georgia. Thirty days (30) after imposition of the lien, the unpaid lien amount shall bear interest and penalties in the same amount as applicable to interest and penalties on unpaid real property ad valorem taxes.

2. The tax commissioner shall collect and retain an amount equal to cost of administering a lien authorized by O.C.G.A. § 41-2-7 et seq. unless such costs are waived by resolution of the Augusta. Any such amount collected and retained for administration shall be deposited in the general fund of the county to pay the cost of administering the lien.
3. Augusta may waive and release any such lien imposed on

property upon the owner of such property entering into a contract with the county or municipality agreeing to a timetable for rehabilitation of the real property or the dwelling, building, or structure on the property and demonstrating the financial means to accomplish such rehabilitation.

4. Where the abatement action does not commence in the superior court, review of a court order requiring the repair, alteration, improvement, or demolition of a dwelling, building, or structure shall be by direct appeal to Richmond County Superior Court under O.C.G.A. § 5-3-29.
5. The public officers designated herein may issue citations for violations of state minimum standard codes, optional building, fire, life safety, and other codes adopted by ordinance, and conditions creating a public health hazard or general nuisance, and may seek to enforce such citation in any court of competent jurisdiction prior to issuing a complaint in rem as provided in this Article.
6. Nothing in this Article shall be construed to impair or limit in any way the power of Augusta to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

(c) *Powers of Public Officers.* The public officer(s) designated in this Article shall have the following powers:

- (1) To investigate the dwelling conditions in Augusta in order to determine which dwellings, buildings, or structures therein are unfit for human habitation or are unfit for current commercial, industrial, or busi-

ness use are vacant, dilapidated, and being used in connection with the commission of drug crimes;

- (2) To administer oaths and affirmations, to examine witnesses, and to receive evidence;
- (3) To enter upon premises for the purpose of making examinations; provided, however, that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession;
- (4) To appoint and fix the duties of such officers, agents, and employees as he or she deems necessary to carry out the purposes of this Article; and
- (5) To delegate any of his or her functions and powers under this Article to such officers and agents as he or she may designate.

(d) *Services of Complaints.*

- (1) Complaints issued by a public officer pursuant to this Article shall be served in the following manner: In all cases, a copy of the complaint and summons shall be conspicuously posted on the subject dwelling, building, or structure within three (3) business days of filing of the complaint and at least ten (10) days prior to the date of the hearing. A copy of the complaint and summons shall be served in one of the following ways:
  - a. Personal service upon each owner and party in interest if such parties are residents of the county. Service shall be perfected at least ten (10) days prior to the date of the hearing. Service may be made by the public officer designated by this Article to abate nuisances or by any law enforcement officer of Augusta; and a return of service, filed with the clerk of the appropriate court, shall be deemed sufficient proof that service was perfected;
  - b. Pursuant to the provisions of O.C.G.A. § 41-2-12; or

c. Statutory overnight delivery.

- (2) If any owner or party in interest is a resident of this state but resides outside of the county, service shall be perfected by certified mail or statutory overnight delivery, return receipt requested, to the most recent address shown in the County tax files and mailed at least fourteen (14) days prior to the date of the hearing.
- (3) Nonresidents of this state, whose mailing address is known, shall be served by certified mail or statutory overnight delivery, return receipt requested, mailed at least fourteen (14) days prior to the date of the hearing. For nonresidents whose mailing address is unknown, a notice stating the date, time, and place of the hearing shall be published in the newspaper in which the sheriff's advertisements appear in such county once a week for two (2) consecutive weeks prior to the hearing.
- (4) In the event either the owner or any party in interest is a minor, estate, an incompetent person, or person laboring under disabilities, the guardian or other personal representative of such person shall be served and such guardian or personal representative resides outside the county or is a nonresident of this state, he or she shall be served as provided for in (d) subsection (6) of this Section. If such owner or party in interest has no guardian or personal representative, service shall be perfected by serving the judge of the Probate Court of Richmond County at least thirty (30) days prior to the date of the hearing which judge shall stand in the place of and protect the rights of such minor, estate, or incompetent person or appoint a guardian ad litem for such person.
- (5) In the event of unknown persons or unborn remaindermen who are likely to have any rights in the property or interest or the proceeds thereof, the judge of the probate court of the county wherein such property or interest is located shall be personally served at least thirty (30) days

prior to the date of the hearing, and it shall be the duty of the judge of the Probate Court to stand in the place of the protect the rights of such unknown parties or unborn remaindermen.

- (6) In the event the whereabouts of any owner or party in interest is unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence or if any owner or party in interest cannot, after due diligence, be served as provided in this Section, the public officer shall make an affidavit to that effect and serve by publication in the manner provided in subsection (5) of this Section, and such publication shall be sufficient proof that service was perfected.
  - (7) A notice of lis pendens shall be filed in the office of the Clerk of Superior Court in the county in which the dwelling, building, or structure is located at the time of filing the complaint in the appropriate court. Such notice shall have the same force and effect as other lis pendens notices provided by law.
  - (8) Orders and other filings made subsequent to service of the initial complaint shall be served in the manner provided in this Section on the owner and any party in interest who answers the complaint or appears at the hearing. Any party who fails to answer or appear at the hearing shall be deemed to have waived all further notice in the proceedings."
  - (9) Continued Use of Other Laws and Ordinances. It is the intent of the Augusta-Richmond County Commission that nothing in this Article shall be construed to abrogate or impair the powers of the courts or of any department of Augusta to enforce any provisions of any local enabling Act, charter, or ordinance or regulation nor to prevent or punish violations thereof; and the powers conferred by this Article shall be in addition to and supplemental to the powers conferred by any other law or ordinance, legislation, or regulation.
- (Ord. No. 6455, § 1, 1-15-02; Ord. No. 6939, § 13, 1-2-07)

## Chapter 4

**HISTORIC PRESERVATION****ARTICLE 1 IN GENERAL****Sec. 7-4-1. Purpose.**

The historical, cultural and architectural heritage of Augusta-Richmond County is among its most valued and important assets and the preservation of this heritage is essential to the promotion of the health, prosperity and general welfare of the people. Therefore, in order to stimulate revitalization of the business districts and historic neighborhoods of Augusta-Richmond County, and to protect and enhance local historical, cultural, and architectural attraction to tourists and thereby promote and stimulate business; in order to enhance the opportunities for federal or state tax benefits under relevant provisions of federal or state law; and in order to provide for the designation, protection, preservation and rehabilitation of historic properties and historic districts and to participate in federal or state programs to do the same; in order to promote the reuse and recycling of existing building stock in Augusta-Richmond County and thereby conserve increasingly scarce landfill space and valuable natural resources.

The Augusta-Richmond County Commission hereby declares it to be the purpose and intent of this Chapter to establish a uniform procedure for the protection, enhancement, and perpetuation of places, districts, buildings, structures, objects, landscape features and works of art having a historical, cultural or architectural interest or value.

**Sec. 7-4-2. Definitions.**

(a) *Certificate of appropriateness.* A document evidencing approval by the Historic Preservation Commission of an application to make a material change in the appearance of a designated historic property or of a property located within a designated historic district.

(b) *Exterior architectural features.* The architectural style, general design and general arrangement of the exterior of a building or other structure, including but not limited to the kind or texture of the building material and the type and style of all windows, doors, signs, roofing and other appurtenant architectural features, details or elements relative to the foregoing.

(c) *Exterior environmental features.* All those aspects of the landscape or the development of a site which affect the historical character of the property.

(d) *Historic district.* A geographically definable area designated by the Commission as a historic district pursuant to the criteria established in section 7-4-13 of this Chapter.

(e) *Historic property.* An individual building, structure, site, object or work of art, and may include the adjacent area necessary for the proper appreciation thereof, designated by the Commission as a historic property pursuant to the criteria established in section 7-4-14 of this Chapter.

(f) *Material change in appearance.* A change that will affect the exterior architectural or environmental features of any building, structure, site, object, landscape feature or work of art within a historic property or within a historic district, such as:

- (1) A reconstruction or alteration of the size, shape or facade of a historic property, including relocation of any doors or windows or removal or alteration of any architectural features, details or elements;
- (2) Demolition or relocation of a historic structure;
- (3) Commencement of excavation for construction purposes;
- (4) A change in the location of advertising visible from the public right-of-way;
- (5) The erection, alteration, restoration or removal of any building or other structure within a historic property or district, including walls, fences, steps and pavements or other appurtenant features.

**ARTICLE 2 HISTORIC PRESERVATION COMMISSION**

**Sec. 7-4-3. Creation.**

There is hereby created a commission whose title shall be The Augusta-Richmond County Historic Preservation Commission, hereinafter referred to as Historic Preservation Commission.

**Sec. 7-4-4. Members—Appointment; qualifications; terms and compensation.**

(a) The Commission shall consist of ten (10) members (plus an additional two members should the Richmond County Delegation choose to appoint two members) to be appointed for four (4) year terms. All members shall be residents of Augusta-Richmond County. Nominations shall be solicited from the Board of Trustees of Historic Augusta, Inc. from at-large community recommendations.

(b) To the extent available, at least five (5) members shall be appointed from among professionals in the disciplines of architecture, history,

- (1) Isaac Johnson
- (2) Addie Powell
- (3) Carl Drennon
- (4) Brian Halterman
- (5) Paul Gonzalez
- (6) William Dozier
- (7) Pat Blanchard
- (8) James Carter
- (9) Al Cheatham
- (10) Thomas Robertson

(e) The successors to the members representing Districts 1, 3, 5, 7, and 9 shall serve until April 1, 1998, or until their successors are appointed and qualified.

(f) The successors to the members representing Districts 2, 4, 6, 8, and 10 shall serve until April 1, 2000, or until their successors are appointed and qualified.

(g) Members of the Historic Preservation Commission appointed by the Commissioner of the respective Districts to succeed those appointed in

architectural history, planning, archaeology, historic preservation or related disciplines. The remaining members may be nonprofessionals, but must have demonstrated special interest, experience or education in regional history, historic architecture or the preservation of historic resources.

(c) Except as provided herein, members of the City of Augusta Historic Preservation Commission and members of the Richmond County Historic Preservation Commission who were serving on said commissions on January 1, 1997, all having had their terms expire, shall serve until their successors are appointed and qualified. Two of the existing members shall have their terms terminate on March 31, 1997.

(d) The following members of said Commissions shall continue to serve until their successors are appointed by the Commissioner representing the respective District, and qualified, and are to represent the districts as herein set forth, to wit:

- District 1
- District 2
- District 3
- District 4
- District 5
- District 6
- District 7
- District 8
- District 9
- District 10

subsection (e) and (f) hereof shall serve for terms of office of four (4) years and until their successors are appointed and qualified.

(h) Should the Richmond County Legislative Delegation choose to appoint two (2) members as provided in the Consolidation Act, such members shall serve for a term of four (4) years and until their successors are appointed and qualified. In the event the appointing authority of the Legislative Delegation is removed from the Consolidation Act, this subsection shall automatically be repealed.

(i) All terms shall expire on March 31 of the applicable year, and new terms shall begin on April 1 of the applicable year.

(j) Members shall not receive a salary, although they may be reimbursed for expenses.

(k) Members who fail to attend three (3) consecutive Historic Preservation Commission meetings will forfeit their seat upon the Commission. Commission By-Laws may provide for the conditions of excused absence from Commission meetings.

(l) In the event that vacancies upon the Historic Preservation Commission for any period of time remain unfilled, a Historic Preservation Commission consisting of six (6) or more members may exercise all powers delegated to the Historic Preservation Commission under this Chapter, until the vacancies are filled.

**Sec. 7-4-5. Statement of powers.**

The Historic Preservation Commission shall be authorized to:

- (a) Prepare and maintain an inventory of all property within Augusta-Richmond County, Georgia, having the potential for designation as a historic property. This inventory may be maintained in conjunction with Historic Augusta, Inc. or an independent organization with similar purposes;
- (b) Recommend to the Commission specific places, districts, sites, buildings, structures, objects or works of art to be designated by ordinance as historic properties or historic districts;
- (c) Review applications for Certificates of Appropriateness, and grant or deny same in accordance with the provisions of this Chapter;
- (d) Recommend to the Commission that the designation of any place, district, site, building, structure, object or work of art as a historic property or as a historic district be revoked or removed;
- (e) Restore or preserve any historic properties owned by Augusta-Richmond County, Georgia as authorized by Commission;
- (f) Promote the acquisition of facade easements and conservation easements by the Commission in accordance with the provisions of the Facade and Conservation Easements Act of 1976, as amended (O.C.G.A. §§ 44-10-1 through 44-10-5);
- (g) Conduct educational programs on historic properties located within Augusta-Richmond County, Georgia and on general historic preservation activities;
- (h) Make such investigations and studies of matters relating to historic preservation, including consultation with historic preservation experts, as the Commission or the Historic Preservation Commission itself may, from time to time, deem necessary or appropriate for the purposes of this Chapter;
- (i) Seek out local, state, federal and private funds for historic preservation, and make recommendations to the Commission concerning the most appropriate uses of any funds acquired;
- (j) Submit to the Historic Preservation Section of the Department of Natural Resources a list of historic properties or historic districts designated;
- (k) Perform historic preservation activities as the official agency of the Augusta-Richmond County historic preservation program.
- (l) Employ and compensate persons, as authorized by Commission, to carry out responsibilities of the Historic Preservation Commission;
- (m) Elect from among its members, a member or members to carry out responsibilities of the Commission;
- (n) Receive donations, grants, funds or gifts of historic property and acquire and sell historic properties on behalf of the Commission. In regard to such historic property, the Commission shall not obligate the Historic Preservation Commission without prior consent;

- (o) Review the nomination of historic properties or historic districts to the National Register of Historic Places and Georgia Register of Historic Places and make comments upon such nominations to the Historic Preservation Section of the Department of Natural Resources;
- (p) Participate in private, state and federal historic preservation programs and with the consent of the Commission enter into agreements to do the same;
- (q) Advise the appropriate officials of the Augusta-Richmond County Fire Department as to the utilization of alternative compliance concepts for historic properties pursuant to O.C.G.A. §§ 8-2-200 through 8-2-222 and O.C.G.A. § 25-2-13 where these code sections have been made applicable to historic properties in Augusta-Richmond County. Said advice will ensure that compliance with state and local fire prevention laws is accomplished while maintaining the highest degree of historic integrity in affected historic properties;
- (r) Issue Citations for violations of this Chapter;
- (s) Petition the appropriate court to enjoin actions in violation of this Chapter;
- (t) Institute any other appropriate action to enforce compliance with the terms of this Chapter;
- (u) Exercise all other powers implicit or explicit in any other provision of this Chapter.

**Sec. 7-4-6. Power to adopt rules and standards.**

The Historic Preservation Commission shall adopt rules and standards for the transaction of its business, for consideration of applications for designations and certificates of Appropriateness, including, By-laws, membership provisions, and design guidelines. The Historic Preservation Commission shall provide for the time and place of regular meetings and a method for the calling of special meetings. The Historic Preservation Commission shall select such officers as it deems

appropriate from among its members. The Chairman of the Historic Preservation Commission shall be entitled to vote upon any issue, motion or resolution, as any other member.  
(Ord. No. 5971, 10-21-97)

**Sec. 7-4-7. Conflict of interest.**

At any time the Historic Preservation Commission is to undertake any official action which will affect a monetary or other vested interest of a member of the Historic Preservation Commission, that member shall reveal the existence of that interest to the Historic Preservation Commission at the next meeting thereof after the member becomes aware of the conflict of interest and shall abstain from voting on that matter. The ownership of property by a Historic Preservation Commission member within a proposed historic district containing twenty-five (25) or more separately-owned parcels of property shall not be such an interest as to invoke the prohibitions of this Section.

At any time the Historic Preservation Commission reviews a project in which a member of the Historic Preservation Commission has an ownership or other vested interest, that member shall be forbidden, as a Commission member, from voting or discussing the project, other than answering a direct question.

**Sec. 7-4-8. Historic preservation commission's authority to receive funding from various sources.**

The Historic Preservation Commission shall have the authority to accept donations and shall insure that these funds do not displace appropriated governmental funds.

**Sec. 7-4-9. Records of historic preservation commission meetings.**

A public record shall be kept of the Historic Preservation Commission's resolutions, proceedings and actions. This public record may consist of an ordinary tape recording or from time to time, at the discretion of the Commission, may be supplemented by the use of a court reporter or such other written record as the Commission may establish.

**Sec. 7-4-10. Attendance of law enforcement officer at historic preservation commission meetings.**

An officer of the Richmond County Sheriff's Department shall be in attendance at Historic Preservation Commission meetings, at the behest of the Commission, in order to assure the orderliness of the proceedings.

**Sec. 7-4-11. Duties of comptroller.**

The Augusta-Richmond County comptroller shall provide the Historic Preservation Commission with the necessary tax information to facilitate the purposes of this Chapter and shall see that this information is kept current.

**ARTICLE 3 RECOMMENDATION AND DESIGNATION OF HISTORIC DISTRICTS AND PROPERTIES**

**Sec. 7-4-12. Preliminary research by commission.**

(a) The Historic Preservation Commission may compile and collect information and conduct surveys of historic resources within Augusta-Richmond County.

(b) The Historic Preservation Commission may present to the Commission recommendations for the designation of historic districts and properties.

(c) Prior to the Historic Preservation Commission's recommendation of a historic district or historic property to the Commission for designation, the Historic Preservation Commission shall prepare a report consisting of:

- (1) A physical description;
- (2) A statement of the historical, cultural, and/or architectural significance of the proposed historic district or historic property, except that such statement of significance will not be required in the case of a historic property or district already listed upon the National Register of Historic Places, or upon the Georgia Register of Historic Places;

- (3) A map showing the proposed historic district boundaries and the classification (i.e. contributing/historic, contributing/non-historic, noncontributing) of individual properties therein, or a map showing the boundaries of the proposed historic property;
- (4) A statement justifying historic district or individual historic property boundaries, except that such statement in justification will not be required if such proposed boundaries are the same as those embraced within the listing of the district or property upon the National Register of Historic Places or Georgia Register of Historic Places; and
- (5) Representative photographs.  
(Ord. No. 5927, 5-19-97)

**Sec. 7-4-13. Designation of a historic district.**

(a) *Criteria for selection of historic districts.* A historic district is a geographically definable area which contains buildings, structures, sites, objects, landscape features and works of art or a combination thereof, which:

- (1) Have special character or historic, cultural or architectural, value or interest;
- (2) Represent one or more periods, styles or types of architecture typical of one or more eras in the history of Augusta-Richmond County or the state or region;
- (3) Cause such area, by reason of such factors, to constitute a visibly perceptible section of Augusta-Richmond County;
- (4) A district, once listed upon the National Register of Historic Places or upon the Georgia Register of Historic Places shall be presumed to possess the necessary characteristics for designation as a historic district under this ordinance.

(b) *Boundaries of a historic district.* The boundaries of a historic district shall be included in the separate ordinances designating such districts and shall be shown on the official zoning map of Augusta-Richmond County, Georgia. Said bound-

aries, as depicted on said map, shall constitute the official description of said historic districts for the purposes of this Chapter and for the purposes of the separate ordinances designating such districts.

In the event that the official zoning map of Augusta-Richmond County, Georgia does not depict the area proposed for designation as a historic district, the Commission may, in its discretion, identify such other map upon which to depict the boundaries of the historic district. In this case the map so identified by the Commission shall constitute the official description of said historic district for the purposes of this Chapter and for the purposes of the separate ordinance designating such district.

(c) *Evaluation of properties within historic districts.* Individual properties within historic districts shall be classified as:

- (1) Contributing/historic (contributes to the district in terms of design, historical association, and/or setting);
- (2) Contributing/non-historic (a property less than fifty years old which compliments and does not detract from the overall character of the district in terms of design, historical association, and/or setting);
- (3) Non-contributing (a property which detracts from the district in terms of design, style, building type, historical association, and/or setting).

(Ord. No. 5927, 5-19-97)

**Sec. 7-4-14. Designation of a historic property.**

(a) *Criteria for selection of historic properties.* A historic property is a building, structure, site, object or work of art which may include the adjacent area necessary for the proper appreciation or use thereof, deemed worthy of preservation for reason of value to Augusta-Richmond County, the State of Georgia, or this Geographical region, for one of the following reasons:

- (1) It is an outstanding example of a structure representative of its era;

- (2) It is one of the few remaining examples of past architectural style;
- (3) It is a place or structure associated with an event or person of historic or cultural significance to Augusta-Richmond County, Georgia, or to the state, region or nation;
- (4) It is a site of natural or aesthetic interest that is continuing to contribute to the cultural or historical development and heritage of Augusta-Richmond County, Georgia, or of the state, region or nation;
- (5) A property, once listed upon the National Register of Historic Places or upon the Georgia Register of Historic Places shall be presumed to possess the necessary characteristics for designation as a historic property.

(b) *Boundary description.* A description of the boundaries shall be included in the separate ordinances designating such properties and the boundaries shall be depicted on the official Zoning Map of Augusta-Richmond County, Georgia. Said boundaries, as depicted on said map, shall constitute the official description of said historic property for the purposes of this Chapter and for the purposes of the separate ordinances designating such properties.

In the event that the official Zoning Map of Augusta-Richmond County, Georgia does not depict the area proposed for designation as a historic property, the Commission may, in its discretion, identify such other map upon which to depict the boundaries of the historic property. In this case the map so identified by the Commission shall constitute the official description of said historic property for the purposes of this Chapter and for the purposes of the separate ordinance designating such property.

(Ord. No. 5927, 5-19-97)

**Sec. 7-4-15. Requirements for adopting an ordinance for the designation of historic districts and historic properties.**

(a) *Application for designation of historic districts or historic property.* Designations may be proposed by the Commission, the Historic Preservation Commission or:

- (1) For historic districts—A preservation organization, historical society, neighborhood association or group of property owners may apply to the Commission for designation;
- (2) For historic properties—A preservation organization, historical society, neighborhood association or property owner may apply to the Commission for designation.

(b) *Required components of an ordinance.* Any ordinance designating any property or district as historic shall:

- (1) Describe the area encompassed within the proposed historic district or describe the proposed individual historic property;
- (2) Reference the name(s) of the owner(s) of the designated property or properties as shown on the official Augusta-Richmond County tax records at the time of the adoption of the ordinance. In the event that the official tax records, for whatever reason, do not encompass the property or properties proposed for designation, the record owner(s) of the property, as determined by a title investigation conducted to appropriate legal standards under Georgia law, shall be referenced;
- (3) Require compliance with the provisions of this Chapter; and
- (4) Require that the property or district be shown on the official zoning Map of Augusta-Richmond County, Georgia, or such other official map as identified by the Commission pursuant to section 7-4-13 or 7-4-14 hereof.

(c) *Required public hearing and notices.* The Historic Preservation Commission shall hold a public hearing on any proposed ordinance for the

designation of any historic district or property. Notice of the hearing shall be published in at least one (1) issue of the official legal organ of Augusta-Richmond County and written notice of the hearing shall be mailed by the Commission to all owners and occupants of such properties that are affected. This notice: (i) shall contain the time and place for the hearing, (ii) shall reference this Chapter, (iii) shall describe the fact that the establishment of a historic district or historic property pursuant to this Chapter has been proposed, and (iv) shall generally describe the area encompassed by the historic district or historic property proposed. All such notices shall be published or mailed not less than fifteen (15) days nor more than forty-five (45) days prior to the date set for the public hearing. A notice sent via the United States mail to the last owner of record of the property shown on the official Augusta-Richmond County tax records or record owner of the property, and a notice sent via United States mail to the address of the property to the attention of the occupant shall constitute legal notification to the owner and occupant under this Chapter.

(d) *Recommendations on proposed designations.* A recommendation to adopt, to adopt in modified form, or to reject the proposed ordinance shall be made by the Commission within fifteen (15) days following the public hearing and shall be in the form of a resolution to the Commission.

(e) *Commission action on Commission recommendation.* Following receipt of the Historic Preservation Commission's recommendation, the Commission may adopt the ordinance as proposed, reject the ordinance, or, after consultation with the Commission, may adopt the ordinance with any modifications it deems necessary.

(f) *Notification of the State Historic Preservation Section.* Prior to making a recommendation on any ordinance designating a property or district as historic, the Historic Preservation Commission may transmit the report required at section 7-4-12 of this Code to the Historic Preservation Section of the Georgia Department of Natural Resources.

(g) *Notification of adoption of ordinance for designation.* Within thirty (30) days following the adoption of the ordinance for designation by the Commission, the owners and occupants of each designated historic property, and the owners and occupants of each structure, site or work of art located within a designated historic district, and all building contractors licensed in Augusta-Richmond County, shall be given written notification of such designation by the Commission, which notice shall apprise said owners, occupants, and contractors of the necessity of compliance with this Chapter and specifically, the necessity of obtaining a Certificate of Appropriateness prior to undertaking any material change in appearance of the historic property designated or within the historic district designated. A notice sent via United States Mail to the last known owner of the property shown on the official Augusta-Richmond County tax records and, where different from the address of such record tax owner, a notice sent via United States Mail to the address of the property to the attention of the occupant shall constitute legal notification to the owner and occupant under this Chapter. Building contractors, licensed in Augusta-Richmond County shall similarly be notified as aforesaid, but failure of such building contractor to be sent such notice shall in no way affect the validity of an ordinance for designation.

(h) *Notification of other agencies regarding designation.* The Historic Preservation Commission shall notify all affected agencies within Augusta-Richmond County of the ordinance for designation, as well as the local neighborhood, historical and preservation organizations. Failure of such agencies or organizations to receive such notification shall in no way affect the validity of such ordinance for designation.

(i) *Moratorium on applications for alteration or demolition while ordinance for designation is pending.* If the procedure for the designation of an historic district or historic property has been initiated as provided for in this Section, the Commission shall have the power to recommend to the Building Inspector a moratoria on the issuance of building permits and demolition permits involving the property or properties proposed for designation.

(j) *Authority to rescind designation.* The Commission has the authority to rescind the ordinance designating a historic district or historic property following receipt of a recommendation from the Commission, provided that a public hearing has been held by the Historic Preservation Commission, prior to the Commission's recommendation, providing the opportunity for public comment. Notification for such public hearing shall be the same as provided for in section 7-4-15 hereof.

(Ord. No. 5927, 5-19-97)

#### **ARTICLE 4 APPLICATION TO PRESERVATION COMMISSION FOR CERTIFICATE OF APPROPRIATENESS**

##### **Sec. 7-4-16. Approval of alterations or new construction in historic districts or involving historic properties.**

After the designation by ordinance of a historic property or of a historic district, no material change in the exterior appearance of a structure, site, object or work of art within such historic property or property within such historic district, shall be made or be permitted to be made unless or until the application for a Certificate of Appropriateness has been submitted to and approved by the Historic Preservation Commission.

##### **Sec. 7-4-17. Approval of new construction within designated districts.**

The Historic Preservation Commission shall issue Certificates of Appropriateness for new structures constructed within designated historic districts or upon the grounds of a designated historic property if these structures conform in design, scale, building materials, setback and landscaping to the character of the historic district or property or as specified in the design criteria once developed or adopted by the Commission.

##### **Sec. 7-4-18. Guidelines and criteria for certificates of appropriateness.**

When considering applications for Certificates of Appropriateness impacting existing buildings, the Secretary of the Interior's Standards for Historic Preservation Projects including the Secretary's

Standards for Rehabilitation, as revised as of the date of application for a Certificate of Appropriateness, shall be used as a criteria for design review along with any other standards or design review guidelines once developed or adopted by the Commission for use in reference to specific historic districts or historic properties. When dealing with difficult technical questions, the Historic Preservation Commission shall have the power to seek technical advice from outside its membership on any application, within approved budgetary limitations.

**Sec. 7-4-19. Issuance of building and demolition permits.**

Building Permits And Demolition Permits must not be issued until the issuing official has examined the official Historic District and Historic Property Map to see if the property is affected by historic designation. If the property is so affected, the issuing authority must direct the applicant to the Commission to apply for a Certificate of Appropriateness. The subsequent issuance of a Building Permit or Demolition Permit shall be contingent upon the abstention of a Certificate of Appropriateness for the proposed change.

**Sec. 7-4-20. Submission of plans to commission.**

An application for a Certificate of Appropriateness shall be accompanied by such drawings, photographs, plans or other documentation as may be required by the Historic Preservation Commission. Applications involving demolition or post-relocation shall be accompanied by post-demolition or relocation plans for the site. The Historic Preservation Commission shall not require that the plans and specifications be prepared by professionals, but only that such documentation be prepared in such a way as to be easily understood by the Commission members.

**Sec. 7-4-21. Acceptable commission reaction to applications for certificates of appropriateness.**

(a) The Historic Preservation Commission shall approve the application and issue a Certificate of Appropriateness if it finds that the proposed

material change(s) in appearance would not have a substantial adverse effect on the historic or architectural significance, integrity, and value of the historic property or property within a historic district. In making this determination, the Historic Preservation Commission shall consider the factors described in sections 7-4-17 and 7-4-18 above, the historical and architectural value and significance, architectural style, general design arrangement, texture and material of the architectural features involved and the relationship thereof to the exterior architectural style, and pertinent features of the other structures in the immediate neighborhood.

(b) The Historic Preservation Commission shall deny a certificate of Appropriateness if it finds that the proposed material change(s) in appearance would have substantial adverse effects on the historical or architectural significance, integrity and value of the historic property or property within the historic district, based upon those same factors as described in section 7-4-21 (a) above.

**Sec. 7-4-22. Hearings on applications for certificates of appropriateness, notices, and right to be heard.**

At least fifteen (15) days and no more than forty-five (45) days prior to the review of a Certificate of Appropriateness, the Commission shall take action as follows to inform interested parties, and shall give the applicant and interested parties an opportunity to be heard at the Historic Preservation Commission meeting where the request for a Certificate of Appropriateness is to be considered:

(a) The Historic Preservation Commission shall cause a sign to be posted upon the parcel of property subject of the application at least fifteen (15) days before the meeting of the Historic Preservation Commission where the application is to be considered, said sign to remain in place substantially until the time of said meeting. Said sign shall state:

(1) The fact that an application for a Certificate of Appropriateness pur-

suant to the Historic Preservation ordinance has been filed for the posted property;

- (2) The name of the applicant; and
- (3) The time and place of the Historic Preservation Commission meeting where the application is to be considered. The sign may contain such other information as the Historic Preservation Commission may deem appropriate. The overall design and size of such sign shall be of such character as to be likely to attract the eye of passersby.

- (b) At its discretion, the Historic Preservation Commission may, in its bylaws, or on a case by case basis, undertake to provide such other notice as it deems appropriate.

**Sec. 7-4-23. Interior alterations.**

In review of applications for Certificates of Appropriateness, the Historic Preservation Commission shall not consider interior arrangement, use or decoration, having no effect on exterior architectural features, whether or not visible from the exterior of the structure.

**Sec. 7-4-24. Technical advice.**

When dealing with difficult technical questions, the Historic Preservation Commission shall have the power to seek technical advice from outside its members on any application and within approved budgetary limitations.

**Sec. 7-4-25. Deadline for approval or rejection of application for certificate of appropriateness.**

(a) The Commission shall approve or reject an application for a Certificate of Appropriateness within forty-five (45) days after the filing thereof by the owner or occupant of a historic property or structure, site, object or work of art located within a historic district. Evidence of approval shall be by a Certificate of Appropriateness issued by the commission. Notice of the issuance or denial of A Certificate of Appropriateness shall be sent via United States Mail to the applicant.

(b) Failure of the Historic Preservation Commission to act within said forty-five (45) days shall constitute approval, and no other evidence of approval shall be needed.

**Sec. 7-4-26. Necessary actions to be taken by commission upon rejection of application for certificate of appropriateness.**

(a) In the event the Historic Preservation Commission rejects an application for a Certificate of Appropriateness, it shall state its reasons for doing so, and shall transmit a record of such actions and reasons in writing to the applicant. The Historic Preservation Commission may suggest alternatives it believes would ensure approval if it disapproves of the application as submitted. The applicant, if he or she so desires, may make modifications to the plans and, after making such modifications, may re-submit the application at any time after doing so. Rejected applications, unless modified in a good faith effort to comply with the provisions of this Chapter and the findings of the Historic Preservation Commission, may not be re-submitted for one (1) year following rejection.

(b) In cases where the application for a Certificate of Appropriateness concerns a proposed change in a structure which would require the abstention of a building permit, the rejection of the application for a Certificate of Appropriateness by the Historic Preservation Commission shall be binding upon the building inspector or other administrative officer charged with issuing building permits and, in such a case, no building permit shall be issued.

**Sec. 7-4-27. Undue hardship.**

Where, by reason of unusual circumstances, the strict application of any provision of this Chapter would result in exceptional practical difficulty or undue economic hardship upon any owner of a specific property, the Historic Preservation Commission, in passing upon applications, shall have the power to vary or modify strict adherence to said provisions, or to interpret the meaning of said provisions, so as to relieve such difficulty or hardship; provided such variances,

modifications or interpretations shall remain in harmony with the general purpose and intent of said provisions so that the architectural or historical integrity, or character of the property, shall be conserved and substantial justice done. In granting variances, the Commission may impose such reasonable and additional stipulations and conditions as will, in its judgment, best fulfill the purpose of this Chapter. An undue hardship shall not be a situation of the person's own making.

**Sec. 7-4-28. Requirement of conformance with certificate of appropriateness.**

(a) All work performed pursuant to an issued Certificate of Appropriateness shall conform to the requirements of such certificate. In the event work is performed not in accordance with such certificate, such work will constitute a violation of this Chapter and the Historic Preservation Commission shall issue a cease and desist order and all work shall cease.

(b) Where this ordinance would require the abstention of a Certificate of Appropriateness and work upon a structure is undertaken without a Certificate of Appropriateness having been obtained, such work will constitute a violation of this Chapter and the Historic Preservation Commission shall issue a cease and desist order and all work shall cease.

(c) Work which constitutes a violation of section 7-4-28(a) or (b) above or the failure to obey a cease and desist order issued pursuant to this Chapter shall constitute a separate and continuing violation of this Chapter.

(d) The Commission or the Historic Preservation Commission shall be authorized to institute any appropriate action or proceeding in any court of competent jurisdiction to prevent any material change in the appearance of a designated historic property or property within a historic district, not made in compliance with the provisions of this Chapter or to prevent any illegal act or conduct with respect to such historic property or historic district.

(e) The Commission, including its various departments, authorities, commissions, committees and boards, shall be bound by the requirements of this article.

**Sec. 7-4-29. Certificate of appropriateness void if work not commenced.**

A Certificate of Appropriateness shall become void unless work is commenced within six (6) months of the date of issuance. Certificates of Appropriateness shall be issued for a period of eighteen (18) months and are renewable.

**Sec. 7-4-30. Recording of applications for certificate of appropriateness.**

The Commission shall keep a public record of all applications for Certificates of Appropriateness, and of all the Commission's proceedings in connection with said applications in the fashion provided at section 7-4-22 above.

**Sec. 7-4-31. Fee to accompany an application for a certificate of appropriateness.**

The Commission, in its by-laws, may require a reasonable fee to accompany an application for a Certificate of Appropriateness.

**Sec. 7-4-32. Appeals to the Augusta Commission; mediation.**

(a) Any person affected by any determination made by the Historic Preservation Commission relative to the issuance or denial of a Certificate of Appropriateness may appeal such determination to the Augusta Commission. Any such appeal must be filed in writing with the Clerk of the Augusta Commission within thirty (30) days after the issuance of the determination pursuant to section 7-4-25(a) of this chapter. The dates in this subsection are determined from the date of the posting of said notice in the United States Mail.

(b) In the case of a failure of the Historic Preservation Commission to act within fifteen (15) days of the expiration of the forty-five (45) day period allowed for Historic Preservation Commission, said application shall be deemed approved pursuant to § 7-4-25(b) of this Chapter.

(c) After timely filing of an appeal to the Augusta Commission and prior to any assignment of the appeal for hearing on any agenda of the Augusta Commission, the appealing party shall submit the case to mediation.

(d) The mediator shall be a person chosen by the agreement of the appealing party and the Historic Preservation Commission. In the event the appealing party and the Historic Preservation Commission cannot agree upon the appointment of a mediator, the mediator shall be the Director of Planning & Zoning or his/her designee.

(e) Any fee charged by the mediator for professional mediation services shall be paid by the appealing party prior to the commencement of the mediation.

(f) If the mediation is not scheduled and heard within ninety (90) days of the filing of the appeal, the decision of the Historic Preservation Commission shall be affirmed without further hearing by the Augusta Commission.

(g) The Augusta Commission may affirm the determination made by the Historic Preservation Commission, or if the Augusta Commission finds that the Historic Preservation Commission abused its discretion in reaching its decision, the Augusta Commission may modify or reverse the determination made by the Historic Preservation Commission. Appeals from decisions of the Augusta Commission may be taken to the Superior Court of Richmond County, Georgia in the manner provided by law.  
(Ord. No. 6707, 7-1-04)

**ARTICLE 5 DEMOLITION OR RELOCATION OF A HISTORIC PROPERTY OR PROPERTIES WITHIN A HISTORIC DISTRICT**

**Sec. 7-4-33. Applications for certificates of appropriateness for demolition or relocation.**

The Historic Preservation Commission shall have the authority to approve, approve with conditions, or deny Certificates of Appropriateness for demolition or relocation. The proposed demolition or relocation of all or any portion of a

historic property or property within a historic district shall require the abstention of a Certificate of Appropriateness for demolition or relocation.

**Sec. 7-4-34. Public hearing.**

A public hearing shall be scheduled for each application for a Certificate of Appropriateness for demolition or relocation.

**Sec. 7-4-35. Notice of public hearing pursuant to an application for certificate of appropriateness for demolition or relocation.**

Notice as provided for at section 7-4-22 above shall be provided in the context of an application for a Certificate of Appropriateness for demolition or relocation, and, in addition, notice of such public hearing containing the information as described at section 7-4-22 above shall be published in at least one (1) issue of the official legal organ of Augusta-Richmond County not less than five (5) nor more than thirty (30) days prior to the date set for the public hearing.

**Sec. 7-4-36. Violation.**

The demolition or relocation of a historic property, or property within a historic district without the abstention of a Certificate of Appropriateness shall constitute a violation of this Chapter of a high and aggravated nature.

**Sec. 7-4-37. Consideration of post-demolition or post-relocation plans.**

The Historic Preservation Commission shall not grant Certificates of Appropriateness for demolition or relocation without having first reviewed the post-demolition or post-relocation plans for the site.

**Sec. 7-4-38. Demolition/relocation criteria.**

Upon receipt of an application for a Certificate of Appropriateness for demolition or relocation, the Historic Preservation Commission shall apply the criteria described in section 7-4-18 of this

Chapter to determine whether to grant or deny the application for a Certificate of Appropriateness for demolition or relocation.

**Sec. 7-4-39. Fee to accompany application for certificate of appropriateness for demolition or relocation.**

The Historic Preservation Commission, in its by-laws, may require a reasonable fee to accompany an application for a Certificate of Appropriateness for demolition or relocation.

**Sec. 7-4-40. Binding upon the commission.**

The Commission, including its various departments, authorities, commissions, committees and boards shall be bound by the requirements of this article.

**Secs. 7-4-41—7-4-50. Reserved.**

**ARTICLE 6 MAINTENANCE OF HISTORIC PROPERTIES AND BUILDING AND ZONING CODE PROVISIONS**

**Sec. 7-4-51. Ordinary maintenance or repair.**

Ordinary maintenance or repair of any exterior architectural or environmental feature in or on a historic property or property within a historic district to correct deterioration, decay or damage, or to sustain the existing form, that does not involve a material change in design, materials or outer appearance thereof, does not require a Certificate of Appropriateness, and may be undertaken once approved by the designated staff person for the Commission without consultation with the Historic Preservation Commission. Any person considering a change to a historic building that is believed to constitute no more than ordinary maintenance or repair must consult the designated staff person to assure that in fact such change constitutes merely ordinary maintenance and repair. In the absence of the employment of a designated staff person, such approvals may be made by a member or members of the Historic Preservation Commission duly elected by the members of the Historic Preservation Commission.

Ordinary maintenance includes exterior painting and/or a change in exterior paint color, and does not require a Certificate of Appropriateness or approval by the designated staff person.

**Sec. 7-4-52. Failure to provide ordinary maintenance or repair.**

Owners of historic properties or of properties within a historic district shall not allow their buildings to deteriorate by failing to provide ordinary maintenance or repair. The Commission shall be charged with the following responsibilities regarding such deterioration by neglect:

- (a) The Historic Preservation Commission shall have the authority to monitor the condition of historic properties and properties within a historic district to determine if they are being allowed to deteriorate by neglect. Such conditions as broken windows, doors and openings which allow the elements and vermin to enter, the deterioration of exterior architectural features, or the deterioration of a building's structural system shall constitute failure to provide ordinary maintenance or repair.
- (b) In the event the Historic Preservation Commission determines that there has been a failure to provide ordinary maintenance or repair, the Historic Preservation Commission will notify the owner of the property and set forth the steps necessary to comply with the provisions of this Section. The owner of such property will have thirty (30) days in which to comply.
- (c) In the event conditions in violation of this Section are not remedied in thirty (30) days after notice pursuant to section 7-4-52 (b) above, such will constitute a continuing violation of this Chapter and in addition, the Historic Preservation Commission shall have the authority, with the approval of Commission, to perform such maintenance or repair as is necessary to prevent such deterioration. The owner of the property shall be liable for the cost of such maintenance and repair performed

at the direction of the Commission and such liability shall constitute a lien upon the property as provided by law.

**Sec. 7-4-53. Affirmation of existing building and zoning codes.**

Nothing in this Chapter shall be construed as to exempt property owners from complying with existing building and zoning codes of Augusta-Richmond County.

**Secs. 7-4-54—7-4-60. Reserved.**

**ARTICLE 7 MISCELLANEOUS PROVISIONS**

**Sec. 7-4-61. Certified local government program.**

The Historic Preservation Commission shall at least annually monitor compliance with all certified Local Government Program requirements and take or recommend such steps as may be necessary to have Augusta-Richmond County qualify and remain qualified as a certified Local Government pursuant to various state or federal government requirements.

**Sec. 7-4-62. Severability.**

In the event that any section, subsection, sentence, clause or phrase of this Chapter shall be declared or adjudged invalid or unconstitutional, such declaration or adjudication shall in no manner affect the other sections, sentences, clauses, or phrases of this Chapter, which shall remain in full force and effect, as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not originally a part thereof.

**Sec. 7-4-63. Amendments.**

This Chapter may be amended by the Commission upon recommendation by the Historic Preservation Commission. No amendment shall become effective unless such recommendation shall be made by the Historic Preservation Commission, or until the Historic Preservation Commission has had an opportunity to review the amend-

ment upon the direction of Commission and has made a recommendation concerning the proposed amendment.

**Sec. 7-4-64. Reserved.**

**Editor's note**—Ord. No. 6939, § 13, adopted Jan. 2-2007, repealed § 7-4-64 in its entirety. Formerly, said section pertained to temporary provision for HPA (historic preservation area) zones existing under prior law.

**ARTICLE 8 DETENTION PONDS**

**Sec. 7-4-65 Maintenance of detention/retention ponds.**

(a) *Maintenance by landowner required.* No owner of any property or parcel of land within Augusta-Richmond County on which there exists or may be established a detention pond and/or a retention pond, shall permit or allow debris to be dumped or materials to be piled therein, nor permit or allow grass, weeds, vines, underbrush or other growth to grow or accumulate therein, so as to constitute an unclean, unhealthy, unsanitary, unsightly, dangerous or offensive condition, or so as to render such pond incapable of serving its purpose of detaining water.

(b) *Abatement.* Whenever the public works department discovers that the provisions of subsection (a) above are being violated, it shall give the owner, his agent or other representative fifteen (15) days written notice by mail, directed to his last-known address, that the condition must be remedied within 15 days, and that if, after the expiration of the fifteen-day period, the condition is not remedied, the public works department shall cause the necessary work to be done and tax the cost of the work against the owner and the property in the same manner and under the same terms as the cost of other public improvements is taxed. The cost shall constitute a lien against the property and the delinquent tax collector shall issue a fi.fa., in the name of Augusta-Richmond County, acting by and through its Commission-Council, for the cost, and levy the fi.fa. upon the property in the same manner as levies under tax fi.fa.s are now executed.

(c) *Violation; penalty.* In addition to causing the condition of the property to be remedied as authorized in subsection (b), above, in the event that the condition is not remedied by the owner at the expiration of fifteen (15) days, the public works department shall make a case against the offending party and upon trial and conviction, the offending part shall be punished by a fine in an amount not to exceed one thousand dollars (\$1,000.00) and/or imprisonment in the Augusta-Richmond County jail for a period not in excess of sixty (60) days.

(d) *Commercial/industrial detention/retention ponds.* As of the effective date of this ordinance, Augusta-Richmond County shall not accept ownership and maintenance responsibilities, through deed of dedication or otherwise, for any detention/retention ponds constructed in connection with commercial and/or industrial properties. Said owners shall be responsible for maintenance of said ponds in accordance with subsection (a) of this section.

## **ARTICLE 9. PENALTY PROVISIONS**

### **Sec. 7-4-66. Violation; penalties.**

Any person or corporation, whether a principal, agent, employee, or otherwise who violates any provision of this Chapter or who violates any court order issued pursuant to this Chapter, shall be guilty of an offense, and upon trial as a misdemeanor and conviction, shall be punished as provided in section 1-6-1 of this Code. Each day any violation of any provision of this Chapter or violation of any court order issued pursuant to this Chapter persists shall constitute a separate offense and continuing violation of this Chapter.