

ORDINANCE 2019-007

1st reading and Introduction: March 4, 2019

2nd reading: March 18, 2019

AN ORDINANCE AMENDING THE CODE OF ORDINANCES TO REMOVE THE REQUIREMENT OF A BUILDING CODE COMPLIANCE BOND; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, the Mayor and Council of the City of Powder Springs are authorized to regulate the construction of buildings within the City and enact codes in furtherance of said authority; and

WHEREAS, the Mayor and Council did previously enact an ordinance requiring a building code compliance bond of every builder, electrical contractor, plumbing contractor, HVAC contractor, owner, individual or other entity obtaining a permit for construction; and

WHEREAS, the Mayor and Council wish to amend the Code of Ordinances to remove such requirement.

NOW THEREFORE, the Mayor and Council of the City of Powder Springs find that in the interest of the public health, safety and welfare it does hereby ordain that the Code of Ordinances is amended as follows with deletions shown with a strike-through and additions shown as underlined:

SECTION ONE

The Code of Ordinances is amended by making the following changes to Chapter 5, Article II, Section 5-18:

Sec. 5-18. ReservedBuilders' bond required.

- (a) ~~Unless otherwise provided by state law, it shall be the duty of every builder, electrical contractor, plumbing contractor, HVAC contractor, general contractor, owner, individual or other entity obtaining a permit for construction to give good and sufficient bond in the sum of twenty five thousand dollars (\$25,000.00) to be approved by the building official, conditioned to conform to the building regulations, and other ordinances or laws of the applicable governing body in reference to buildings.~~
- (b) ~~The bond required in subsection (a) from owners who obtain permits to perform work for themselves shall only be required when the cost of the work permitted in any one (1) year exceeds ten thousand dollars (\$10,000.00).~~
- (c) ~~The bond required of a builder, electrical contractor, plumbing contractor, HVAC contractor, owner, individual or other entity obtaining a permit for construction shall be a code compliance bond in favor of the city ensuring that all construction, installation or modifications be done in compliance with this Code of Ordinances with coverage extending for a period of one (1) year from the date the structure is occupied.~~
- (d) ~~Any final inspection report and certificate of occupancy issued for any structure shall have noted thereon: "To the best of the city's knowledge and belief at the time of inspection, the structure has been erected in substantial compliance with applicable building codes. No oversight by the office of the building inspector shall excuse violation of any ordinance of the City of Powder Springs."~~
- (e) ~~After issuance of any final inspection report, the city reserves the right for a period of one (1) year to reinspect a dwelling for latent city code violations which existed at the time of final inspection, but were not detected. Any inspection made after the issuance of the final inspection report and before the termination of the one year requirement by the office of the building official shall be in response to a written complaint by the owner.~~

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- ~~(f) The builder, electrical contractor, plumbing contractor, HVAC contractor, owner, individual or other entity securing the permit shall be responsible for the correction of any code violations by him that are discovered during the period of construction and for a period of one (1) year from the date of occupancy or the certificate of occupancy, whichever is earlier, excepting routine maintenance, abuse, modification and normal wear and tear.~~
- ~~(g) In responding to a written complaint and upon inspection of the dwelling, should the building official determine that there exists any city code violations(s) in any structure covered by a bond issued pursuant to subsection (a) above, the principal on any such bond (builder, electrical contractor, plumbing contractor, HVAC contractor, owner, individual or other entity obtaining a permit for construction) shall be allowed ten (10) working days from the receipt of the notification to respond to the charge of violation and to meet with the building official regarding a remedy for the violation(s).~~
- ~~(h) Should the principal on the bond decide within the above ten day period to appeal the charge of violation, he will be given an additional ten (10) working days to file such appeal to the mayor and council. Should the mayor and council find the principal in violation of the code and in its judgment the violation is sufficiently serious as to affect the structural integrity or the expected normal service life of the structure or installed systems, or the safety or welfare of any occupants of the structure, the principal shall have thirty (30) days to remedy the violation(s) to the satisfaction of the office of the building inspector. Should the principal not correct the violation in a manner satisfactory to the building official, or, in the judgment of the building official, have not made satisfactory progress in remedying the violation(s) within this thirty day period, then he shall be notified in writing of his default and the surety shall be called upon to remedy the default within forty five (45) days of notification.~~
- ~~(i) The surety's obligation shall be limited to an amount required to remedy the code violation(s), but in no event shall the obligation exceed the amount of the bond.~~
- ~~(j) Including and after the date of transfer of title on any structure covered by a valid home owners warranty or policy issued by the Home Owners Warranty Corporation, Home Builders Warranty Corporation, or other such home warranty program, the liability of the principal and the surety on the above described bond shall cease for all code defects or violation(s) actually covered by any such warranty.~~

SECTION TWO

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION THREE


If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

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SECTION FOUR

This ordinance shall become effective five (5) days after its adoption by the City Council.


SO ORDAINED, this 18th day of March, 2019.



Albert Thurman, Mayor


Patrick Bordelon, Council Member


Doris Dawkins, Council Member


Patricia Wisdom, Council Member


Henry Lust, Council Member


Thelma C. Farmer, Council Member

ATTEST:


Kelly Axt, City Clerk