

Senate Bill 550

By: Senators Kemp of the 46th and Meyer von Bremen of the 12th

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 2 of Article 1 of Chapter 2 of Title 8 of the Official Code of Georgia
2 Annotated, relating to state minimum standard codes for construction, so as to change the
3 state minimum standard codes for construction; to revise definitions; to delete obsolete
4 provisions; to revise provisions in accordance with new codes; to make editorial changes; to
5 repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 style="text-align:center">**SECTION 1.**

8 Part 2 of Article 1 of Chapter 2 of Title 8 of the Official Code of Georgia Annotated, relating
9 to state minimum standard codes, is amended by striking Code Section 8-2-20, relating to
10 definitions relative to state minimum standard codes for construction, and inserting in lieu
11 thereof the following:

12 "8-2-20.

13 As used in this part, the term:

14 (1) 'Board' means the Board of Community Affairs.

15 (2) 'Commissioner' means the commissioner of community affairs.

16 (3) 'Department' means the Department of Community Affairs.

17 (4) 'Exempted building' means any of the following:

18 (A) Any building whose peak design rate of energy usage for heating, cooling,
19 ventilation, and lighting is less than one watt or 3.4 British thermal units (BTUs) per
20 hour per square foot of floor area for all purposes;

21 (B) Any building which is neither mechanically heated nor mechanically cooled;

22 (C) Any mobile home; and

23 (D) Any building owned or leased in whole or in part by the United States.

24 (5) 'Exterior envelope' means those elements of a building which enclose conditioned
25 spaces through which thermal energy may be transferred to or from the exterior.

1 (6) 'New building' means any building on which final design is commenced after the
 2 adoption of the ~~Georgia State Energy Code for Buildings~~ International Energy
 3 Conservation Code under this part.

4 (7) 'Public building' means any building which is open to the public during normal
 5 business hours and is not an exempted building, including the following:

6 (A) Any building which provides facilities or shelter for public assembly or which is
 7 used for educational, office, or institutional purposes;

8 (B) Any inn, hotel, motel, sports arena, supermarket, transportation terminal, retail
 9 store, restaurant, or other commercial establishment which provides services or retails
 10 merchandise;

11 (C) Any portion of an industrial plant building used primarily as office space; and

12 (D) Any building owned by the state or a political subdivision or instrumentality
 13 thereof, including libraries, museums, schools, hospitals, auditoriums, sports arenas,
 14 and university buildings.

15 (8) 'Renovated building' means either of the following:

16 (A) A building undergoing alteration of the exterior envelope; heating, ventilation, and
 17 air-conditioning systems; water-heating systems; or lighting systems, for which the
 18 aggregate cost of alteration exceeds 10 percent of the assessed value of the building
 19 immediately prior to such alteration; or

20 (B) A building undergoing alteration in the physical configuration or interior space, for
 21 which the aggregate cost of alteration exceeds one-fourth of the assessed value of the
 22 building immediately prior to such alteration.

23 ~~(9)(A)(i) Prior to October 1, 1991, 'state minimum standard codes' means the~~
 24 ~~following codes:~~

25 ~~(I) Georgia State Housing Code;~~

26 ~~(II) Georgia State Building Code;~~

27 ~~(III) Georgia State Plumbing Code;~~

28 ~~(IV) Georgia State Air Conditioning and Heating Code;~~

29 ~~(V) Georgia State Electrical Code; and~~

30 ~~(VI) Georgia State Gas Code.~~

31 ~~(ii) The term 'state minimum standard codes' shall specifically not include the~~
 32 ~~Georgia State Energy Code for Buildings.~~

33 ~~(B)~~(9)(A)(i) On and after October 1, 1991, 'state minimum standard codes' means the
 34 following codes:

35 (I) Standard Building Code (SBCCI);

36 (II) National Electrical Code as published by the National Fire Protection
 37 Association;

- 1 (III) Standard Gas Code (SBCCI);
 2 (IV) Standard Mechanical Code (SBCCI);
 3 (V) Georgia State Plumbing Code or the Standard Plumbing Code (SBCCI);
 4 (VI) Council of American Building Officials One- and Two-Family Dwelling
 5 Code, with the exception of Part V - Plumbing (Chapters 20-25) of said code;
 6 (VII) Georgia State Energy Code for Buildings as adopted by the State Building
 7 Administrative Board pursuant to an Act approved April 10, 1978 (Ga. L. 1978, p.
 8 2212), as such code exists on September 30, 1991;
 9 (VIII) Standard Fire Prevention Code (SBCCI);
 10 (IX) Standard Housing Code (SBCCI);
 11 (X) Standard Amusement Device Code (SBCCI);
 12 (XI) Excavation and Grading Code (SBCCI);
 13 (XII) Standard Existing Buildings Code (SBCCI);
 14 (XIII) Standard Swimming Pool Code (SBCCI); and
 15 (XIV) Standard Unsafe Building Abatement Code (SBCCI).

16 (ii) The codes provided in division (i) of this subparagraph shall mean such codes as
 17 they exist on October 1, 1991, provided that the department, with the approval of the
 18 board, may adopt a subsequently published edition of any such code as provided in
 19 subsection (b) of Code Section 8-2-23; and provided, further, that any such code may
 20 hereafter be amended or revised as provided in subsection (a) of Code Section 8-2-23.

21 (B)(i) On or after July 1, 2004, 'state minimum standard codes' means the following
 22 codes:

23 (I) International Building Code (ICC);

24 (II) National Electrical Code (NFPA);

25 (III) International Fuel Gas Code (ICC);

26 (IV) International Mechanical Code (ICC);

27 (V) International Plumbing Code (ICC);

28 (VI) International Residential Code for One- and Two-Family Dwellings (ICC);

29 (VII) International Energy Conservation Code (ICC);

30 (VIII) International Fire Code (ICC);

31 (IX) International Existing Building Code (ICC);

32 (X) International Property Maintenance Code (ICC); and

33 (XI) Any other codes deemed appropriate by the board for the safety and welfare
 34 of Georgia's citizens.

35 (ii) The codes provided in division (i) of this subparagraph shall mean such codes as
 36 they exist on July 1, 2004, provided that the department, with the approval of the
 37 board, may adopt a subsequently published edition of any such code as provided in

1 subsection (b) of Code Section 8-2-23; and provided, further, that any such code may
 2 hereafter be amended or revised as provided in subsection (a) of Code Section 8-2-23.

3 (C) References to any standard code in this part shall mean one of the standard codes
 4 listed in division (i) of subparagraph (A) or division (i) of subparagraph (B) of this
 5 paragraph.

6 (D) The term 'state minimum standard codes' shall specifically not include the Georgia
 7 State Fire Code as adopted by the Safety Fire Commissioner pursuant to Code Section
 8 25-2-13 nor shall any state minimum standard code be less restrictive than the Georgia
 9 State Fire Code."

10 SECTION 2.

11 Said part is further amended by striking Code Section 8-2-21, relating to adoption and
 12 continuation of the state minimum codes and enforcement of codes, and inserting in lieu
 13 thereof the following:

14 "8-2-21.

15 ~~(a) The state minimum standard codes, which were prepared and adopted by the State~~
 16 ~~Building Administrative Board pursuant to an Act approved April 21, 1969 (Ga. L. 1969,~~
 17 ~~p. 546), as amended, as such codes exist on June 30, 1989, are adopted and continued in~~
 18 ~~their entirety by the department until October 1, 1991, at which time all of said codes shall~~
 19 ~~be repealed in their entirety, except the Georgia State Plumbing Code which will be~~
 20 ~~continued as it exists on October 1, 1991, to facilitate the provisions of subdivision~~
 21 ~~(9)(B)(i)(V) of Code Section 8-2-20 and the other provisions of this part. The said Georgia~~
 22 ~~State Plumbing Code may be amended thereafter as provided in subsection (a) of Code~~
 23 ~~Section 8-2-23.~~

24 ~~(b) Enforcement of the state minimum standard codes provided for in ~~division~~ divisions~~
 25 ~~(9)(A)(i) and (9)(B)(i) of Code Section 8-2-20 shall not include enforcement of appendices~~
 26 ~~to such codes except when:~~

- 27 (1) Any provision of an appendix is specifically referenced in the code text;
 28 (2) An appendix to a code is specifically included in an administrative ordinance adopted
 29 by a municipality or county; or
 30 (3) An appendix to a code is specifically adopted by the department with the approval
 31 of the board."

32 SECTION 3.

33 Said part is further amended in Code Section 8-2-23, relating to amendment and revision of
 34 codes, by striking subsection (a) and inserting in lieu thereof the following:

- 1 (3) The commissioner of community affairs or his or her designee as an ex officio
 2 member with full voting privileges;
- 3 (4) One representative of the home-building industry;
- 4 (5) One representative of the industrialized building industry;
- 5 (6) One representative of the general contracting industry;
- 6 (7) One representative of the profession of mechanical engineering;
- 7 (8) One licensed architect;
- 8 (9) One licensed electrical engineer;
- 9 (10) One representative of the manufactured homes industry;
- 10 (11) One licensed electrical contractor;
- 11 (12) One building material dealer;
- 12 (13) One licensed plumbing contractor;
- 13 (14) One licensed conditioned-air contractor;
- 14 (15) One licensed structural engineer;
- 15 (16) Four municipal or county code enforcement officials; and
- 16 (17) Two local fire officials.
- 17 (b) All appointments to the committee shall be for a term of four years; provided, however,
 18 that the initial members appointed pursuant to paragraphs (4), (5), (6), (7), (9), (15), (16),
 19 and (17) of subsection (a) of this Code section shall be appointed for a term to expire on
 20 the same date as the terms of other members. A member shall serve until his or her
 21 successor has been duly appointed. The commissioner shall make appointments to fill the
 22 unexpired portion of any term vacated for any reason. In making such appointments, the
 23 commissioner shall preserve the composition of the committee as required by this Code
 24 section. Any appointive member who, during his or her term, ceases to meet the
 25 qualifications for original appointment shall thereby forfeit his or her membership on the
 26 committee. ~~The commissioner shall have until August 1, 1989, to appoint the members of~~
 27 ~~the committee.~~ Membership on the committee shall not constitute public office, and no
 28 member shall be disqualified from holding public office by virtue of his or her
 29 membership. Each member of the committee shall serve without compensation, but each
 30 member of the committee shall be reimbursed for travel and other reasonable and necessary
 31 expenses incurred by him or her while attending called meetings of the committee."

32 **SECTION 5.**

33 Said part is further amended in Code Section 8-2-25, relating to state-wide application of
 34 codes, codes requiring local adoption, local adoption of more stringent codes, and adoption
 35 of standards for which state codes do not exist, by striking subsections (a) and (b) and
 36 inserting in lieu thereof the following:

1 "(a) On and after ~~October 1, 1991~~ July 1, 2004, the state minimum standard codes
 2 enumerated in subdivisions (9)(A)(i)(I) through (9)(A)(i)(VIII) and (9)(B)(i)(I) through
 3 (9)(B)(i)(VIII) of Code Section 8-2-20 shall have state-wide application and shall not
 4 require adoption by a municipality or county. The governing authority of any municipality
 5 or county in this state is authorized to enforce the state minimum standard codes
 6 enumerated in this subsection.

7 (b) The state minimum standard codes enumerated in subdivisions (9)(A)(i)(IX) through
 8 (9)(A)(i)(XIV) and (9)(B)(i)(IX) through (9)(B)(i)(~~XIV~~)(XI) of Code Section 8-2-20 shall
 9 not be applicable in a jurisdiction until adopted by a municipality or county. The governing
 10 authority of any municipality or county in this state is authorized to adopt and enforce the
 11 state minimum standard codes enumerated in this subsection in that subject area which is
 12 being regulated by the municipality or county, and a copy of the local ordinance or
 13 resolution adopting any such code shall be forwarded to the department in order that such
 14 municipality or county may be apprised of subsequent amendments in the state minimum
 15 standard code so adopted."

16 SECTION 6.

17 Said part is further amended in Code Section 8-2-26, relating to code enforcement, training
 18 for local inspectors, limitation of local inspectors, alternative inspection procedures, contents
 19 of permits, posting and delivery of permits, and citation of code provision that is basis for
 20 violation, by striking subsection (d) and inserting in lieu thereof the following:

21 "(d)(1) In lieu of inspection by an inspector or other person employed by the governing
 22 authority of any county or municipality, a licensed master plumber or utility contractor
 23 shall have the option of installing a water or sewer line according to the alternative
 24 inspection procedure described in this subsection where the installation is on private
 25 property outside the building underground.

26 (2) If the master plumber or utility contractor elects to utilize this inspection procedure,
 27 he or she shall file with the local inspector:

28 (A) Notice that the water and sewer line will be installed in accordance with the
 29 ~~Standard~~ International Plumbing Code and will be inspected pursuant to the alternative
 30 inspection procedure described in this subsection;

31 (B) A copy of his or her master plumber or utility contractor certificate issued by the
 32 State Construction Industry Licensing Board;

33 (C) A copy of his or her trenching competent person certificate;

34 (D) A certificate showing that a bond has been filed in accordance with paragraph (2)
 35 of subsection (b) of Code Section 43-14-12, except that such bond shall be in the

1 amount of \$50,000.00 and issued by a surety rated 'A,' 'Class VI,' or better by the A. M.
2 Best Company; and

3 (E) Within five business days after completion of the installation, a sworn certification
4 that the water or sewer line has been installed in accordance with the ~~Standard~~
5 International Plumbing Code.

6 (3) The department shall promulgate a standard form notice and a standard form
7 certificate that shall be used to administer this subsection. Local inspectors shall make
8 copies of the standard forms available to contractors.

9 (4) The master plumber or utility contractor shall be required to pay to the governing
10 authority the applicable permit fee.

11 (5) Upon submission of the certification required by this subsection, the local governing
12 authority shall be required to accept the inspection without the necessity of further
13 inspection or approval, except that the local governing authority may perform an
14 inspection at any time and may issue a stop-work order if the work is found to be in
15 violation of code requirements.

16 (6) Any other provision of this subsection notwithstanding, the alternative inspection
17 procedure described in this subsection shall be applicable only to installations on private
18 individual single-family residential property."

19 SECTION 7.

20 Said part is further amended in Code Section 8-2-26.1, relating to definitions, duties of local
21 governing authorities, retention of qualified inspectors, and powers of retained qualified
22 inspectors, by striking subsections (a) and (b) and inserting in lieu thereof the following:

23 "(a) As used in this Code section, the term:

24 (1) ~~'CABO' means the Council of American Building Officials~~ 'ICC' means International
25 Code Council.

26 (2) 'Qualified inspector' means:

27 (A) A person inspecting for compliance with the ~~Standard~~ International Building Code
28 or the building portion of the ~~CABO One- and Two-Family Dwelling Code~~
29 International Residential Code for One- and Two-Family Dwellings who holds a
30 certification from the ~~SBCCI~~ ICC as a building inspector;

31 (B) A person inspecting for the compliance of residential buildings with the National
32 Electrical Code or the electrical portion of the ~~CABO One- and Two-Family Dwelling~~
33 Code International Residential Code for One- and Two-Family Dwellings who holds
34 a certification from the ~~SBCCI~~ ICC as a residential electrical inspector or an electrical
35 contractor license from the State Construction Industry Licensing Board;

1 (C) A person inspecting for the compliance of nonresidential buildings with the
 2 National Electrical Code who holds a certification from the ~~SBCCI~~ ICC as a
 3 commercial electrical inspector or an electrical contractor license from the State
 4 Construction Industry Licensing Board;

5 (D) A person inspecting for compliance with the ~~Standard~~ International Fuel Gas Code
 6 who holds a certification from the ~~SBCCI~~ ICC as a mechanical inspector or plumbing
 7 inspector or a conditioned air contractor, journeyman plumber, or master plumber
 8 license from the State Construction Industry Licensing Board;

9 (E) A person inspecting for compliance with the ~~Standard~~ International Mechanical
 10 Code or the mechanical portion of the ~~CABO One- and Two-Family Dwelling Code~~
 11 International Residential Code for One- and Two-Family Dwellings who holds a
 12 certification from the ~~SBCCI~~ ICC as a mechanical inspector or a conditioned air
 13 contractor license from the State Construction Industry Licensing Board;

14 (F) A person inspecting for compliance with the ~~Georgia State Plumbing Code, the~~
 15 ~~Standard~~ International Plumbing Code; or the plumbing portion of the ~~CABO One- and~~
 16 ~~Two-Family Dwelling Code~~ International Residential Code for One- and Two-Family
 17 Dwellings who holds a certification from the ~~SBCCI~~ ICC as a plumbing inspector or
 18 a journeyman plumber or master plumber license from the State Construction Industry
 19 Licensing Board;

20 (G) A person inspecting for compliance any portion of the ~~CABO One- and~~
 21 ~~Two-Family Dwelling Code~~ International Residential Code for One- and Two-Family
 22 Dwellings who holds a certification from the ~~SBCCI~~ ICC as a one and two-family
 23 dwelling inspector;

24 (H) A person inspecting for compliance with the ~~Georgia State Energy~~ International
 25 Energy Conservation Code for Buildings who has completed eight hours of training that
 26 is conducted or approved by the department; or

27 (I) A person inspecting for compliance with any of the codes listed in subparagraphs
 28 (A) through (H) of this paragraph who holds a certificate of registration as a
 29 professional engineer issued under Chapter 15 of Title 43 and is practicing within the
 30 scope of his or her branch of engineering expertise while conducting such inspection.

31 (3) ~~'SBCCI' means the Southern Building Code Congress International.~~

32 ~~(4)~~ 'State Construction Industry Licensing Board' means that board created pursuant to
 33 Code Section 43-14-3.

34 (b) The governing authority of any municipality or county which has adopted provisions
 35 for the enforcement of the state minimum standard codes shall post a notice stating whether
 36 the personnel employed by that governing authority to conduct inspections for compliance
 37 with such codes are qualified inspectors. Such notice shall separately address each

1 minimum standard code enumerated in subdivisions (9)(A)(i)(I) through (9)(A)(i)(VIII)
 2 (9)(B)(i)(I) through (9)(B)(i)(VII)(VIII) of Code Section 8-2-20 and the building, electrical,
 3 mechanical, and plumbing portions of the ~~CABO One- and Two-Family Dwelling Code~~
 4 International Residential Code for One- and Two-Family Dwellings, and state whether all
 5 personnel assigned to conduct inspections for the particular code or portion of the code are
 6 qualified inspectors for that code or portion of the code."

7 SECTION 8.

8 Said part is further amended by striking Code Section 8-2-27, relating to conformity to the
 9 Georgia State Energy Code, applicability of the code, and appeals, and Code Section 8-2-28,
 10 relating to enforcement or adoption of construction codes by local governments, and
 11 inserting in lieu thereof the following:

12 "8-2-27.

13 (a) The design, erection, construction, and alteration of any building to which the ~~Georgia~~
 14 ~~State Energy Code for Buildings~~ International Energy Conservation Code shall apply shall
 15 be accomplished so that the building or applicable portions thereof shall meet or conform
 16 to such code.

17 (b) Enforcement of compliance with this Code section shall be solely the province of local
 18 governing authorities, except in regard to buildings owned by the state. In state owned
 19 buildings, the state agency which owns the building shall provide for the compliance with
 20 the code adopted under this part. Local governing authorities are authorized to adopt rules
 21 and regulations for the administration and enforcement of the code and to adopt such
 22 penalties for violation of the code as they deem appropriate. Local governing authorities
 23 are authorized to exercise all the powers enumerated in subsection (a) of Code Section
 24 8-2-26 in enforcement of the ~~Georgia State Energy Code for Buildings~~ International
 25 Energy Conservation Code.

26 (c) The ~~Georgia State Energy Code for Buildings~~ International Energy Conservation Code
 27 shall not apply to exempted buildings; and, with respect to renovated buildings, such code
 28 shall apply only to portions or systems of the building which are directly involved in the
 29 renovation.

30 (d) The commissioner or his or her designated representative shall have authority to hear
 31 appeals relating to the interpretation, enforcement, and administration by local governing
 32 authorities of the ~~Georgia State Energy Code for Buildings~~ International Energy
 33 Conservation Code and exceptions to such code. The commissioner may, at his or her
 34 option, hear de novo cases but shall not hear any appeal until it is determined that the
 35 appeal procedures available through the affected local government have been exhausted.
 36 If, on appeal, the commissioner determines that the local governing authority erred in its

1 interpretation of the code, he or she shall remand the case to the local government with
 2 instructions to take such action as he or she directs. Further appeals may be made as
 3 provided by Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

4 8-2-28.

5 ~~On and after October 1, 1991, any~~ Any municipality or county either enforcing or adopting
 6 and enforcing a construction code shall utilize one or more of the state minimum standard
 7 codes established pursuant to this part."

8 **SECTION 9.**

9 Said part is further amended in Code Section 8-2-30, relating to the scope of the applicability
 10 of the part, by striking subsections (d), (e), and (f) and inserting in lieu thereof the following:

11 "(d) This part shall not prohibit an individual from installing, altering, or repairing
 12 plumbing systems and fixtures, air-conditioning and heating systems and fixtures, or
 13 electrical systems in a single-family dwelling owned and occupied by him or her, provided
 14 that all such work must be done in conformity with all other provisions of this part and the
 15 orders, rules, and regulations of the department.

16 (e) This part shall not prohibit an individual from installing, altering, or repairing
 17 plumbing systems and fixtures, air-conditioning and heating systems and fixtures, or
 18 electrical systems in a farm or ranch building owned or occupied by him or her, provided
 19 that all such work must be done in conformity with all other provisions of this part and the
 20 orders, rules, and regulations of the department.

21 (f) This Code section shall not affect or abrogate the requirements of the ~~Georgia State~~
 22 ~~Energy Code for Buildings~~ International Energy Conservation Code."

23 **SECTION 10.**

24 All laws and parts of laws in conflict with this Act are repealed.