

## Chapter 18 BUILDINGS AND BUILDING REGULATIONS<sup>1</sup>

### Sec. 18-1. Technical codes adopted.

- (a) The following codes as they now exist or as adopted by the state are hereby adopted by reference as though they were copied fully in this section (subsections (a)(1) through (9) of this section are mandatory):
- (1) International Building Code: 2012 Edition.
  - (2) International Residential Code: 2012 Edition.
  - (3) International Plumbing Code: 2012 Edition.
  - (4) International Mechanical Code: 2012 Edition.
  - (5) International Fuel Gas Code: 2012 Edition.
  - (6) International Energy Conservation Code: 2009 Edition.
  - (7) International Fire Code: 2012 Edition.
  - (8) International Electrical Code: 2017 Edition.
  - (9) International Swimming Pool and Spa Code: 2102 Edition.
  - (10) International Property Maintenance Code: 2012 Edition.
  - (11) International Existing Building Code: 2012 Edition.
- (b) A current copy of each of the codes adopted in subsection (a) of this section shall be maintained on file in the office of the city clerk, where it shall be available for public inspection.

(Code 1990, § 8-2-1; Code 2005, § 18-1; Ord. No. 01287, § 1, 2-12-2018)

### Sec. 18-2. Additional electrical standards.

In addition to the National Electrical Code, in regard to the requirements for electrical hook-ups, the city shall require that every electrical hook-up located within the city be made in accordance with the approved standards and requirements of either Georgia Power Company or Carroll EMC. The standards and requirements of the Georgia Power Company and Carroll EMC are incorporated into this section by reference, and copies of such standards are maintained on file in the office of the city clerk.

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<sup>1</sup>Charter reference(s)—Authority to establish building regulations for city, § 1.21.

Cross reference(s)—Registration of building and repair services during state of emergency, § 30-3; environment, ch. 42; failure to comply with order to repair or demolish structure, § 42-83; fire prevention and protection, ch. 46; floods, ch. 50; planning and development, ch. 74; signs, ch. 78; solid waste, ch. 82; streets, sidewalks and other public places, ch. 86; subdivisions, ch. 90; utilities, ch. 102; building sewers and connections, § 102-105 et seq.; zoning, ch. 106; building permit required, § 106-205; application for building permit, § 106-207.

State law reference(s)—Authority to adopt technical codes, Ga. Const. art. IX, § II, ¶ III(a)(12).

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(Code 1990, § 8-2-2; Code 2005, § 18-2)

### **Sec. 18-3. Enforcement of adopted codes.**

Within the codes adopted by this chapter, when reference is made to the duties of certain officials named therein, that designated official of the city who has duties corresponding to those of the named official in the code shall be deemed to be the responsible official insofar as enforcing the provisions of the code are concerned.

(Code 1990, § 8-2-4; Code 2005, § 18-3)

Editor's note(s)—Building inspections are performed by the city inspector.

### **Sec. 18-4. Temporary structures.**

Temporary structures may be employed as on-site office or storage facilities at the site of new construction or subdivision development, provided that a permit is obtained for each structure and all such temporary structures shall be completely removed within 15 days of substantial completion of the project.

(Code 1990, § 8-2-5; Code 2005, § 18-4)

### **Sec. 18-5. Work requiring building permit.**

- (a) The threshold whereby a citizen must acquire a building permit is \$100.00 and/or 50 square feet of heated space. However, all construction projects with a cost of less than \$5,000.00 shall be processed and inspections conducted at no cost to the owner of the property, provided that the construction/renovation/rehabilitation falls under one of the following categories or projects of a similar nature:
  - (1) All projects including the construction or repair of loadbearing elements (such as a deck, porch, detached or attached garage, storage shed, etc.).
  - (2) All projects having a potential bearing upon the property line of a neighbor (such as an accessory building, a deck/porch, new sidewalk or replacement of a sidewalk or driveway and fence construction).
- (b) All home additions in excess of 50 square feet of heated space shall be treated as though a new home was being built. If necessary, an electric, plumbing and mechanical permit may be required. Additions less than 50 square feet are not required to obtain a building permit; however, an electrical, plumbing or mechanical permit may be necessary depending upon how extensive the improvements are. If the cost of the addition is over \$5,000.00, but the square footage is less than 50 square feet heated, a building permit must be obtained.

(Code 2005, § 18-5; Res. No. 05460, § 1, 5-14-2001; Res. No. 05466, § 1, 7-9-2001)

### **Sec. 18-6. Plan review fees.**

- (a) *Commercial and industrial site plans.* There shall be a fee as set from time to time by the mayor and city council for commercial and industrial site plan review and preliminary plat and final plat evaluations, which shall include a preliminary plan review and initial plan review service.
- (b) *Home design plans.* A fee set from time to time by the mayor and city council is required for home design plan review.

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(c) *Re-evaluation fee.* A re-evaluation fee for plans which, after being preliminarily evaluated and corrections made, are submitted and do not include all required elements on the initial plan review, as detailed in chapter 106, pertaining to zoning, and chapter 90, pertaining to subdivisions, shall be set from time to time by the mayor and city council.

(d) *Payment.* Fees must be paid at the time that the plans are submitted for review.

(Code 2005, § 18-6; Res. No. 05481, § 1, 12-10-2001)

### **Sec. 18-7. Re-inspection fee.**

A re-inspection fee of \$25.00 must be paid by the builder/property owner prior to any necessary re-inspections or subsequent inspections which would be conducted after a failed inspection was completed.

(Code 2005, § 18-7; Res. No. 05476, § 1, 11-12-2001)

### **Sec. 18-8. Demolition permit.**

(a) *Required.* A demolition permit is required prior to demolishing or modifying any building within the city.

(b) *Fee.* A fee set from time to time by the mayor and city council for the demolition permit is payable prior to:

(1) City inspection of property to determine if asbestos is present.

(2) Issuance of the demolition permit.

(c) *Asbestos inspection.* If the building inspector suspects asbestos to be present, the building owner shall be required to have a qualified state-certified professional evaluate the building for asbestos contamination. If the building subsequently is determined to not have asbestos, the demolition permit shall be issued. However, if asbestos contamination is positively established, then required abatement shall be accomplished and a statement certifying such has been accomplished from a state-certified professional shall be provided prior to the city issuing a demolition permit.

(Code 2005, § 18-8; Res. No. 05475, § 1, 11-12-2001)

### **Sec. 18-9. Stop work orders.**

(a) The city manager or his designee shall issue and enforce stop work orders due to construction work having been initiated without the required building permit.

(b) A stop work order shall be issued in writing to the property owner and/or the construction foreman/contractor.

(c) Any employee or project worker who fails to comply with the stop work order shall be subject to arrest and citation in accordance with section 1-7.

(Code 2005, § 18-9; Res. No. 05482, § 1, 4-8-2002)

### **Sec. 18-10. Water-conserving plumbing fixtures required.**

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

*Commercial* means any type of building other than residential.

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*Construction* means the erection of a new building or the alteration of an existing building in connection with its repair or renovation or in connection with making an addition to an existing building and shall include the replacement of a malfunctioning, unserviceable, or obsolete faucet, showerhead, toilet, or urinal in an existing building.

*Residential* means any building or unit of a building intended for occupancy as a dwelling, but shall not include a hotel or motel.

- (b) *New residential construction.* On or after July 1, 1991, no construction may be initiated within the city for any residential building of any type which:
- (1) Employs a gravity tank-type, flushometer-valve, or flushometer-tank toilet that uses more than an average of 1.6 gallons of water per flush; provided, however, this subsection (b)(1) shall not be applicable to one-piece toilets until July 1, 1992;
  - (2) Employs a showerhead that allows a flow of more than an average of 2.5 gallons of water per minute at 60 pounds per square inch of pressure;
  - (3) Employs a urinal that uses more than an average of 1.0 gallons per flush;
  - (4) Employs a lavatory faucet or lavatory replacement aerator that allows a flow of more than 2.0 gallons of water per minute; or
  - (5) Employs a kitchen faucet or kitchen replacement aerator that allows a flow of more than 2.5 gallons of water per minute.
- (c) *New commercial construction.* On or after July 1, 1992, there shall be no construction of any commercial building initiated within the city for any commercial building of any type which does not meet the requirements of subsection (b) of this section.
- (d) *Repair, renovation or additions.* The requirements of subsection (b) of this section shall apply to any residential construction initiated after July 1, 1991, and to any commercial construction initiated after July 1, 1992, which involves the repair or renovation of or addition to any existing building when such repair or renovation of or addition to such existing building includes replacement of toilets or showers or both.
- (e) *Exemptions.*
- (1) New construction and the repair or renovation of an existing building shall be exempt from the requirements of subsections (b) through (d) of this section when:
    - a. The repair or renovation of the existing building does not include the replacement of the plumbing or sewage system servicing toilets, faucets or showerheads within such existing buildings;
    - b. Such plumbing or sewage system within such existing building, because of its capacity, design, or installation, would not function properly if the toilets, faucets or showerheads required by this section were installed;
    - c. Such system is a well or gravity flow from a spring and is owned privately by an individual for use in such individual's personal residence; or
    - d. Units to be installed are:
      1. Specifically designed for use by the handicapped;
      2. Specifically designed to withstand unusual abuse or installation in a penal institution; or
      3. Toilets for juveniles.

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- (2) The owner, or his agent, of a building undergoing new construction or repair or renovation who is entitled to an exemption as specified in subsection (e)(1)b, c or d of this section shall obtain the exemption by applying at the office of the building inspector for the city. A minimum fee of \$25.00 shall be charged for the inspection and issuance of such exemption.

(f) *Enforcement; penalty.*

- (1) The office of the building inspector of the city and county shall enforce this section. Citations for violations may be issued by the chief building inspector of the city or county.
- (2) Any person violating any of the provisions of this section shall, upon conviction in the municipal court of the city, be punished as provided in section 1-7.

(Code 2005, § 18-10; Ord. No. 01161, §§ 1—6, 4-22-1991)

Charter reference(s)—Authority to establish building regulations for city, § 1.21.

### **Sec. 18-11. The Tallapoosa blighted property ordinance.**

- (a) *Purpose.* The existence of real property which is maintained in a blighted condition increases the burden of the state and local government by increasing the need for government services, including but not limited to social services, public safety services, and code enforcement services. Rehabilitation of blighted property decreases this need for such government services. In furtherance of its objective to eradicate conditions of slum and blight within the city, the mayor and council of Tallapoosa, in exercise of the powers granted to municipal corporations at chapter 61, Urban Redevelopment, of Title 36 of the Official Code of Georgia Annotated, has designated those areas of the city where conditions of slum and blight are found or are likely to spread. In recognition of the need for enhanced governmental services and in order to encourage private property owners to maintain their real property and the buildings, structures and improvement thereon in good condition and repair, and as an incentive to encourage community redevelopment, a community redevelopment tax incentive program is hereby established as authorized by article IX, section II, paragraph VII(d) of the 1983 Constitution of the State of Georgia.

(b) *Definitions:*

- (1) *Blighted property, blighted, or blight* means any urbanized or developed property which:
- a. Presents two or more of the following conditions:
    1. Uninhabitable, unsafe, or abandoned structure;
    2. Inadequate provisions for ventilation, light, air, or sanitation;
    3. An imminent harm to life or other property caused by fire, flood, hurricane, tornado, earthquake, storm, or other natural catastrophe respecting which the governor has declared a state of emergency under the state law or has certified the need for disaster assistance under federal law; provided, however, this division shall not apply to property unless the relevant public agency has given notice in writing to the property owner regarding specific harm caused by the property and the owner has failed to take reasonable measures to remedy the harm;
  - b. A site identified by the federal Environmental Protection Agency as a superfund site pursuant to 42 U.S.C. section 9601, et seq., or having environmental contamination to an extent that requires remedial investigation or a feasibility study;
  - c. Repeated illegal activity on the individual property of which the property owner knew or should have known; or

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- d. The maintenance of the property is below state, county, or municipal codes for at least one year after written notice of the code violation to its owner; and
  - e. Is conducive to ill health, transmission of disease, infant mortality, or crime in the immediate proximity of the property.
  - f. Property shall not be deemed blighted solely because of aesthetic conditions.
- (2) *Building inspector* means a certified inspector possessing the requisite qualifications to determine minimal code compliance.
  - (3) *Community redevelopment* means any activity, project, or service necessary or incidental to achieving the redevelopment or revitalization of a redevelopment area or portion thereof designated for redevelopment through an urban redevelopment plan or thorough local ordinances relating to the repair, closing, and demolition of buildings and structures unfit for human habitation.
  - (4) *Governing authority* means the city council of the City of Tallapoosa, a Georgia municipal corporation.
  - (5) *Millage or millage rate* means the levy, in mills, which is established by the governing authority for purposes of financing, in whole or in part, the levying jurisdiction's general fund expenses for the fiscal year.
  - (6) *Person* means such individual(s), partnership, corporations, business entities and associations which return real property for ad valorem taxation or who are chargeable by law for the taxes on the property.
  - (7) *Public officer* means the city manager or such officer or employee of the city as designated by the city manager to perform the duties and responsibilities hereafter set forth in this article.
- (c) *Ad valorem tax increase on blighted property.*
- (1) There is hereby levied on all real property within the city which has been officially identified as maintained in a blighted condition an increased ad valorem tax by applying a factor of seven to the millage rate applied to the property, so that such property shall be taxed at a higher millage rate generally applied in the city, or otherwise provided by general law; provided, however, real property on which there is situated a dwelling house which is being occupied as the primary residence of one or more persons shall not be subject to official identification as maintained in a blighted condition and shall not be subject to increased taxation.
  - (2) Such increased ad valorem tax shall be applied and reflected in the first tax bill rendered following official designation of a real property as blighted.
  - (3) Revenues arising from the increased rate of ad valorem taxation shall, upon receipt, be segregated by the city manager and used only for community redevelopment purposes, as identified in an approved urban redevelopment program, including defraying the cost of the city's program to close, repair, or demolish unfit building and structures.
- (d) *Identification of blighted property.*
- (1) In order for a parcel of real property to be officially designated as maintained in a blighted condition and subject to increased taxation, the following steps must be completed:
    - a. An inspection must be performed on the parcel of property. In order for an inspection to be performed,
      - 1. A request may be made by the public officer or by at least five residents of the city for inspection of a parcel of property, said inspection to be based on the criteria as delineated in ordinance, or

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2. The public officer may cause a survey of existing housing conditions to be performed, or may refer to any such survey conducted or finalized within the previous five years, to locate or identify any parcels which may be in a blighted condition and for which a full inspection should be conducted to determine if that parcel of property meets the criteria set out in this article for designation as being maintained in a blighted condition.
    - b. A written inspection report of the findings for any parcel of property inspected pursuant to subsection (1) above shall be prepared and submitted to the public officer. Where feasible, photographs of the conditions found to exist on the property on the date of inspection shall be made and supplement the inspection report. Where compliance with minimum construction, housing, occupancy, fire and life safety codes in effect within the city are in question, the inspection shall be conducted by a certified inspector possessing the requisite qualifications to determine minimal code compliance.
    - c. Following completion of the inspection report, the public officer shall make a determination, in writing, that a property is maintained in a blighted condition, as defined by this article, and is subject to increased taxation.
    - d. The public officer shall cause a written notice of his determination that the real property at issue is being maintained in a blighted condition to be served upon the person(s) shown on the most recent tax digest of Haralson County as responsible for payment of ad valorem taxes assessed thereon; provided, however, where through the existence of reasonable diligence it becomes known to the public officer that real property has been sold or conveyed since publication of the most recent tax digest, written notice shall be given to the person(s) known or reasonably believed to then own the property or be chargeable with the payment of ad valorem taxes thereon, at the best address available. Service in the manner set forth at O.C.G.A. § 41-2-12 shall constitute sufficient notice to the property's owner or person chargeable with the payment of ad valorem taxes for purpose of this section, except that posting of the notice on the property will not be required.
  - (2) The written notice given to the person(s) chargeable with the payment of ad valorem taxes shall notify such person of the public officer's determination the real property is being maintained in a blighted condition and shall advise such person of the hours and location at which the person may inspect and copy the public officer's determination and any supporting documentation. Persons notified that real property of which the person(s) is chargeable with the payment of ad valorem taxes shall have 30 days from the receipt of notice in which to request a hearing before the city's municipal court. Written request for hearing shall be filed with the public officer and shall be date stamped upon receipt. Upon receipt of a request for hearing, the public officer shall notify the municipal court and the building inspector or person who performed the inspection and prepared the inspection report.
  - (3) Within 30 days of the receipt of a request for hearing, the municipal court clerk shall set a date, time and location for the hearing and shall give at least ten business days notice to the person(s) requesting the hearing, the public officer and the building inspector or person who performed the inspection and prepared the inspection report. Notice of scheduled hearings shall be published as a legal advertisement in the Gateway Beacon, or other designated legal organ in Haralson County, at least five days prior to the hearing. Hearings may be continued by the municipal court judge upon request of any party, for good cause.
  - (4) At the hearing, the public officer shall have the burden of demonstrating by a preponderance of the evidence that the subject property is maintained in a blighted condition, as defined by this article. The municipal court judge shall cause a record of the evidence submitted at the hearing to be maintained. Upon hearing from the public officer and/or their witnesses and the person(s) requesting the hearing and/or their witnesses, the judge of municipal court shall make a determination either affirming or reversing the determination of the public officer. The determination shall be in writing and copies
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thereof shall be served on the parties by certified mail or statutory overnight delivery. The determination by the court shall be deemed final. A copy of such determination shall also be served upon the tax commissioner of Haralson County, who shall include the increased tax on the next regular tax bill rendered on behalf of the city.

- (5) Persons aggrieved by the determination of the court affirming the determination of the public officer may petition the superior court of Haralson County for a writ of certiorari within 30 days of issuance of the court's written determination.

(e) *Remediation or redevelopment.*

- (1) A property owner or person(s) who is chargeable with the payment of ad valorem taxes on real property which has been officially designated pursuant to this article as property maintained in a blighted condition may petition the public officer to lift the designation, upon proof of compliance with the following:
- a. Completion of work required under a plan of remedial action or redevelopment approved by the city's planning and development director which addresses the conditions of blight found to exist on or within the property, including compliance with all applicable minimum codes; or
  - b. Completion of work required under a court order entered in a proceeding brought pursuant to the City of Tallapoosa, Georgia, or other applicable provisions of the city's Code.
- (2) Before action on a petition to lift the designation, the public officer shall cause the property to be thoroughly inspected by a building inspector who, by written inspection report, shall certify that all requisite work has been performed to applicable code in a workmanlike manner, in accordance with the specifications of the plan of remedial action or redevelopment, or applicable court order. Upon finding required work to be satisfactorily performed, the public officer shall issue a written determination that the real property is no longer maintained in a blighted condition. Copies of this determination shall be served upon the person(s) chargeable with the payment of ad valorem taxes, and upon the Tax Commissioner of Haralson County.
- (3) All plans for remedial action or redevelopment shall be in writing, signed by the person(s) chargeable with the payment of ad valorem taxes on the real property and the director of the city's planning and development department, and contain the following:
- a. The plan shall be consistent with the city's comprehensive plan and all laws and ordinances governing the subject property, and shall conform to any urban redevelopment plan adopted for the area within which the property lies;
  - b. The plan shall set forth in reasonable detail the requirements for repair, closure, demolition, or restoration of existing structures, in accordance with minimal statewide codes; where structures are demonished, the plan shall include provisions for debris removal, stabilization and landscaping of the property;
  - c. On parcels of five acres or greater, the plan shall address the relationship to local objectives respecting land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements;
  - d. The plan shall contain verifiable funding sources which will be used to complete its requirements and show the feasibility thereof;
  - e. The plan shall contain a timetable for completion of required work; and
  - f. Any outstanding ad valorem taxes (state, school, county and city, including the increased tax pursuant to this article) and governmental liens due and payable on the property must be satisfied in full.
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(f) *Decrease of tax rate.*

- (1) Real property which has had its designation as maintained in a blighted condition removed by the public officer, as provided in section 18-11(d), identification of blighted property, of this section, shall be eligible for a decrease in the rate of city ad valorem taxation by applying a factor of 0.5 to the city millage rate applied to the property, so that such property shall be taxed at a lower millage rate than the millage rate generally applied in the municipality or otherwise provided by general law; such decreased rate of taxation shall be applied beginning with the next tax bill rendered following removal of official designation of a real property as blighted. The decreased rate of taxation may be given in successive years, depending on the amount of cost expended by the person(s) chargeable with payment of ad valorem taxes on the property to satisfy its remediation or redevelopment, with every \$25,000.00 or portion thereof equaling one year of tax reduction; provided, however, that no property shall be entitled to reduction in city ad valorem taxes for more than four successive years.
- (2) In order to claim entitlement for a decreased rate of taxation, the person(s) chargeable with payment of ad valorem taxes on the property shall submit a notarized affidavit to the public officer, supported by receipts or other evidence of payment, of the amount expended.

(g) *Notice to tax commissioner.* It shall be the duty of the public officer to notify the tax commissioner of Haralson County in writing as to designation or removal of designation of a specific property as maintained in a blighted condition. Such notice shall identify the specific property by street address and tax map, block and parcel number, as assigned by the Haralson County Tax Assessor's Office. The public officer shall cooperate with the tax commissioner to assure accurate tax billing of those properties subject to increased or reduced ad valorem taxation under this article.

(Ord. No. 01301, § 1, 4-10-2023)

**18-12. Codes remedial in nature.**

The city's technical codes are remedial in nature, 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 (herein "service systems").

**Sec. 18-13. Quality control.**

Quality control of materials and workmanship is not within the purview of this Code except as it relates to the purposes stated herein.

**Sec. 18-14. Liability of city.**

The inspection or permitting of any building, system or plan, under the requirements of this Code shall not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy. Neither the city 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, that may occur subsequent to such inspection or permitting.

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**Sec. 18-15. Conflict of regulations.**

Where in any specific case sections of the technical codes, of this Code, and of state or federal law or regulation 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.

**Sec. 18-16. Appendices to technical codes.**

Appendices referenced in the code text of the technical codes shall be considered an integral part of the codes.

**Sec. 18-17. Referenced standards.**

Standards referenced in the text of the technical codes shall be considered an integral part of the codes. 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. 18-18. Requirements not covered by codes.**

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 building official.

**Sec. 18-19. 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 building inspector. The building inspector may approve any such alternate, provided the building inspector 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 building inspector shall require that sufficient evidence or proof be submitted to substantiate any claim made regarding the alternate.

**Sec. 18-20. Existing buildings to comply.**

Alterations, repairs or rehabilitation work may be made to any existing structure, building, electrical, gas, mechanical or plumbing system without requiring the building, structure, plumbing, electrical, mechanical or gas system to comply with all the requirements of the technical codes provided that the alteration, repair or rehabilitation work conforms to the requirements of the technical codes for new construction. The building inspector shall determine the extent to which the existing system shall be made to conform to the requirements of the technical codes for new construction.

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**Sec. 18-21. Change of occupancy.**

If the occupancy classification of any existing building or structure is changed, the building, electrical, gas, mechanical and plumbing systems shall be made to conform to the intent of the technical codes as required by the building inspector.

**Sec. 18-22. Special historic buildings.**

The provisions of the technical codes relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings when such buildings or structures located in the downtown business district are judged by the building inspector to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation or moving of buildings within fire districts

**Sec 18-23. New home construction where the main/first floor living area is below public street grade.**

Applications for new homes must disclose whether the planned homes' main/first-floor living area is to be located below the elevation/grade of the abutting public street providing access to the lot. If the planned main/first-floor living area is below the elevation/grade of the abutting public street, the following standard shall be complied with (this code section shall not be applicable if the home is on a lot over two acres and/or the home is over fifty feet off the ROW):

- (a) Setback for the foundation will be an additional fifteen (15) feet farther off the public street right of way, beyond the standard set back for that zoning district.
- (b) Slab construction is prohibited. The home's foundation must be either a crawl space or a full basement.
- (c) The driveway slope on this specific type of home location must also be identified on the submitted site plan. Maximum driveway slope, up or down, shall be seven (7%) percent.

**Sec. 18-24 Tallapoosa Building Code Standards.**

The following enhancements to the existing Technical Codes are required to be complied with when construction is done within the City Limits of Tallapoosa.

- (a) Exterior siding restrictions. The City does hereby ban the use of vinyl siding in newly platted residential subdivisions. This restriction applies to the front and side facades of a newly constructed home. Approved siding is as follows: Masonry, stone, wood and cementitious siding.
- (b) Exterior façade of new commercial structures. Material used for the exterior façade of new commercial structures is hereby restricted to brick, masonry or aluminum composite panels. Submitted plans for a new commercial structure will be required to show and state what material the exterior façade, on the front and sides, will be composed of.
- (c) Minimum concrete standard for footings, foundations and slabs:

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- 1) 3500 PSI. A letter from the company providing concrete stating that concrete used was 3500 PSI shall be required.
  - 2) 6 X 6 welded wire, 2" above ground. Minimum of 10 gauge wire (slabs).
  - 3) Footings shall be at least 12" thick and 12" wide; 2 runs of #4 rebar shall be required.
- (d) Ground compaction. Required compaction is 95%.
- 1) Any fill deeper than two feet, ground compaction tests must be provided. Tests must be completed when fill lift reaches 6".
- (e) Vapor barrier thickness will be required to be a minimum of 15 mils.
- (f) HVAC units located in the attic:
- 1) Pan depth must be at least 1.5" deep, and extend 4" past the edge of the unit, in all directions.
  - 2) HVAC units in general: a blower door test is required.
- (g) A copy of the Termite Letter must be provided to the City.
- (h) New homes in existing neighborhoods/subdivisions are required to be substantially similar to homes already built in the neighborhood.
- (i) Window specifications:
- 1) All windows in bedrooms and main rooms of the house must, at a minimum, be energy star rated and a minimum of 3' x 3'.
- (j) Door specifications:
- 1) All primary entry/exit doors, in addition to doors providing access to bedrooms and bathrooms, must be at least 36" wide, with 32" of clearance when the door is opened at 90 degrees.
  - 2) Closet doors are exempt.
- (k) Garages. All new homes in newly platted subdivisions (post January 1, 2024) are required to be constructed with a garage included.
- (l) On homes with a 24" on center truss system roof, all roof decking must be at least three-quarters of an inch thick, with shear clips. On homes with 16" on center truss system roof, all roof decking must be at least 5/8 of an inch thick, with shear clips.
- (m) Floor decking shall be a minimum of three-quarters of an inch thick.
- (n) All wiring within the house must be a minimum of 12 AWG.
- (o) All newly constructed homes are required to have gutters, with downspouts, installed.
- (p) All newly constructed homes are required to have hurricane ties installed. Ties are required at floor joists to sill plats, wall studs to floor system and ceiling joists and rafters to the wall.
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(q) Issued construction permits must be conspicuously displayed. New home construction will be required to erect easily viewable and detectable, from the abutting public street, permit boxes. If the issued permit can not be conspicuously displayed on an existing structure, viewable from the abutting public street, construction permits for non-new home projects must also be installed in an erected construction permit box.

(r) All new homes must have house wrap installed.

(s) Crawl spaces must provide a minimum of three foot (3') clearance from ground to the bottom of the floor joist beams. A vapor barrier is required to be installed. The Crawl space must be cleaned of all construction trash and debris, and clear of any and all unnecessary obstructions.

(t) Grading of dirt in close proximity to the foot print of the house foundation must have required fall, such that rain water drains away from the house foundation. This fall shall be required to be six inches of drop, at ten feet (10') from the foundation.

(u) Fencing. All newly erected fencing within the City of Tallapoosa must be a uniform construction and design. Such construction must be standardized – either chain link, wrought iron, wood, etc. Non-standard material will not be permitted for fencing walls (ie, varied color left over material of wood, paneling, metal roof leftovers, vinyl job leftover material, etc.). Fences should not be hodge podge non-uniform construction material which creates a negative impact on the neighborhood, and abutting properties. Fence walls must be composed of uniform material specifically designed to be used for this purpose.

(v) Commercial development criteria/requirements.

- 1) Buffer zones are hereby required where a commercial property line abuts a residentially zoned parcel. Such buffer must be 25' and remain in a natural, vegetated state. In the event that development precludes maintaining the natural vegetation, a planted buffer screen must be included on site plans. Proposed plants need to reach a height of six feet within five years of planting. A privacy fence may be required at the interior edge of the 25' buffer zone, on the commercial property.
- 2) All new commercial developments must include a dumpster corral that hides the space dedicated to the commercial development trash dumpsters. Such corrals shall be shown on the site plans of the new commercial development. Such dumpster corrals shall be constructed with the following minimum standards:
  - (a) Concrete pad must be at least 8" thick with 4000 PSI concrete.
  - (b) Pad must have #4 rebar 12x12 mats at two inches and six inches above ground level.
  - (c) Walls are to be split face CMU or masonry, with concealed locking gates.
- 3) All site lighting, either designed and installed by Georgia Power, or designed and installed by the commercial developer/property owner must be done in such a fashion that no light obstructs or interferes with, vehicles operating on abutting public streets. Also, no light should illuminate past the NEAR edge of all abutting public streets. This regulation applies to all new and currently existing commercial locations. Any such lights installed that violate this section will be required to be adjusted to come into compliance, or be removed from the premises. It is recommended that all flood-light type lighting be erected parallel to the ground (ie, the light shines as close as possible to directly down, or at a 90 degree angle to the ground).

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- 4) All constructions plans and site plans for non-single family residential projects shall be submitted to the Fire Marshall/Fire Chief of Haralson County for review and approval. It is required that two sets of plans are submitted when applying for a building permit.

Secs. 18-25 — 18-100.

Reserved.