SANDY SPRINGS
GEORGIA

CITY COUNCIL AGENDA ITEM

TO: Mayor & City Council **DATE:** October 13, 2010

FROM: John McDonough, City Manager

AGENDA ITEM: Approval of an Ordinance to Adopt the International Property Maintenance Code, 2006 Edition as amended

MEETING DATE: For Submission onto the October 19, 2010, City Council Regular Meeting Agenda

BACKGROUND INFORMATION: (Attach additional pages if necessary)

See attached:

Memorandum
Ordinance

APPROVAL BY CITY MANAGER: JM *APPROVED*

_____ *NOT APPROVED*

PLACED ON AGENDA FOR: 10/19/10

CITY ATTORNEY APPROVAL REQUIRED: (✓) *YES* ( ) *NO*

CITY ATTORNEY APPROVAL: _____

REMARKS:

SANDY SPRINGS
GEORGIA

To: John McDonough, City Manager

From: Nancy J. Leathers, AICP, Director, Department of Community Development

Date: October 12, 2010 for Submission onto the October 19, 2010 City Council Agenda

Agenda Item: Approval of an Ordinance to Adopt the International Property Maintenance Code, 2006 Edition as amended

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Department of Community Development Recommendation:

To adopt the attached ordinance provided from the 2006 International Property Maintenance Code.

Background:

The International Property Maintenance Code is used to ensure quality housing and maintenance of all property in the City of Sandy Springs through the lawful enforcement of the adopted International Property Maintenance Code and other local ordinances and amendments.

Discussion:

- This proposal is for the adoption of the 2006 International Property Maintenance Code for the purpose of preserving and ensuring the safety of property, buildings and structures in the City.

- The Mayor and Council previously adopted the 2003 edition of the International Property Maintenance Code, and amendments approved at that time are now being carried forward by staff in this proposal and the re-adoption of local amendments.

- The Public Works Department will conduct site inspections for property maintenance in a manner consistent with state law. The provisions of this code shall apply to all existing residential and nonresidential drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance. Existing stormwater management facilities, including detention ponds must be maintained in a condition that is free of sediment, vegetation growth, debris, or trash that reduces or hinders the facility from performing as intended.

Community Development

Adoption of the ordinance will establish the minimum regulations governing the conditions and maintenance of all property, buildings and structures, by providing the standards for supplied utilities and facilities, conditions essential that structures are safe, sanitary and fit for occupations and use; and the condemnation of building and structures unfit for human occupancy and use and the demolition of such structures.

Alternatives:

Do not adopt 2006 International Property Maintenance Code, retaining the 2003 version previously adopted.

Concurrent Review:

John McDonough, City Manager
Noah Reiter, Assistant City Manager
Wendell K. Willard, City Attorney
Tom Black, Director of Public Works

STATE OF GEORGIA
COUNTY OF FULTON

ORDINANCE 2010-XX-XX

AN ORDINANCE OF THE CITY OF SANDY SPRINGS ADOPTING THE 2006 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, AND AMENDMENTS THERETO, REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE AND THE DEMOLITION OF SUCH EXISTING STRUCTURES IN THE CITY OF SANDY SPRINGS; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; AND FOR OTHER PURPOSES

WHEREAS, the Mayor and Council of the City of Sandy Springs are charged with preserving the health, safety and welfare of the citizens of the City; and

WHEREAS, the Mayor and Council previously adopted the 2003 Edition of the International Property Maintenance Code for the purpose of preserving and ensuring the safety of property, buildings and structures in the City; and

WHEREAS, since the time of the City's adoption of the 2003 Edition of the International Property Maintenance Code, a new edition has come out and has been adopted by the State, that being the 2006 Edition, and the City hereby desires to adopt said 2006 Edition of the International Property Maintenance Code in order to stay current with state adoptions and provide best for the health, safety and welfare of the citizens of the City.

THEREFORE, THE MAYOR AND THE CITY COUNCIL FOR THE CITY OF SANDY SPRINGS HEREBY ORDAINS AS FOLLOWS:

SECTION 1. That a certain document, three (3) copies of which are on file in the City of Sandy Springs, one (1) at the office of the City Clerk and two (2) at the office of Community Development Department, being marked and designated as the International Property Maintenance Code, 2006 edition, as published by the International Code Council, be hereby adopted as the Property Maintenance Code of the City of Sandy Springs for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the offices stated above are hereby referred to, adopted and made part of as if fully set out in this ordinance with the additions, insertions, deletions and changes prescribed in Section 2 of this ordinance.

SECTION 2. The following sections are hereby revised:

Section 101.1 Insert "*City of Sandy Springs*"

Section 103.1 Change "Department of Property Maintenance" to "Department of Community Development."

Section 103.5 Delete section and Insert "*Fees shall be as determined by the Authority having Jurisdiction and appropriately posted.* "

Section 106.2 Add sentence: "*A citation without prior notice of violation may be served upon owner of property where a notice of any violation had previously been served within a 24-month period prior to the new violation.*"

Section 106.4 Add sentence: "*Penalties assessed for each violation shall be either a fine of up to $1,000 or a term of incarceration of up to 6 month, or both.*"

Section 107.1 is amended to read as follows:

Notice to person responsible. Whenever the building official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, if a notice is issued, it is given in the manner prescribed in Sections 107.2 and 107.3 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 108.3. The building official shall have the power to issue subpoenas requiring occupants, residents, owners, or parties in interest of buildings under inspection, investigation, or who have been accused of a violation this article to appear in Sandy Springs Municipal Court. The building official or its designee shall also have the power to issue subpoenas to occupants, residents, owners, or parties in interest to produce written records related to the property under inspection or investigation.

Chapter 3, General Requirements, Section 303, Swimming Pools, Spas and Hot Tubs, of the International Property Maintenance Code, as adopted by the City of Sandy Springs, is hereby amended by the addition of Section 303.3 following Section 303.2, to read as follows:

Section 302.4 Insert "*10 inches*"

Section 303.3 *Discharge of Swimming Pools.* The discharge of water from a swimming pool, regardless of location, size, or use type (public or private), into the environment shall be governed by the following criteria, depending on the type of occurrence:

Section 303.3.1 *Major Discharges.* The discharge of chlorinated swimming pool water in an amount exceeding that which is necessary for routine back flushing of a filtration system, as a result of normal use or that occurs as a result of overflow caused by precipitation. Quantities exceeding these occurrences shall be required to conform to the following criteria:

• Pool water shall not be discharged directly into any waters of State of Georgia.
• Notice of intent to discharge/drain a swimming pool must be submitted to the City of Sandy Springs at least two (2) weeks in advance of the proposed event.
• Pool water must sit at least two (2) weeks after the last addition of chlorine or until the level of chlorine is below 0.1 mg/l. This is the Reference Dose based on the United States Environmental Protection Agency 2006 Edition of Drinking Water Standards and Health Advisories. It is an estimate of a daily oral exposure to the human population (including sensitive subgroups) that is likely to be without an appreciable risk of deleterious effects during a lifetime.
• The ph of the water must be between 6.5 and 8.5 before it is discharged (this represents a neutral range for discharge water that is neither acidic nor basic in nature).
• Discharges shall not be allowed to create erosive conditions.
• Discharge the water in a manner that will prevent nuisance conditions (such as creation of odors and mosquito breeding areas).
• Pool water shall not be discharged onto the property of an adjacent homeowner, without notification and unless a dedicated drainage easement exists in the path of discharge.
• Discharges to the environment should be directed over a vegetated surface to allow filtration to occur.
• Pool water shall not be discharged into the sanitary sewer system without prior approval from the local sewer authority (Fulton County Government). Additionally, as a disinfectant, chlorinated pool water is generally not desirable as an additive to a system reliant on microorganisms for effective operation (unless de-chlorinated to the standard listed herein).
• Pool water shall not be discharged directly into the storm sewer system, unless water has been de-chlorinated to a concentration of <0.1 mg/l.

Section 303.3.2 *Minor Discharges:* the discharge of chlorinated swimming pool water for the purposes of routine maintenance of filtration systems (back-flushing filters), as a result of normal use or as a result of overflow due to precipitation shall meet the following criteria:
• Pool water shall not be discharged directly into any waters of State of Georgia.
• Discharges shall not be allowed to create erosive conditions.
• Discharge the water in a manner that will prevent nuisance conditions (such as creation of odors and mosquito breeding areas).
• Pool water shall not be discharged onto the property of an adjacent homeowner, without notification and unless a dedicated drainage easement exists in the path of discharge.
• Discharges to the environment should be directed over a vegetated surface to allow filtration to occur.
• Pool water shall not be discharged into the sanitary sewer system without prior approval from the local sewer authority (Fulton County Government).

• Pool water shall not be discharged directly into the storm sewer system, unless water has been de-chlorinated to a concentration of <0.1 mg/l.

Section 602.3 Insert "*October 1st and April 1st*"

SECTION 3. The following sections are hereby inserted:

Section 507 STORM DRAINAGE

Section 507.1 *General.* Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

Section 507.2 *Existing Stormwater Management Facilities.* Where no maintenance covenant or agreement has been recorded to define maintenance responsibility, it shall be the responsibility of the property owner to maintain the operational characteristics of any stormwater management facility (including ditches, pipes, or detention basins) located on their property pursuant to city requirements and as designed, to keep the access easements free of obstructions, and to maintain the facility free of obstruction, silt, or debris.

Section 507.3 *Detention Facilities.* Detention facilities shall be maintained such that the storage capacity and/ or function of any stormwater basin, pond or other impoundment, whether natural or manmade, shall not be removed or diminished without written approval of the City.

Section 507.4 *Maintain.* The term maintain shall include removal of sediment, vegetative growth, debris, or trash that reduces or hinders the facility from performing as intended.

Section 507.5 *Inspection.* Inspection programs by the city may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; and joint inspections with other agencies inspecting under environmental or safety laws.

SECTION 4. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City of Sandy Springs hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections or subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 5. That nothing in this ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any causes of action acquired or existing, or under any act or ordinance hereby repealed as cited in Section 3 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

STATE OF GEORGIA
COUNTY OF FULTON

ORDINANCE 2010-XX-XX

SO ORDAINED AND EFFECTIVE, this __ day of _____, 2010.

Approved:

_____
Eva Galambos, Mayor

Attest:

_____
Michael D. Casey, City Clerk
Seal

Approved as to Form and Content:

_____
Wendell K. Willard, City Attorney