

REFERENCE NO: 20140836
ORDINANCE NO. 7747

AN ORDINANCE

AMENDING Section 7-4-2-100 of the Marietta City Code to adopt the International Property Maintenance Code, 2006 edition.

NOW, THEREFORE BE IT HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MARIETTA, GEORGIA, THAT:

Section 1: Section 7-4-2-100 is hereby amended to adopt the International Property Maintenance Code, 2006 edition:

Section 7-4-2-100 International Property Maintenance Code adopted

- A. The International Property Maintenance Code, 2006 edition, is adopted as a general ordinance of the city and is incorporated by reference into this section, with the modifications hereinafter set forth. A copy of said International Property Maintenance Code shall be maintained on file in the office of the city clerk and shall be available for inspection by the public.
- B. Section 102.2 Maintenance amended by the addition which shall read as follows:
"Except for Commercial property where stated in the lease that tenant is responsible for repairs."
- C. Section 102.6 Historic buildings shall be amended to read as follows:
"102.6 Historic Districts.
"The provisions of this code shall not be mandatory for existing building or structures designated as historic districts when such building or structures are judged by the code official to be safe and in the public interest of health, safety and welfare."
- D. Sections 103.1, 103.2 and 103.3 shall be deleted and amended by the addition of Section 103.1 which shall read as follows:
"The development services director or his duly authorized representative is designated as the housing official."
- E. Section 103.5 Fees shall be deleted in its entirety.
- F. Section 104.3 Inspections shall be amended to read as follows:
"The housing official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon technical issues that arise, subject to the approval of the appointed authority or City Manager."
- G. Section 104.4 Right of entry shall be amended to read as follows:
"The housing official shall enforce the provisions of this code, and he, or his duly authorized representative upon presentation of proper identification to the owner, agent, or tenant in charge of such property, may enter any building, structure, dwelling, apartment, apartment house, or premises, during all reasonable hours, when clear and specific consent to enter the premises has been freely and intentionally given, by the owner or tenant thereof except in cases of emergency

where extreme hazards are known to exist which may involve the potential loss of life or severe property damage, in which case the above limitations shall not apply. Inspector must obtain an administrative warrant."

H. Section 105.4 Material and equipment reuse shall be deleted in its entirety.

I. Section 106.3 Prosecution of violation shall be deleted in its entirety.

J. Section 107 Notices and Orders shall be amended by revising subparagraph 4, and adding subparagraph 7, subparagraph 8 and subparagraph 9, to read as follows:

"4. Include a correction report order allowing sixty (60) days to make repairs to bring the dwelling unit or structure into compliance with the provisions of this code.

"7. State that, if such repairs, reconstruction, or alterations entail issues concerning electrical, plumbing, or heating service consisting of an imminent danger to the health or safety of the public, the notice shall require the repair of such violation within 72 hours of notification. If such remedial action is not completed in the designated time frame, the housing officer, at the discretion of the Development Services Director or his duly authorized designee, may initiate legal proceedings in accordance with the provisions of [Section] 10-8-060 of the Code of Marietta, Georgia."

"8. The development services director, or his designee, or any law enforcement officer of the City of Marietta is authorized to enforce said 2006 International Property Maintenance Code and may issue citations for violations thereof, which citations shall require the presence of the violator to appear in the municipal court on a day and time certain to answer the charges.

"9. Exception: Nothing herein shall preclude a written commercial agreement between an owner and tenant that the tenant shall be responsible for all repairs as stated in their lease. It shall be affirmative defense available to an owner charged with a violation of this ordinance if such an agreement exists."

K. Section 107.3 subparagraph 2 shall be amended to read as follows:

"(2) By depositing the notice in the United States Post Office certified with return receipt requested, addressed to the owner at his last known address as shown in the tax records of the City of Marietta with postage prepaid thereon; or overnight delivery service."

L. Section 107.5 Transfer of ownership deleted in its entirety.

M. Section 108.2 Closing of vacant structures shall be amended to and read as follows: If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. A structure may temporarily be closed up by boarding up the windows from the inside, if feasible, and/or doorways subject to the procedures in Section 7-4-2-150. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

N. Section 109 Emergency Measures shall be deleted in its entirety and replaced with Section 10-8-060, paragraph F, Demolition of unsafe building or structures to read as follows:

"F. When a building or structure or portion thereof is in an unsafe condition so that life is in imminent danger, the city housing inspector shall order and require the occupants thereof to vacate the same forthwith or as soon as practicable. The housing inspector shall, when necessary

for the public safety, temporarily close sidewalks, streets, buildings, structures and places adjacent to such buildings or structures, and prohibit the same from being used."

O. Section 109.4 Emergency repairs, Section 109.5 Costs of emergency repairs, and Section 109.6 Hearing shall be deleted in their entirety.

P. Section 110.1 shall be deleted and amended to read as follows:

"When a residential building is to be demolished, it shall be done so in accordance with the provisions of section 10-8-060 of the Code of Marietta, Georgia."

Q. Section 110.2 through 110.4 Salvage materials shall be deleted in its entirety.

R. Section 111 Means of Appeal, paragraph 111.1 shall be amended to read as follows:

"111.1 Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Marietta Municipal Court, provided that a written application for appeal is filed within 30 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means."

S. Section 111.2 through 111.8 shall be deleted in its entirety.

T. Section 202 General Definitions, "Inoperable motor vehicle" shall be amended to read as follows: "Any wrecked or nonoperable automobile, truck, or other vehicle." Per City Code section 724.02 Definitions for junk vehicles."

U. Section 302.3 Sidewalks and driveways shall be amended to read:

"Section 302.3 Private sidewalks and driveways"

V. Section 302.4 Weeds shall be amended to read as follows:

"When a property is to be cleaned of weeds or rubbish it shall be done so in accordance with the provisions of section 7-4-2-110 of the Code of Marietta, Georgia"

W. Section 302.8 Motor Vehicles shall be amended to read as follows:

"When private property has a wrecked or illegally parked vehicle to be removed it shall be done so in accordance with the provisions of section 9-12-025 of the Code of Marietta, Georgia"

X. Section 302.9 Defacement of property shall be amended to read as follows:

"When private property has graffiti to be removed it shall be done so in accordance with section 10-4-180 of the Code of Marietta, Georgia."

Y. Section 304.17 Guards for basement windows shall be deleted in its entirety.

Z. Section 304.18 Doors shall be amended to read as follows:

"Subparagraph a: Every exterior door shall be provided with properly installed hardware that is maintained to ensure reasonable ease of operation to open, close and secure in an open or closed position, as intended by the manufacturer of the door and the attached hardware.

"Subparagraph b: Every interior door shall be provided with proper hardware, securely attached and maintained in good condition. Hasp lock assemblies are not permitted on the exterior side on the door of the door of habitable rooms."

AA. Section 403.2 Bathrooms and toilet rooms shall be amended to read as follows:

"Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated. Any single family residence built prior to 1965 and not currently in compliance with this section shall be exempt from the ventilation requirements."

BB. Section 404.5 Overcrowding shall be amended to as follows:

"Any dwelling unit that houses four or fewer people shall require 150 square feet of floor space for the first occupant thereof and at least an additional 125 square feet of floor space per additional occupant. Any dwelling unit that houses more than four people shall require at least 200 square feet of floor space for the first occupant thereof and at least an additional 150 square feet of floor space per additional occupant. The floor space for both standards shall be calculated on the basis of the total area of all habitable rooms."

CC. Section 404.5.1 Sleeping area, Section 404.5.2 Combined spaces, and Section 404.6 Efficiency unit shall be deleted in their entirety.

DD. Section 503.3 Location of employee toilet facilities shall be deleted in its entirety.

EE. Section 601.2 Responsibility shall be amended to read as follows:

"The owner of the structure or tenant of commercial property as provided in the lease shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter."

FF. Section 602.4 shall be deleted in its entirety.

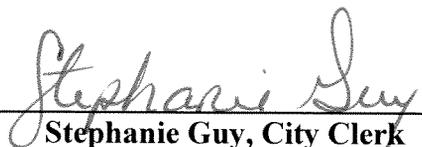
Section 2: It is hereby declared to be the intention of this Ordinance that its sections, paragraphs, sentences, clauses and phrases are severable and if any section, paragraph, sentence, clause or phrase of this Ordinance is declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, sentences, clauses or phrases of this Ordinance.

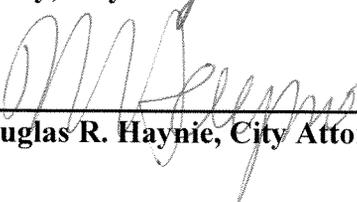
Section 3: All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 4: This Ordinance shall become effective upon the signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

DATE: August 13, 2014

Approved: 
R. Steve Tumlin, Mayor

ATTEST: 
Stephanie Guy, City Clerk

Approved as to Form: 
Douglas R. Haynie, City Attorney