

ORDINANCE NO. 02 -2020

AN AMENDMENT TO ADOPT THE INTERNATIONAL PROPERTY MAINTENANCE CODE, AS REVISED HEREIN, 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 THE STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE, AND FOR THE DEMOLITION OF SUCH STRUCTURES IN UNINCORPORATED BRYAN COUNTY; FOR REPEALING ARTICLE II OF CHAPTER 12 OF THE BRYAN COUNTY CODE OF ORDINANCES ENTITLED "PROPERTY MAINTENANCE" IN ITS ENTIRETY; TO ADD A CHAPTER 102 TO THE BRYAN COUNTY CODE OF ORDINANCES; TO REPEAL ALL OTHER ORDINANCES OF PARTS OF ORDINANCES IN CONFLICT THEREWITH AND TO PROVIDE FOR OTHER MATTERS RELATED THERETO.

SECTION ONE

WHEREAS, the Bryan County Code of Ordinances, Section 103-21(j) incorporates the International Property Maintenance Code, as adopted and amended by the Georgia Department of Community Affairs, which provides 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 the structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and for the demolition of such structures in unincorporated Bryan County; and

WHEREAS, O.C.G.A. § 8-2-25(c)(1) provides in relevant part, that the governing authority of a county may provide requirements that are not less stringent than those specified in the state minimum building codes under certain conditions; and

WHEREAS, the Board of Commissioners of Bryan County have determined that it is in the best interest of the County that Article II of Chapter 12 of the Bryan County Code of Ordinances entitled "Property Maintenance" Division 1, Sections 12-27 through 12-56.2 be repealed and add Article I Chapter 102, Sections 102-1 through 102-3 in lieu thereof incorporating the International Property Maintenance Code, as revised herein;

NOW THEREFORE, the Board of Commissioners of Bryan County hereby repeal Article II of Chapter 12 of the Bryan County Code of Ordinances entitled "Property Maintenance," and adopt Chapter 102 Article I entitled "Property Maintenance" as is more particularly set forth below.

SECTION TWO

ENACTING CLAUSE. The Board of Commissioners of Bryan County, Georgia, hereby ordains that the adopted Code of Ordinances, is hereby amended as more particularly set forth below. It is the intention of the Board of Commissioners, and it is hereby ordained that the following provisions shall become and be made a part of the Code of Bryan County, and the Sections in the Code in the Ordinance be renumbered to accomplish that intention.

- I. **Repeal.** Article II, Chapter 12 entitled "Property Maintenance" of the Code of Ordinances for Bryan County, shall be repealed.

II. **Adoption.** Chapter 102 “Property Maintenance” is hereby adopted and shall read as follows

“CHAPTER 102. - PROPERTY MAINTENANCE

ARTICLE 1. - GENERALLY

Sec. 102-1 – Adoption of International Property Maintenance Code.

- (a) Subject to the modifications contained herein, Code Sec. 103-21(j) incorporates the International Property Maintenance Code, as adopted and amended by the Georgia Department of Community Affairs (hereinafter the “IPMC”), which provides 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 the structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, standards for boarding windows and doors as set forth in the IMPC Appendix A, and for the demolition of such structures in unincorporated Bryan County.
- (b) A copy of the IPMC, together with Appendix A and the most current edition of the Georgia State Amendments to the International Property Maintenance Code shall be kept on file in the office of the Community Development Director of Bryan County.

Sec. 102-02 – Revisions to the IPMC.

- (a) In Section 101.1 of the IPMC, insert “Bryan County” for “[NAME OF JURISDICTION]”.
- (b) The term “code official” as used in the IPMC shall mean the Bryan County Community Development Director.
- (c) The term “department of property maintenance inspection” as used in the IPMC shall mean the code enforcement division of the Bryan County Community Development Department.
- (d) In Section 103.5 of the IPMC, insert “The schedule of fees for activities and services performed by the Department in carrying out its responsibilities under this code shall be set from time to time by resolutions adopted by the Bryan County Board of Commissioners, and shall be kept on file in the office of the Community Development Director of Bryan County.” in lieu of [JURISDICTION TO INSERT APPROPRIATE SCHEDULE].
- (e) Delete Section 107.6 entitled “Transfer of Ownership.”

-
- (f) The phrase “vagrants, criminals or immoral persons” in Section 108.1.5 (7) is deleted and the phrase “vagrants or criminals” is inserted in lieu thereof.
- (g) Delete section 110 entitled “Demolition”
- (h) Delete Section 111.1 through 111.8. and substitute the following under Section 111 entitled “Means of Appeal”:

“Application for appeal. Any person directly affected by a decision of the *code official* or a notice or order issued under this code [the IPMC] shall have the right to appeal to the Construction Board of Adjustment and Appeals pursuant to the rules, policies and procedures established in Section 103-103 of the Bryan County Code of Ordinances.”

- (i) The term “board of appeals” as referred to in the IPMC shall mean the “Bryan County Construction Board of Adjustment and Appeals” as created and referred to in Section 103-103 of the Bryan County Code of Ordinances.
- (j) In Section 112.4 of the IPMC, insert “a fine of not less than One Hundred Dollars (\$100.00) or more than One Thousand Dollars (\$1,000.00)” for “a fine of not less than [AMOUNT] or more than [AMOUNT]”.
- (k) In Section 302.4 of the IPMC, insert “eighteen inches (18”) for agricultural zoned or property used for agricultural purposes and twelve inches (12”)” for residential, commercial, or industrial zoned property or property used for these purposes” in lieu of “[JURISDICITON TO INSERT HEIGHT IN INCHES]”.
- (l) In Section 304.14 of the IPMC, insert “January 1 to December 31” in lieu of “[DATE] to [DATE]”.
- (m) By deleting Section 507 entitled “Storm Drainage.”
- (n) In Section 602.3 of the IPMC, insert “November 1 to April 1” in lieu of “[DATE] to [DATE]”.
- (o) In Section 602.4 of the IPMC, insert “November 1 to April 1” in lieu of “[DATE] to [DATE]”.

Sec. 102-3 - Conflicting Provisions.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where, in a specific case, different sections of this Code specify different requirements, the most restrictive shall apply.

ARTICLE II – RESERVED”

SECTION THREE

Severability. If the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any ordinance, section, subsection, paragraph, subdivision or clause of this ordinance.

SECTION FOUR

Repealer. All ordinances or parts thereof which are in conflict with any provision or any section, subsection, paragraph, subdivision or clause of this ordinance is hereby repealed to the extent of the conflict.

SECTION FIVE

This ordinance shall become effective immediately upon its adoption by the Bryan County Board of Commissioners.

SO ORDAINED, this 12 day of May, 2020.

Carter Infinger

Chairman Carter Infinger
Bryan County Board of Commissioners

ATTEST

Donna Waters

Donna Waters
County Clerk

