

Chapter 5

BUILDING, CONSTRUCTION AND RELATED ACTIVITIES*

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***Cross references**--Floodplain regulations, Ch. 8; historic preservation, Ch. 9; public safety, Ch. 12; subdivisions, Ch. 17; trees and landscaping, Ch. 20; zoning, Ch. 22.

State law references--Governing body may enact standards to determine safety of buildings, Ga. Const., art. 1, sec. 4, par. 1; authority of city or county to provide codes, including building, housing, plumbing, and electrical codes, Ga. Const., art. 9, sec. 2, par. 3(12); providing of fire escapes by building owners, O.C.G.A. § 8-2-50; The Uniform Standards Code for Manufactured Homes Act, O.C.G.A. § 8-2-130 et seq.; The Uniform Act for the Application of Building and Fire Related Codes to Existing Buildings, O.C.G.A. § 8-2-200 et seq.; access to and use of public facilities by physically handicapped persons, O.C.G.A. § 30-3-1 et seq.; authority for municipalities to repair, close or demolish unfit buildings or structures, O.C.G.A. § 41-2-7.

Section 5-50A ARTICLE III. BUILDING CONTRACTORS EXAMINING BOARD

Section 5-51 Created.

(a) There is hereby created a board of examiners for the City to be known as the BUILDING CONTRACTORS EXAMINING BOARD referred to throughout this article as the board, which shall consist of five (5) members to be appointed by the City Council and be composed as follows: two (2) contractors, one (1) architect or engineer, the City Manager (or his designee), and the chief building official, who shall serve as secretary of the board.

(b) At the end of the current term of each member of the board, any member who is reappointed or any successor member shall hold office for a period of four (4) years. All appointments to the board thereafter shall be for four (4) year terms. Any member of the board shall be subject to removal or replacement by the City Council at any time with or without cause; provided, however, at the discretion of the City Council a public hearing may be held with regard to a

proposed removal of a board member for cause. Upon any such removal the City Council shall declare a vacancy, and any such vacancy shall be filled as soon as practical thereafter by the City Council for the unexpired terms of the removed board member.
(2003(5-51), Amended, 11/24/2003, combined boards)

Section 5-52 Definitions.

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

(a) *Contractor* means any person or firm who undertakes, or offers to undertake, or purports to have the capacity to undertake, or submit a bid to perform the work of those contractors classified in subsection (e).

(b) *Firm* means and includes a partnership, co-partnership, corporation, association, or any other type of organization.

(c) *Engage in business* means being actively involved in the business of supervising the performance of any work requiring a building permit in the city (even if part of the manual work is completed by the contractor) and who has the general direction and control of the carpenters, masons, or other parties employed in the work.

(d) *Qualified contractor* means a person who holds a valid contractor's license pursuant to the provisions of this article.

(e) *Classification*. Those contractors authorized to operate within the intent and purview of this article shall be identified as follows. Except as provided in section 5-56, section 5-58 and section 5-59, contractors licenses will be issued only upon passing the required examination with a minimum score of seventy (70) percent and satisfying all the requirements of section 5-60.

(1) *General contractor*. Unlimited in scope of construction.

(2) *Building contractor*. Limited to construction and remodeling of industrial and commercial buildings and single or multi-dwelling residential buildings not exceeding three (3) stories in height.

(3) *Residential contractor*. Limited to construction, remodeling, repair or improvement of one-, two-, or three-family residences not exceeding two (2) stories in height.

(4) *Aluminum contractor*. Those who are qualified to fabricate, install, maintain, repair, alter, or extend accessories such as metal siding, soffits, gutters, awnings, and pre-fabricated rooms. See subsection (c) of section 5-56 for licensing requirements.

(5) *Burglar alarm contractor* and *Fire alarm contractor*. Those who are qualified to install, maintain, repair, alter or extend burglar and/or fire alarm systems. Any electrical installation will be performed by a licensed electrical contractor. See subsection (c) of section 5-56 for licensing requirements.

(6) *Demolition contractor* and *Wrecking contractor*. Those who are qualified to demolish and remove structures, such as dwellings, commercial buildings, and foundations. See subsection (c) of section 5-56 for licensing requirements.

(7) *Drywall contractor*. Those who are qualified to install gypsum drywall products to wood and metal studs, wood and steel joists and metal runners in buildings of unlimited area and height. The scope of work shall include the preparation of the surface over which the drywall product is to be applied, including the placing of metal studs and runners and all necessary trim. See subsection (c) of section 5-56 for licensing requirements.

(8) *Electrical contractor*. See Article IV, Electrical Code, for licensing requirements.

(9) *Finish carpentry contractor*. Those who have the knowledge and skill to install finish wood products including paneling, trim, cabinetry, doors, windows (including metal) and all hardware incidental therefor. See subsection (c) of section 5-56 for licensing requirements.

(10) *Fire sprinkler contractor*. Those who are qualified to install, maintain, repair, alter or

- extend all piping for fire sprinkler systems, including the connection to the water service outlet provided for fire sprinkler systems. See subsection (c) of section 5-56 for licensing requirements.
- (11) *Framing contractor.* Those who have the knowledge and skill to install any wood products in a building, including, but not limited to, rough framing, structural and nonstructural, trusses, sheathing, and the work of the finish carpentry contractor. See subsection (c) of section 5-56 for licensing requirements.
 - (12) *Gas contractor.* See Article V Gas Code, for licensing requirements.
 - (13) *Glass and glazing contractor.* Those who are qualified to select, cut, assemble and install all makes and kinds of glass and glass work and install the glazing frames, panels, sash, and door and holding metal frames, ornamental decorations, mirrors, tub and shower enclosures.
 - (14) *Gasoline tank and pump contractor.* Those who are qualified to install, maintain, repair, alter or extend any systems used for the storing and dispensing of gasoline, kerosene, diesel oils and similar liquid hydrocarbon fuels or mixtures to be used solely in connection with gasoline filling stations dispensing fuel to mobile vehicles or marine equipment; provided, however, that bulk plants shall not be a part of the scope of such work.
 - (15) *Handyman* Limited to repair and maintenance of a single family dwelling only. Repairs will be limited to a project cost of \$3000.00. Projects permitted by license holder shall be limited to three subcontractor trades on a single given project. No structural work shall be allowed under this license.
 - (16) *Insulation contractor, buildings.* Those who are qualified to install, maintain, repair, alter or extend any insulation primarily installed to prevent loss or gain of heat from rooms or buildings. See subsection (c) of section 5-56 for licensing requirements.
 - (17) *Irrigation sprinkler contractor and lawn sprinkler contractor.* Those who are qualified to install, maintain, repair, alter or extend all piping and sprinkler heads for irrigation of lawns, including the connection to a water pump. See subsection (c) of section 5-56 for licensing requirements.
 - (18) *Masonry contractor.* Those who are qualified to select, cut and lay brick and concrete block or any other unit masonry products, lay brick and other baked clay products, rough cut and dress stone, artificial stone and precast blocks, structural glass brick or block, but shall not pour or finish concrete. See subsection (c) of section 5-56 for licensing requirements.
 - (19) *Painting contractor.* Those who are qualified to use spraying equipment as well as hand tools to finish both interior and exterior work. See subsection (c) of section 5-56 for licensing requirements.
 - (20) *Paving contractor, commercial (Unlimited).* Those who are qualified with the experience and skill to construct roads, airport runways and aprons, parking lots, sidewalks, curbs and gutters, property line walls, storm drainage facilities and to perform the excavating, clearing and grading incidental thereto.
 - (21) *Paving contractor, residential.* Those who are qualified with the experience and skill to construct driveways, sidewalks and patios, using Portland cement concrete or asphaltic concrete over shell or rock base course.
 - (22) *Plumbing contractor.* See Article IX, section 5-240 for licensing requirements.
 - (23) *Roofing contractor.* Those who are qualified to install, repair and replace roof coverings. Work may include, but shall not be limited to, roof deck insulation, roof coating, painting and covering, including use of sheet metal and installation of other sheet metal products incidental to roofing work or other material in connection therewith, or any combination thereof, and including installation of nonstructural decking and siding. See subsection (c) of section 5-56 for licensing requirements.

- (24) *Septic tank contractor.* Those who are qualified with experience and skill to install, repair, alter, extend and excavate for septic tanks, interceptor tanks; may clean sewer lines, but shall not include any other plumbing work or connection pipes or pumps.
 - (25) *Sign contractor.* Those who are qualified to install, repair, alter, add to, or change any type of sign.
 - (26) *Structural steel contractor.* Those who are qualified to erect structural steel shapes and plates, including such minor field fabrication as may be necessary, of any profile, perimeter or cross-section, that are or may be used as structural members for buildings and structures, including riveting, welding and rigging, only in connection therewith.
 - (27) *Swimming pool contractor, commercial.* Those who are qualified to excavate, construct, fabricate, install and equip swimming pools, including the pumps, pool heaters, solar pool heaters, filters and chlorinators, and that piping incidental to the recirculating system, and may do the slab incidental to the pool.
 - (28) *Swimming pool contractor, residential.* Those who are qualified to excavate, construct, fabricate, install and equip residential swimming pools, including the pumps, pool heaters, solar pool heaters, filters and chlorinators, and that piping incidental to the recirculating system, and may do the slab incidental to the pool.
- (Code 1958, § 7-246; Ord. of 11-28-88(1), § 1; Ord of 12-30-88(2), § 2; Ord. of 4-10-89(1) Ord. of 3-14-05)

Cross reference--Definitions and rules of construction generally, § 1-2.

Section 5-53 Meetings.

- (a) The board shall hold called meetings as necessary to discharge the duties specified in this article.
 - (b) The meetings shall be called by the chairman of the board, and, in his absence, by the vice-chairman of the board. Reasonable advance notice of the place, time, and date thereof shall be given to all members of the board. Notice shall also be given the public pursuant to the provisions of O.C.G.A. § 50-14-1 et seq.
 - (c) All minutes of the board meetings shall be public records. Any confidential information received which affects the qualifications of a contractor shall be available for examination by the contractor.
 - (d) Three (3) members of the board shall constitute a quorum at any meeting and a vote of three (3) members shall be required to enable the board to act.
 - (e) Minutes and records shall be kept of all board meetings. The secretary of the board shall keep all records and minutes of meetings.
 - (f) The board may make such rules and regulations as are consistent with general policies of this article as it may deem necessary to carry out the provisions of this article.
- (Code 1958, § 7-245; Ord. of 11-28-88(1), § I)

Section 5-54 Powers and duties.

- (a) The duties of the contractors examining board shall be to:
 - (1) Determine the qualifications of applicants for contractor's licenses;
 - (2) Hold hearings;
 - (3) Determine if the license of any contractor should be suspended for any violations of this article and fix the length of time for such suspension; or
 - (4) Revoke such license under the provisions of this article; or
 - (5) Request the chief building official of the city to investigate any complaint made against

the contractor where it is alleged that any provision of this article has been violated; and
(6) Determine whether it shall take action against the contractor or direct the investigator to file a complaint for prosecution for the violation against the contractor in the municipal court of the city.

(b) The contractors examining board, upon receipt of a complaint in writing, of any person or upon their own motion, shall investigate and examine the same, and if, in the opinion of the majority of the board, it appears that there is reasonable ground to suspect that there is a violation of this article, shall take the following action:

- (1) Instruct the secretary to send by mail a notice to the contractor to the contractor's last known address as shown by the board's records, setting out the name of the complaint, the time of commission of the alleged offense and substance of the section of this article alleged to be violated, and notifying the contractor to appear before the board at a time and place set no sooner than ten (10) days from the mailing of the notice.
- (2) At such hearing the board shall have the authority to determine if there has been a violation, and upon such findings shall have the authority to suspend or revoke the contractor's license.
- (3) The determination and findings of the board shall be made upon facts submitted under oath before the board at such hearing, with the contractor charged and the board having the right to interrogate witnesses and be represented by counsel.

(Code 1958, § 7-247; Ord. of 11-28-88(1), § I)

Section 5-55 Exemptions from provisions of this article.

The provisions of this article do not apply to:

- (1) An authorized representative of the United States Government, state, county or city, provided that the operation of a trade is done by its own salaried employees of the exempt entity;
- (2) An owner or tenant of residential property constructing, repairing, altering, modifying or improving the residential building occupied by him as a single-family or duplex residence, provided the owner or tenant does the work himself, electrical, gas and mechanical work excepted. Otherwise, the permit shall be issued only to a licensed contractor. It is the intent of this article to permit the owner or tenant, with the owner's written permission, to construct, repair, alter, modify or improve the residential building occupied by him as a residence without qualifying for a contractor's license, but the application for a building permit for more than one (1) building in one (1) year shall be construed as engaging in the contracting business and within the operation of section 5-60;
- (3) The owner or tenant of business or commercial property repairing, altering, modifying or improving an existing building occupied by the owner or tenant as his place of business, provided the owner or tenant does the work himself, electrical, plumbing, gas and mechanical work excepted. Otherwise, the permit shall be issued only to a licensed contractor. It is the intent of this article to permit the owner, or tenant with the owner's written permission, of business or commercial property to repair, alter, modify or improve the building occupied by him as a place of business without qualifying for a contractor's license, but the application for a building permit for more than one (1) building in one (1) year shall be construed as engaging in the contracting business and within the operation of section 5-60;
- (4) Sale of any finished product, material, or article of construction material;
- (5) Craftsmen on the payroll of a certified contractor; and
- (6) Subcontractors working under the direction of a contractor who are not required by

subsection (a) of section 5-52 to have a contractor's license.
(Code 1958, § 7-248; Ord. of 11-28-88(1), § I)

Section 5-56 Exemption from examination.

(a) Any person who on the effective date of the ordinance from which this section derives is engaged in the business of a building contractor and has been so engaged in the business of a building contractor in the preceding year within the corporate limits of the city may be issued a certificate of qualification as a building contractor without examination, provided such person shall apply within thirty (30) days after the adoption of this article.

(b) Any person who on the amendment date of this article (November 28, 1988) is a contractor as classified in item four (4) through item twenty-seven (27) of subsection (e) of section 5-52 and has been engaged in business as a contractor for the preceding year, within the corporate limits of the city, may be issued a contractor's license without examination provided such person shall apply within thirty (30) days after the adoption of this amendment.

(c) The following classifications of contractors are exempt from the examination required in subsection (e) of section 5-52.

- (1) Aluminum contractor
- (2) Burglar and fire alarm contractor
- (3) Demolition contractor and wrecking contractor
- (4) Drywall contractor
- (5) Finish carpentry contractor
- (6) Fire sprinkler contractor
- (7) Framing contractor
- (8) Insulation contractor buildings
- (9) Irrigation sprinkler contractor
- (10) Masonry contractor
- (11) Painting contractor
- (12) Roofing contractor

The building contractors examination board shall review applications of the above contractors and in lieu of an examination make a determination of contractors' qualifications based on information in application and any other information requested by the board.

(Code 1958, § 7-249; Ord. of 11-28-88(1), § I; Ord. of 4-10-89(2), § I)

Section 5-57 Reserved.

Section 5-58 Renewal of certificate of qualification resulting from reclassification of contractors.

Any contractor holding a valid Class I, II, III, or IV certificate of qualification on November 28, 1988, may be issued a new contractor's license not later than the anniversary date of the certificate of qualification as follows:

- (1) Old Class I. Renew as a repair and maintenance contractor, no examination is required. Renew as a residential contractor, building contractor or general contractor, examination is required. Old Class I contractors shall have until January 31, 1989, to renew a Class I contractor's certificate for one (1) of the licenses listed above under the provisions of subsection (d) of section 5-61. After January 1, 1989, the provisions of subsection (e) of section 5-61 shall apply, except for renewal of existing licenses stated above.
- (2) Old Class II. Renew as a residential contractor, no examination is required. Renew as building contractor or general contractor, examination is required.

- (3) Old Class III. Renew as a building contractor, no examination is required. Renew as general contractor, examination is required.
 - (4) Old Class IV. Renew as follows:
 - a. Demolition. Demolition contractor, no examination is required.
 - b. Roofing. Roofing contractor, limited, no examination is required. Roofing contractor, unlimited, no examination is required.
 - c. Signs. Sign, electrical contractor, no examination is required if contractor holds a valid Georgia electrical contractor's certificate. Or, sign contractor, no examination is required.
 - d. Swimming pools. Swimming pool contractor, commercial, no examination is required.
 - e. Swimming pool contractor, residential, no examination is required.
- (Code 1958, § 7-251; Ord. of 11-28-88(1), § 1; Ord. of 12-30-88(2), § 1)

Section 5-59 Reciprocity with other jurisdictions.

The chief building official of the city may grant a contractor's license without examination to a contractor holding a valid contractor's license or certificate of qualification from another jurisdiction which is approved by the contractors examining board. After approval of the application by the chief building official, payment of the standard license fee as required in section 5-60 shall be required prior to granting the license. The fee shall be nonrefundable.

(Ord of 7-12-05)

Section 5-60 Procedure in applying for contractor's license.

(a) Any person or firm desiring to be certified as a contractor in the city shall make application for a contractor's license on a form and for a fee prescribed by the building contractors examining board at the office of the secretary of such board. The application shall be retained by the board together with all supporting papers.

(b) Should the applicant be a firm, the application shall be executed by the president of the firm or a person legally qualified to fully act and bind such firm and demonstrate the legally qualified person's authority to do so on such application. The application shall also name an authorized agent to act on behalf of the firm and show the agent's authority to:

(1) Fully act and bind the firm in all matters in any manner connected with the contracting business;

(2) Supervise the construction under the contractor's license issued to the firm; and

(3) Take the qualifying examination for and on behalf of such firm. The firm shall be qualified only through the qualifications of such agent taking the examination.

(c) The board shall have authority to require the applicant to furnish any data or material it deems necessary to evaluate his qualifications to hold the contractor's license applied for.

(d) An applicant for a Residential, Building, or General Contractor's License must provide proof of achieving a passing score on the International Code Council's Contractor Examination. Upon providing the required proof of addition to the ICC's Official Pass List, payment of all application and licensure fees as specified in section 5- 61 must be paid prior to issuance of the appropriate license by the Planning Department.

(Ord of 7-12-05)

Section 5-61 Qualifying of applicants.

(a) To show the degree of knowledge required for the type of construction for which the applicant desires to be licensed, the contractors examining board shall require proof of the applicant having achieved a passing score on the International Code Council's Contractor Examination as specified in Section 5-60(d) except as provided in sections 5-56, 5-58 and 5-59.

(b) Contractors' licenses shall be renewed annually. The schedule of application and license fees is on file at the administrative offices of the planning department. Licenses not renewed on or before the anniversary date shall be null and void.

(5-61, Amended, 07/12/2004)

Section 5-62 Violations.

(a) No person shall engage in the business of a contractor in the city unless such person holds a valid contractor's license as a qualified contractor issued by such board.

(b) It shall be unlawful for any contractor as defined by this article, operating within the city, licensed as an individual or as a firm by the city, to permit any one (1) of the following acts or omissions:

- (1) To contract to do any work outside the scope of operations as defined under the particular classification of contractor for which the contractor is licensed;
- (2) To depart from or disregard, in any material respect, the plan or specifications of a construction job without approval of the chief building official of the city;
- (3) Aid or abet any person to evade the provisions of this article or allow one's license to be used by any person or act as an agent, partner or associate of any person with an intent to evade the provisions of this article; or
- (4) Abandon without legal excuse construction projects or operations engaged in or under contract as a contractor.

(Code 1958, § 7-253; Ord. of 11-28-88(1), § 1)

Section 5-63 Grounds for suspending or revoking contractor's license.

The contractors examining board shall suspend or revoke the contractor's license if, after due hearing, it is found that the contractor violated any of the provisions of section 5-62.

(Code 1958, § 7-254; Ord. of 11-28-88(1), § 1)

Section 5-64 Penalties.

Any person who shall violate any provision of this article shall upon conviction in the municipal court be fined not more than seven hundred fifty dollars (\$750.00) or imprisoned not more than sixty (60) days, either or both, in the discretion of the judge of the municipal court, and, if such person or firm is the holder of a license provided for by this article, such license may be revoked.

(Code 1958, § 7-255; Ord. of 11-28-88(1), § 1)

Section 5-65 Appeals.

Appeals from a decision of the contractors examining board may be made to the city council provided a written appeal is filed with the city clerk within thirty (30) days after an adverse ruling

by the contractors examining board relating to suspension or revocation of a contractor's license.
(Code 1958, § 7-256; Ord. of 11-28-88(1), § 1)

Section 5-66 5-66--5-80. Reserved.