

STATE OF GEORGIA

COUNTY OF FAYETTE

ORDINANCE NO. 2007 - 08

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF FAYETTE COUNTY, AS AMENDED, SPECIFICALLY CHAPTER 5, DIVISION 2 (ENTITLED "PERMITS") SO AS TO DELETE SECTION 5-212 IN ITS ENTIRETY, AND IN LIEU THEREOF, ENACT A NEW SECTION 5-212; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING LAWS, ORDINANCES, AND RESOLUTIONS; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS  
OF FAYETTE COUNTY AND IT IS HEREBY ORDAINED

Section I. The Code of Ordinances of Fayette County, as amended, is hereby further amended by deleting Section 5-212 of Chapter 5, Division 2 (entitled "Permits") in its entirety, and in lieu thereof, enacting a new Section 5-212 to read as follows:

**Sec. 5-212. Work exempt from permit.**

Exemption from permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Code or any other laws or ordinances of this jurisdiction. All work exempt from a permit shall comply with the Zoning Ordinance. Although work may be exempt from a building permit, separate electrical, fuel, gas, mechanical or plumbing permits may be required and vice-versa. Permits shall not be required for the following:

**A. Building:**

1. One-story detached accessory structures less than 200 square feet (18.58 m<sup>2</sup>) used as tool and storage sheds, playhouses, and similar uses.

2. Fences not over 8 feet (2438.4 mm) high. For the purposes of this Section, “fences” shall be defined as light-weight structures made of posts and boards, wire, pickets, or rails commonly used as an enclosure for a field or yard.

3. Walls not over 4 feet (1219.2 mm) in height measured from the grade to the top of the wall, unless supporting a surcharge. For the purposes of this Section, “walls” shall be defined as structures made of masonry or concrete used as an enclosure for a field or yard.

4. Concrete or masonry pilasters not over 8 feet (2438.4 mm) high and that do not exceed a minimum 3-1/2:1 or a maximum 1:1 height-to-width ratio used in conjunction with fences or walls. Example: 3-1/2 to 1 = 8' = 96" ÷ 3.5 = 27.5" square pilaster and footing 1 to 1 = 8'

5. Retaining walls that are not over 4 feet (1219.2 mm) in height measured from the grade to the top of the wall, unless supporting a surcharge. For the purposes of this Section, “retaining walls” shall be defined as structures made of masonry, concrete, timber or similar materials used to retain earth, water, or other lateral pressure. For clarification purposes, cast in place walls that are part of the original foundation wall and retain earth, water, or other lateral pressure are not to be considered as retaining walls. Note: 1 to 1 ratio maximum length. If 45 degree angle at end of wall, 1.5 to 1 maximum ratio is allowed.

6. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 L) and the ratio of height to diameter or width does not exceed 2 to 1.

7. Sidewalks and driveways.

8. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work; shelving, casing, baseboards, wainscoting, or similar mill work.

9. Prefabricated swimming pools that are less than 24 inches (610 mm) deep; portable spas installed at grade level with all heating and circulating equipment integral to the manufactured product; portable swimming pools (non-permanently installed pool) that may be readily disassembled for storage and reassembled to its original integrity, and are not permanently attached to plumbing or electrical services.

10. Swings and other playground equipment.

11. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.

12. Decks not more than 30 inches (762 mm) above adjacent grade and not over any basement or story below.

13. Screen and storm doors, storm shutters and doors, and window screens.

14. Roofing repairs and replacement, provided the new roofing material is identical to the existing roofing material, and the repair or replacement of structural sheathing (e.g. plywood, OSB, etc.) does not exceed 128 square feet (11.9 m<sup>2</sup>). This exemption does not apply to the supporting structural system or components (e.g. trusses, rafters, ceiling joists, etc.).

15. Siding applied over existing siding; the replacement of vinyl or aluminum siding with hardboard panel siding. This exemption does not apply to the removal of structural panel sheathing.

16. Door and window replacement, provided the opening size, location, and operation (e.g. casement, single-hung, horizontal slider, etc.) remain the same; vehicle garage doors and garage door openers at existing approved vehicle garage door openings.

17. Guards (guardrails), stairs, and handrails associated with changes in elevation that are not associated with a structure as a means of egress element (e.g. landscape elevation changes).

18. Rain gutters and associated appurtenances.

19. Pull down stairs at existing approved attic access openings, provided the installation does not include the cutting away of any wall, partition, ceiling joist or portion thereof, or the removal or cutting of any structural beam or load-bearing support.

**B. Electrical:**

1. Minor repair or maintenance work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

2. Low voltage systems including telecommunication, computer networking, security, audio and video systems; low voltage landscape lighting.

3. Installation or replacement of ceiling fans or light fixtures at existing approved permanently installed lighting outlet locations.

4. Replacement of switches for lighting and receptacle outlets at existing approved permanently installed device locations, provided the new device type, voltage, ampacity, and method of grounding are identical to the existing device.

5. Replacement of receptacle outlets at existing approved permanently installed outlet locations, provided the new outlet type, voltage, ampacity, and method of grounding are identical to the existing outlet.

6. Installation or replacement of electric cooking, food refrigeration, dishwashing, and clothes washing appliances, provided the installation or replacement does not involve or require the relocation of the existing approved permanently installed receptacle outlet or wiring; the approved existing circuit voltage and ampacity is within the appliance's specifications; and the appliance is installed in accordance with the manufacturer's installation instructions. This Section includes ground-mounted air-conditioning units, microwaves, cooking exhaust hoods, cooktops, ranges, ovens, warming drawers, dishwashers, clothes washers, and clothes dryers. This Section does not include water heaters, furnaces, or ventilation equipment. Installation of appliances is not required for inspection purposes on new construction, but if the appliances are installed, they will be inspected for Code violations and be brought into Code compliance before approval.

7. Replacement of any overcurrent device of the required capacity in the same location, provided the new overcurrent device manufacturer, type and rating are identical to the existing overcurrent device.

8. Temporary decorative seasonal lighting.

**C. Fuel Gas:**

1. Portable heating, cooking or clothes drying appliances.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
3. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.
4. Installation or replacement of gas cooking and clothes drying appliances, provided the installation or replacement does not involve or require the replacement or rearrangement of valves or pipes; the approved existing piping system fuel type and output is within the appliance's specifications; and the appliance is installed in accordance with the manufacturer's installation instructions. This Section includes cooktops, ranges, ovens, grills, barbeques, and clothes dryers. This Section does not include factory-built fireplaces, water heaters, or furnaces. Installation of appliances is not required for inspection purposes on new construction, but if the appliances are installed, they will be inspected for Code violations and be brought into Code compliance before approval.
5. Underground and aboveground storage tanks for liquefied petroleum gas (propane).

**D. Mechanical:**

1. Portable heating appliances.
2. Portable ventilation appliances.
3. Portable cooling units.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this Code.

5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

6. Portable evaporative coolers.

7. Self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less.

8. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

9. The installation or replacement of ground-mounted air-conditioning units. The installation of ground-mounted air-conditioning units is not required for inspection purposes on new construction, but if the units are installed, they will be inspected for code violations and be brought into Code compliance before approval.

**E. Plumbing:**

1. Water filtration systems or water softeners.

2. Replacement of sinks, lavatories, faucets, and water closets at existing approved permanently installed locations, provided the new sink, lavatory, faucet and water closet does not involve or require the replacement or rearrangement of valves or pipes.

3. Private sewage disposal systems, septic tanks, disposal fields and seepage pits.

4. The stopping of leaks in drains, water, soil, waste or vent pipe, provided that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with the new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this Code.

5. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

6. Location, drilling or installation of well casing.

7. The installation or repair of water service piping from the utility meter to the building envelope.

**F. Emergency repairs:**

Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official. For the purposes of this Section, emergency shall be defined as an unexpected situation requiring prompt action to safeguard life or limb, health, property and public welfare. This Section shall not be construed as allowing work to be done without a permit to restore comfort and convenience items, equipment or systems. Emergency work performed shall not be done contrary to the provisions of this Code.

**G. Repairs:**

Application or notice to the building official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.



**H. Public service agencies:**

A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution, metering or other related equipment that is under the ownership and control of public service agencies by established right.

Section II. If any part of this Ordinance shall be declared unconstitutional by the judgment of any court of competent jurisdiction, such unconstitutionality shall not affect the remainder of this enactment, and such remainder of this enactment shall remain in full force and effect.

Section III. All laws, ordinances, and resolutions, or parts thereof, which conflict with the provisions of this Ordinance are hereby repealed.

Section IV. This Ordinance shall become effective upon its approval by the Board of Commissioners.

SO ORDAINED, this 7th day of November, 2007.

FAYETTE COUNTY BOARD  
OF COMMISSIONERS



  
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Jack Smith, Chairman

  
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Carol Chandler, Clerk