



CITY OF DUNWOODY

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MEMORANDUM

To: Mayor and City Council

From: Jennifer Peterson, Community Development Director

Date: March 16, 2009

Subject: Property Maintenance Code

Staff recommends approval of the first read of an ordinance to amend the Property Maintenance Code. The building code was adopted on December 18, 2008 by the Council. Since that time staff has taken the time to "clean up" the code. Additionally, the State mandated changes to the code as of January 1st of 2009 and those changes are reflected in this amendment.

AN ORDINANCE OF THE CITY OF DUNWOODY ADOPTING AMENDMENTS TO THE 2006 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 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 DUNWOODY; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; AND FOR OTHER PURPOSES

THE MAYOR AND THE CITY COUNCIL FOR THE CITY OF DUNWOODY HEREBY ORDAINS AS FOLLOWS:

SECTION 1. That a certain document, three (3) copies of which are on file in the City of Dunwoody, one (1) at the office of the City Clerk and two (2) at the office of Community Development, 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 Dunwoody 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 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 Dunwoody*"

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

Section 302.4 Insert "~~8-10~~ inches"

Section 304.14 Insert "*April 1st and October 1st*".

~~Section 404.5 Insert "*Overcrowding Prohibited.*"~~

~~(a) Bedroom requirements.~~

~~Area for sleeping purposes. Every bedroom occupied by one occupant shall contain at least 70 square feet of floor area, and every bedroom occupied by more than one occupant shall contain at~~

least 50 square feet of floor area for each occupant thereof.

~~Prohibited occupancy.~~ Kitchens and non-habitable spaces shall not be used for sleeping purposes.

~~(b) Overcrowding Specifications:~~

~~(i) Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 4.5 as follows:~~

Table 4.5

Space			
	1-2	3-5	6 or More
Living Room a,b	No Requirements	120	150
Dining Room a,b Kitchen b		80	100
		50	60
Bedrooms	Shall comply with Section 3(a) of this Article.		

~~Note a. See paragraph (2) of this section for combined living room/dining room spaces.~~

~~Note b. See paragraph (1) of this section for limitations on determining minimum occupancy area for sleeping purposes.~~

~~Sleeping area.~~ The minimum occupancy area required by Table 4.5 shall not be included as sleeping area in determining minimum occupancy area for sleeping purposes. All sleeping areas shall comply with subsection (a) above.

~~Combined spaces.~~ Combined living room and dining room spaces shall comply with the requirements of Table 4.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

Section 602.3 Insert "November 1st and April 1st"

Section 602.4 Insert "November 1st and April 1st"

STATE OF GEORGIA
CITY OF DUNWOODY

ORDINANCE 2009-XX-XX

SECTION 3. On Reserve for future use

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 Dunwoody 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.

SO ORDAINED AND EFFECTIVE, this __ day of _____, 2009.

Approved:

Ken Wright, Mayor

Attest:

Sharon Lowery, City Clerk
Seal

Approved as to Form and Content:

Brian Anderson, City Attorney