



MEMORANDUM

To: Mayor and City Council

From: Steve Foote, AICP
Community Development Director

Date: July 11, 2016

Subject: Amendment to City of Dunwoody Ordinances
Chapter 8, Buildings and Building Regulations, Article I – In General

BACKGROUND

In 2015 the City of Dunwoody updated our adopted Building Codes to align with the most recent mandatory codes adopted by the State of Georgia. Specifically, the City adopted the revised codes required by state law in 2015, as well as one revised permissive code (International Property Maintenance Code, IRC).

The attached page shows in Section 8-1(a) and (b) the various codes adopted by the City of Dunwoody. Section (c) lists the permissive codes also adopted by the City of Dunwoody. One of these, the DeKalb County Health department's 2006 Swimming Pools, Spas, and Bathhouses code has been a part of the city's regulations since incorporation.

A few questions came up recently that required staff to research current practices and regulations applicable to swimming pools. In conducting this research staff attempted to determine the initial purpose for adopting the DeKalb County Health regulation, compared the pool regulations of the county to the state pool regulations in the International Residential Code (IRC), and met with County Health officials.

The result of this research was as follows:

- There is no regulatory issue existing today between the City of Dunwoody and the DeKalb County Health department on pool regulations or approvals.
- City action to rescind the DeKalb County 2006 pool regulations will not create any void or regulatory dispute.
- One of the more notable differences between the County and IRC is the minimum height of barriers; with the County code being five (5) feet and the IRC four (4) feet.
- The Director of the Environmental Health Division indicated that the County intends to adopt the State minimum swimming pool regulations later this year (following the current revision process) and move away from the current DeKalb County Swimming Pools, Spas and Bathhouses code. Such action will result in DeKalb County enforcing the same regulations as the City of Dunwoody (the IRC regulations).
- No specific purpose was determined for adopting the DeKalb County code upon incorporation.



- The DeKalb County Health department will continue to review and inspect commercial and public pools, while the City of Dunwoody will continue to review and inspect swimming pools for non-public installations.

RECOMMENDATION

To maintain the consistent application and enforcement of the Mandatory Georgia codes for swimming pools and barriers as contained in the IRC staff recommends that the DeKalb County Health Department 2006 Swimming pools, Spas, and Bathhouses code be rescinded. The recommended changes to the City Code in Chapter 8 are shown in the attachment.

Chapter 8 - BUILDINGS AND BUILDING REGULATIONS ¹¹

Footnotes:

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State Law reference— Municipal home rule, Ga. Const. art. IX, § II, O.C.G.A. § 36-35-1 et seq.; building trade contractors, O.C.G.A. § 43-14-1 et seq.; enforcement of adopted codes, O.C.G.A. § 8-2-26; state minimum standards codes, O.C.G.A. § 8-2-21; minimum standard codes to have uniform application throughout the state, O.C.G.A. §§ 8-2-25, 8-2-28.

ARTICLE I. - IN GENERAL

Sec. 8-1. - State minimum standard codes.

- (a) It is hereby declared to be the intention of the council to enforce and adopt the state minimum standard codes as defined by O.C.G.A. § 8-2-20(9). The adoption includes the latest edition of the following state minimum standard mandatory codes, as adopted and amended by the state department of community affairs:

International Building Code	National Electrical Code
International Fuel Gas Code	International Fire Code
International Mechanical Code	International Energy Conservation Code
International Plumbing Code	International Residential Code

- (b) The following appendices of said codes, as adopted and amended by the state department of community affairs, are hereby adopted by reference as though they were copied herein fully:

International Mechanical Code	Appendix C
International Plumbing Code	Appendices C (state version), H, I (state version)
International Residential Code	Appendix G
International Energy Conservation Code	Appendices A, B, C, D (new per the sate DCA)

- (c) It is hereby declared to be the intention of the council to enforce and adopt the following codes; the latest editions of the state minimum standard permissive codes as adopted by the state department of community affairs, or other applicable agencies:

International Property Maintenance Code

~~Swimming Pool Code as adopted by the county board of health~~

- (d) For all permits granted or approved by the county under earlier versions of any or all of these codes, it is hereby declared to be the intention of the council to enforce the code under which the project was approved.