

CHAPTER SEVEN

PERMITS, CERTIFICATES, FEES AND FINANCES

ARTICLE I, LAND DISTURBANCE PERMITS:

7-1.1 **Land Disturbance Permit Required.** No person shall commence excavation, grading, filling, cutting, stripping, clearing or grubbing unless and until he has a valid land disturbance permit issued pursuant to the Soil Erosion and Sediment Control Ordinance (Ordinance 73), by the Department of Planning and Community Development, unless expressly excepted therefrom. The department shall ensure that any of the above actions shall not render the lot or parcel of land incompatible with the applicable zoning district or use of adjoining properties, and that adjoining property shall have adequate lateral support or protection from run-off, as the case may be.

7-1.2 **Land Disturbance Permit Plan Review Procedures.**

- (A) Each Land Disturbance Permit (LDP) application must be approved and a LDP issued within six (6) months of the initial plan submittal date. Failure to obtain a permit within six (6) months will require the submittal of a new Land Disturbance Permit application. Any associated plan review fees must be repaid with the submittal of the new LDP application.
- (B) All plans and supporting documents are to be submitted to the department by 5:00 p.m. each Monday, provided Monday is not a holiday for which the department offices are closed in observance. In such event, the plans and supporting documents must be submitted by 5:00 p.m. the Friday before the Monday holiday. The department will distribute the plans and supporting documents to the appropriate departments for their review. The department will not accept LDP permit applications without the appropriate fee being submitted with the application and without all other requirements for submittal.
- (C) Nine (9) business days after the plan submittal deadline, a plan review meeting will be held by the department at which one member of each reviewing department will be present to distribute comments, if necessary. The comments will be returned to the developer and/or their agent for corrections by their engineer and/or surveyor.
- (D) After the departmental comments have been addressed, and corrections to the plans are made, the developer and/or their agent will return to each reviewing department to provide evidence that such changes have been made. If the changes are satisfactory to the reviewing department's discretion, then said department shall approve the application for plan approval and affix their departmental stamp indicating approval on the plans.
- (E) The developer and/or their agent will deliver to the department, the approved plans, with the appropriate stamps affixed, as well as a completed application for plan approval. A completed application will contain the signature of each respective departmental plan review personnel.
- (F) The department will verify that the reviewing departments have signed the application for plan approval and have stamped the plans. If any department has given conditional approval, said department must list under what conditions their approval is granted. Said conditions must be in letter form on department letterhead, indicating the project and date of conditional approval, and delivered to the department prior to, or concurrent with, the sign-off of the plans granted conditional approval. With any conditional approval, the person so conditioning the plans must sign the letter of conditions and print their name for further clarification.
- (G) After the department has verified that all plans and supporting documents are true and correct, the director, or his designee, will approve and sign the plans and supporting documents. Construction plans for major subdivisions must be consistent with sketch plats approved by the Forsyth County Planning Commission, and the director shall not give final approval without ensuring consistency with sketch plat approval.
- (H) Land disturbance permits will be issued after approvals have been granted by the appropriate reviewing departments. The permit will be issued at a pre-construction conference with the department responsible for inspection of the site.

7-1.3 **Clearing and Grubbing and/or Grading Permits.** Clearing and grubbing is the removal of trees, shrubs, and vegetation from a piece of property, whether by cutting or other means, insuring not to place, remove or move earth or, in any way, alter the grade of the land. Grading includes stripping, cutting, filling, stockpiling, or any combination thereof, and shall include the land itself in its cut or filled condition, to create new grades. All clearing and grubbing and/or grading plans must be prepared by a licensed land surveyor, landscape

architect, or engineer. The submittal and review procedures for obtaining a clearing and grubbing permit will be according to the Forsyth County plan review procedure policy.

Clearing and grubbing plans will be submitted and reviewed according to the Forsyth County Plan Review Procedure Policy, as administratively prepared and adopted by the director.

7-1.4 **Road Construction Permits.** A road construction permit allows only for the grading for roads and the installation of utilities and drainage structures necessary for developing a new community.

7-1.5 **Site Development Permits.** A site development permit allows for the grading and development of a site, including the installation of utilities and drainage structures.

7-1.6 **Erosion Control.** A stop work order shall be issued if it is determined by the department and/or the Department of Engineering that the provisions of the Soil Erosion and Sedimentation Ordinance (Ordinance 73) are not being followed.

7-1.7 **Expiration.** Road construction and site development permits shall expire twelve (12) months from the date of issuance. Clearing and grubbing and/or grading permits shall expire six (6) months from the date of issuance. Renewal must be made by application within three (3) months of the expiration date. Any work performed after the expiration date, but prior to renewal, shall be considered work without a permit and will be in violation of this Code. Renewals shall be limited to one renewal per permit. Should the permit expire after the issuance of a renewal, a new permit must be required and all associated application fees must be paid prior to its issuance.

ARTICLE II, BUILDING PERMITS:

7-2.1 **When Required.** No building or other structure shall be erected, moved, extended, enlarged, structurally altered, changed from unfinished to finished space, nor shall any existing or new areas within structures or buildings be covered or concealed by wall coverings, nor shall any grading, excavation or filling of a new lot for the construction of any building or structure be commenced until the department has issued a building permit for such work.

7-2.2 **Erosion Control.** A stop work order shall be issued if it is determined by the department and/or the Department of Engineering that the provisions of the Soil Erosion and Sedimentation Ordinance (Ordinance 73) are not being followed.

7-2.3 **Sewage Disposal.** No building permit shall be issued for any building or structure unless there is filed with the department a permit from the Forsyth County Department of Environmental Health certifying that the lot has been approved for an individual sewage system according to state regulations and locally adopted codes.

7-2.4 **Water Supply.** No building permit shall be issued without evidence of adequate water supply as may be approved by the Forsyth County Department of Environmental Health. No building permit shall be issued for any building or structure unless there is filed with the department proof of purchase of a water meter or installation of a well in areas where water is not available and an on-site well is approved for use.

7-2.5 **Land Disturbance Permit.** No building permit shall be issued for a commercial or industrial project or amenities area for a residential subdivision unless there is an active site development permit for the project.

7-2.6 **Application.** Each application to the department for a building permit shall be accompanied by a drawing in duplicate showing:

- (A) A survey plat approved by the department ;
- (B) The square footage and height of the building to be erected;
- (C) The location of the building on the lot;
- (D) The location of existing structures on the lot;
- (E) The number of dwelling units the building is designed to accommodate (if residential);
- (F) The approximate location of existing buildings or structures on adjoining parcels; and
- (G) Such other information as may be essential for determining whether the provisions of this Code are being observed or which may be required by the department or conditions of approval by the Planning Commission. Survey plats shall be required for all building permit applications. An individual survey of a parcel in a subdivision approved by the Planning Commission or the department is not required if the approved subdivision plat meets technical plat standards substantially equal to current standards. The department may waive the requirement of a plat where it deems such plat not to be necessary.

7-2.7 **Egress and Ingress Required.** Where construction is proposed upon a lot or parcel of land not abutting at least sixty (60) feet on a dedicated public street, each application for a building permit on such a lot or parcel of land not shown as a building lot on a subdivision plat approved by the Planning Commission or department

shall be accompanied by a true copy of a recorded easement or other document, showing the date and page of recordation in the Clerk's Office, Forsyth County Superior Court, giving the lot or parcel access to a public street. Without such information, a building permit shall not issue. Additionally, the address for the property shall be clearly identified on the mailbox and the structure prior to the issuance of the Certificate of Occupancy.

7-2.8 **False statement.** Should any person make any false or untrue statement, knowingly or otherwise, to department personnel who cause a building permit to be issued in violation of any provisions of this Code, all permits and certificates shall be void ab initio, and all fees paid by the applicant shall be forfeited without further action by any official.

7-2.9 **Deviation from application.** Should any person cause a building or a structure to be erected in a manner different in size, location, or other characteristic from that represented in the application and accompanying documents, all permits shall be null and void as of the date of the deviation, and any permits or certificates thereafter issued shall be void ab initio without further action by any official.

7-2.10 **Report of Deviations.** It is the duty of the owner of the premises and his agent to bring to the attention department personnel or inspectors any deviation from the application and accompanying documents.

7-2.11 **Lots in Subdivisions.** No permit or certificate shall be issued involving a building or a structure on a lot or parcel involving a subdivision of land unless and until all applicable requirements of Chapter Eighteen, Subdivisions, and/or Chapter Nineteen, Conservation Subdivisions, as the case may be, are met; provided, however, model home permits may be issued prior to compliance with all applicable requirements of said chapters if the following requirements are met:

- (A) the lot must be served by a street paved according to County standards;
- (B) the main water line must be installed and pressurized in front of the model home;
- (C) no Certificate of Occupancy will be issued for any model home until the lot upon which the model home is situated has been given final plat approval and said final plat has been recorded; and
- (D) no more than one model home permit per forty (40) lots planned in the subdivision will be issued, with a maximum of five (5) model home permits available for issuance in any one subdivision.

7-2.12 **Application Review Period.** Building permit applications require a 72-hour review-period before activation. This review shall be conducted within three-business days after the date of submittal. All building permit applications will be considered preliminary until approved. Any building permit that does not have a date and signature on the "approval" or "issuance" portion of the building permit document shall be considered preliminary and cannot be relied upon by its applicant. Forsyth County makes no representation that a building permit will be approved in releasing the preliminary permit. Any work conducted prior to execution of the above approval process shall be at the risk of the applicant. Forsyth County assumes no liability with regard to any work that takes place prior to approval and final issuance of a building permit. At the conclusion of the review period, the director shall furnish the applicant with a copy of the approved and issued permit or written notice indicating why the permit cannot be approved.

7-2.13 **Expiration.** A building permit shall expire twelve (12) months from the date of issuance. Renewal must be made by application within three (3) months of the expiration date and payment of one hundred dollars (\$100) to the department. At least one inspection must have been approved prior to renewal of a permit. Renewals shall be limited to one renewal per permit. Should the permit expire after the issuance of a renewal, a new permit must be acquired.

ARTICLE III, TRADE PERMITS:

7-3.1 **Permits Required.** The department shall issue permits for electrical, heating, plumbing, and other work to be performed on construction of buildings or structures according to state statutes and codes adopted by the governing authority of the Political Subdivision of Forsyth County.

ARTICLE IV, CERTIFICATES OF OCCUPANCY:

7-4.1 **When Required.** A certificate of occupancy is required to be issued by the department in advance of the use of occupancy of:

- (A) Mobile homes and manufactured homes;
- (B) A building erected, altered or moved subsequent to September 24, 1973;
- (C) A change of use of any building or land;
- (D) Any non-conforming use that was existing on September 24, 1973, on the date of the adoption of this Code, or that is changed, extended, altered or rebuilt thereafter.

7-4.2 **Requirements to be Met.** A certificate of occupancy shall not be issued by the department unless all provisions of this Code and other codes made, adopted, or amended by the governing authority of the Political Subdivision of Forsyth County are complied with in the construction of a building or structure or the use of land. Should any applicable codes not be so complied with, any certificate of occupancy issued shall be void ab initio.

7-4.3 **Duties of Department.** It shall be the duty of the department to ensure that the requirements of this Code and other codes as applicable are complied with prior to issuance of any certificate of occupancy.

7-4.4 **Time of Application and Issuance.** A certificate of occupancy, either for the whole or a part of a building, shall be applied for coincident with the application for a building permit and shall be issued within ten (10) days after the work has satisfactorily passed all required inspections and is in conformity with the provisions of this Code and other applicable codes.

7-4.5 **Denial and Notice.** If a certificate of occupancy is denied, the director shall state in writing the reasons for the denial and the applicant shall be notified of the denial.

7-4.6 **Furnishing of Utility Service.** The Forsyth County Water & Sewer Department, The City of Cumming, any Water and Sewerage Authority, Georgia Power Company, Sawnee Electric Membership Corporation, BellSouth Telephone Company, or any other public or quasi-public utility company, shall not provide final service (as opposed to construction or installation of service) to any building or structure unless and until a certificate of occupancy is issued by the department.

7-4.7 **Records.** A record of all certificates of occupancy shall be kept on file in the office of the department and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building or land involved upon adequate proof of such interest. The department may charge reasonable reproduction costs for such the reproduction and production of such records.

ARTICLE V, STANDARDS FOR PERMITS AND CERTIFICATES:

7-5.1 **Compliance.** No permit or certificate shall be issued until the department determines that all provisions of this Code and other applicable codes will be, or have been, complied with in all respects on proposed or completed projects. Copies of adopted codes are public record and are available for public review. True and correct copies of these documents shall be maintained in the office of the department, together with all amendments thereto, and such documents and amendments shall be accessible in the department to members of the public who may be affected by them.

7-5.2 **Building Code.** No building or other structure shall be erected, moved, extended or enlarged, or structurally altered unless in compliance with all provisions of the International Building Code or International Residential Code for One and Two Family Dwellings as adopted by the Georgia Department of Community Affairs and as changed or amended from time to time.

7-5.3 **Plumbing Code.** No building or other structure shall be erected, moved, extended or enlarged, or structurally altered unless in compliance with all provisions of the International Plumbing Code or International Residential Code for One and Two Family Dwellings as adopted by the Georgia Department of Community Affairs and as changed or amended from time to time.

7-5.4 **Mechanical Code.** No building or other structure shall be erected, moved, extended or enlarged, or structurally altered unless in compliance with all provisions of the International Mechanical Code or International Residential Code for One and Two Family Dwellings as adopted by the Georgia Department of Community Affairs and as changed or amended from time to time.

7-5.5 **Gas Code.** No building or other structure shall be erected, moved, extended or enlarged, or structurally altered unless in compliance with all provisions of the International Fuel Gas Code or International Residential Code for One and Two Family Dwellings as adopted by the Georgia Department of Community Affairs and as changed or amended from time to time.

7-5.6 **Electrical Code.** No building or other structure shall be erected, moved, extended or enlarged, or structurally altered unless in compliance with all provisions of the National Electrical Code as adopted by the Georgia Department of Community Affairs and as changed or amended from time to time.

7-5.7 **Energy Code.** No building or other structure shall be erected, moved, extended or enlarged or structurally altered unless in compliance with all provisions of the International Energy Conservation Code as adopted by the Georgia Department of Community Affairs and as changed or amended from time to time.

7-5.8 **Review.** Department personnel shall review all aspects of a proposed project prior to issuance of a building permit to ensure that the plans for such project comply with all provisions of this Code and the codes referenced in this chapter. Department personnel shall likewise review existing buildings or structures and

completed projects prior to issuance of any permits or certificates to ensure that all provisions of this Code and applicable codes referenced in this chapter are met.

7-5.9 **Inspections.** Department personnel shall inspect all projects during construction, from time to time; to ensure that each construction, moving, extension, or alteration project complies at all stages with the requirements of this Code and all adopted construction codes. Alterations or extensions to buildings or structures shall be inspected from time to time as necessary. Inspections shall be effected from time to time on new construction as necessary, but not less than after excavation of foundations prior to pouring. After the permanent roof has been installed and prior to the framing inspection, the rough plumbing, electrical, gas and mechanical systems shall be inspected. After all work is complete and prior to occupancy, the final plumbing, electrical, gas and mechanical systems shall be inspected prior to the final building inspection. After "drying in", after roughing in of the plumbing system, after roughing in of the mechanical system, after roughing in of the gas system, after roughing in of the electrical system, and after completion of the above systems and/or after completion of the structure.

7-5.10 **Other Inspections.** In addition to the inspections above, the building department may make or require any other inspections to ascertain compliance with all provisions of this code and other codes enforced by Forsyth County.

7-5.11 **Inspection Personnel.** Inspections required by this Code shall be effected by building inspectors or other personnel of the department who shall be employed for such purpose under the provisions of Chapter Five of this Code.

7-5.12 **Factory-built Housing.** Department personnel and employees shall ensure that open construction factory-built housing meets all requirements of this Code and other applicable codes. In all cases of factory-built housing, whether open or closed construction, Department personnel and employees shall ensure that all locally controlled aspects of construction, including but not limited to zoning provisions, footing and foundation requirements, and other matters not preempted by state regulations are enforced according to the terms of this Code and applicable codes.

7-5.13 **Driveway Culverts.** Driveway culverts shall be installed as required by the Engineering Department's Stormwater Design Manual. No certificate of occupancy shall be issued for a building or structure for which access to the building or structure is over a driveway or other way to a public street unless and until an appropriate culvert not less than eighteen (18) inches in diameter is installed under the driveway surface sufficient to maintain the integrity of the public drainage system, as required by the Engineering Department's Stormwater Design Manual. In exceptional cases an exemption may be granted by the Director of Engineering after a field inspection. The builder or homeowner must call the Director of Engineering to request an exemption (curb and gutter subdivisions are exempted).

7-5.14 **Building Sewers.**

- (A) All persons installing sewer service connections for hire in Forsyth County must have a state plumber's license. Contractors shall furnish to the County good and sufficient bond to hold the County harmless from liability arising from any excavation, cut-in, or other work performed along or across any public right-of-way. Said bond shall be in the form approved by the County Attorney, in the amount of Ten Thousand Dollars (\$10,000).
- (B) Developer-constructed sewers to be connected to the public sewer shall conform to the following:
 - (1) Plans and specifications shall be submitted for review and approval by the Forsyth County Water and Sewerage Department.
 - (2) Sewer design shall conform to the latest Rules and Standards of the Georgia Environmental Protection Division.
 - (3) Materials of construction and methods of construction shall be approved and inspected by the Forsyth County Water and Sewerage Authority.
 - (4) No use of the sewer for disposal of wastewater shall be made until it has been inspected and a certificate of acceptance has been issued by the Forsyth County Water and Sewerage Authority.
- (C) When required by the Water and Sewerage Authority or the Forsyth County Board of Health, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole shall be constructed in accordance with plans approved by the Water and Sewerage Authority.

ARTICLE VI, ZONING COMPLIANCE:

7-6.1 **Intent.** The determination whether a proposed use is proper in a given zoning district shall be made by the director of the department. Interpretations concerning the meaning of this Code may be important in a particular case. Persons should not expend money on project development until the director has determined in writing that the proposed use is proper, as evidenced by a certificate of zoning compliance.

7-6.2 **Certificate of Zoning Compliance.** A certificate of zoning compliance shall be issued in a form to be determined by the department as evidence that a proposed use complies with this Code. A certificate of zoning compliance may be issued upon written request by the owner of the property in question or his/her authorized agent, even though such request is outside the process of applying for a building permit or certificate of occupancy; provided, however, that such requests for certificate of zoning compliance shall be produced by the department only upon the payment of a certificate fee, if required, and according to a schedule implemented by the director.

7-6.3 **Reliance.** Until a certificate of zoning compliance is obtained with regard to a particular project, a person expending money in any way on project planning or development does so at his own risk. No person shall be deemed to have expended funds in reliance on zoning provisions unless and until a certificate of zoning compliance is obtained.

ARTICLE VII, FEES GENERALLY:

7-7.1 **Purpose.** All fees for plat review, plat approval, permit issuance, certificate issuance, and inspections imposed by or pursuant to this Code are hereby declared to be license charges made in pursuance of the police power for the regulation and control of the development, construction, and building industries, and the trade classifications thereunder, for the protection and welfare of the citizens of Forsyth County.

7-7.2 **Revenue.** Operation of the Planning Commission and the department, and the fees collected pursuant to such operation, shall be treated as general unrestricted revenue to the Political Subdivision of Forsyth County.

ARTICLE VIII, FEE AMOUNTS:

7-8.1 **Generally.** Fees charged for building permits and subdivision approval shall relate to the complexity of the project involved and the consequent increased burden of regulation and enforcement within the County. Fee amounts will be determined and set by the Board of Commissioners periodically. For any conditional use under this Code, for variances to the requirements herein, or for special application requirements specified by this Code, applicants shall submit any additional amounts as deemed sufficient and appropriate by the County in order to obtain any needed technical expertise so as to assist County staff in evaluating the request.

7.8.2 **Building Permits.**

- (A) Building permit fees shall be charged according to the Forsyth County Building Permit Fee Schedule, as adopted by the Board.
- (B) If the Building Inspection Department fails the inspection because of defects noted at the time of an inspection, a trade violation fee in the amount of twenty-five dollars (\$25.00) shall be charged for the first inspection and shall increase in increments of twenty-five dollars (\$25.00) for each subsequent failed inspection for the same code violations. The Chief Building Inspector shall have the authority to place the project under stop work after the third failed inspection of the same violations and have the contractor or sub-contractor pay all accrued trade violation fees due to date.
- (C) Building construction plans shall be reviewed under the same fee schedule as the Forsyth County Fire Department. Fees shall be paid at the time plans are submitted for review and major revisions to plans shall be charged the same as a new plan submittal.
- (D) Any and all fees shall be paid by the person to whom the permit is issued prior to such issuance. Any additional fees incurred subsequent to permit issuance shall be paid prior to issuance of a certificate of occupancy. All fees shall be paid to the department. Should any work be performed for which a permit is required under this Code prior to this issuance of such permit, then and in that event the fees as set forth herein or pursuant to this Code shall be doubled. Should a formal written notification from the director, Building Official, or other official be forwarded prior to obtaining a permit, an additional penalty of twenty-five dollars (\$25.00) shall be paid at the time of application to cover administrative costs.

7-8.3 **Certificate of Occupancy.** No additional fee shall be charged for issuance of a certificate of occupancy applied for in conjunction with application for a building permit.

7-8.4 **Collecting Authority.** Department personnel shall collect all fees and account for them under the provisions of this chapter.

ARTICLE IX, FINANCES:

7-9.1 **Depository.** All monies collected pursuant to this Code during a given calendar month shall be deposited with the Board of Commissioners of Forsyth County by the fifteenth (15th) day of the next month following together with a signed statement of the director detailing the general categories of receipts.

7-9.2 **Expenditures.** All disbursements for operation of the department, Planning Commission and the Zoning Board of Appeals shall be made by the office of the County Administrator in the same manner as other County offices.

7-9.3 **Advertising Fees.** All costs for advertising public hearings on proposed changes in the zoning map, variances, conditional uses, and similar advertisements necessitated by a request of an applicant or other third party shall be borne by such person who shall deposit with the director upon making such application a bank draft or other commercial paper payable to the official organ in Forsyth County in a sum as determined by the Board of Commissioners of Forsyth County.