

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

RESOLUTION NO. 2021-____

1 A RESOLUTION TO CREATE AND AUTHORIZE A CONSTRUCTION BOARD OF
2 APPEALS FOR THE PURPOSE OF HEARING APPEALS OF DECISIONS AND
3 INTERPRETATIONS OF THE BUILDING OFFICIAL IN ACCORDANCE WITH SECTIONS
4 7-1 AND 7-87 OF CHAPTER 7, ARTICLE III, DIVISION 2 OF THE CITY’S CODE OF
5 ORDINANCES; PROVIDING THE APPOINTMENT OF SAID BOARD, DEFINING THE
6 DUTIES OF THE BOARD; TO REPEAL CONFLICTING RESOLUTIONS; TO PROVIDE FOR
7 SEVERABILITY AND FOR OTHER LAWFUL PURPOSES.

8
9 **WHEREAS**, the City of Stonecrest, Georgia, has a vested interest in the general safety and
10 welfare of its citizens, building occupants and the general public to ensure that safe and structurally
11 sound buildings exist and/or are constructed within its jurisdictional limits; and

12 **WHEREAS**, the Building Official, as defined by Section 7-1 of Chapter 7, Article II,
13 Division 2 of the City’s Code of Ordinances, is authorized to receive applications, review
14 construction documents and plans, issue permits for the erection, construction, alteration and
15 demolition of buildings and structures and installation of mechanical, plumbing, gas and electrical
16 systems, inspect the premises for which such permits have been issued and enforce compliance
17 with the provisions of Chapter 7, Article III and other applicable provisions of the City’s Code of
18 Ordinances; and

19 **WHEREAS**, the Building Official has the authority to render interpretations of the City’s
20 Construction and Building Code and the adopted state codes, including the State Minimum
21 Standard Codes, as defined by O.C.G.A. § 8-2-20(9); and

22 **WHEREAS**, persons affected by the Building Official’s decisions and interpretations have
23 rights pursuant to Chapter 7 of the City’s Code of Ordinances to appeal these decisions and
24 interpretations;

25 **WHEREAS**, the City of Stonecrest’s Code of Ordinances Section 7-87 of Chapter 7,
26 Article III, Division 2 authorizes the creation of a Construction Board of Appeals (Board); and

27 **WHEREAS**, the Board shall be appointed by the Council of the City of Stonecrest,
28 Georgia, consistent with Senate Bill 21 which amends Section 2.14 of the City’s Charter; and

29 **WHEREAS**, the Board shall consist of five members, who serve staggered terms; and

30 **WHEREAS**, pursuant to Chapter 7, Article III of the City’s Code of Ordinances, the Board
31 has the power and duty to hear appeals of decisions and interpretations of the Building Official, to
32 hear appeals of the Building Official's decision related to the use of alternative materials, designs,
33 methods of construction, equipment and appliances; and to hear appeals of the Building Official's
34 decision related to unsafe conditions as regulated in Section 7-63 of Chapter 7, Article III, Division
35 2 of the City’s Code of Ordinances; and

36 **WHEREAS**, the Board is subject to the Georgia Open Meetings Act (OMA) under which
37 Board meetings are open to the public, with certain exceptions, and which may result in the public
38 dissemination of information; and

39 **WHEREAS**, this Resolution promotes the health, safety, and well-being of the citizens of
40 the City of Stonecrest, Georgia.

41 **NOW THEREFORE, BE IT AND IT IS HEREBY RESOLVED BY THE MAYOR**
42 **AND COUNCIL OF THE CITY OF STONECREST, GEORGIA**, as follows:

43 **SECTION I**

44 ESTABLISHMENT AND AUTHORIZATION OF THE CONSTRUCTION BOARD
45 OF APPEALS

46 There is hereby established the Construction Board of Appeals of the City of Stonecrest,
47 Georgia (the “Board”).

48 The five members of the Board shall serve at the pleasure of the Council of the City of
49 Stonecrest, Georgia, and shall be subject to removal at will, without cause. The Board shall meet
50 at least once a year and whenever an action is requested before the board, but no more often than
51 every 30 days. The Board shall hold hearings open to the public and shall produce an agenda to be
52 made available at least two business days prior to the meeting of the Board. The Board shall issue
53 decisions in writing within 30 days of the final hearing and shall include the basis for the decision.
54 The City of Stonecrest, Georgia, shall provide the Board with suitable office space, meeting
55 accommodations and clerical support, as the city shall deem appropriate and necessary.

56 **SECTION II**

57 DUTIES

58 The Board is hereby established to: (1) hear appeals of decisions and interpretations of the
59 Building Official, (2) hear appeals of the Building Official's decision related to the use of
60 alternative materials, designs, methods of construction, equipment and appliances; and (3) hear
61 appeals of the Building Official's decision related to unsafe conditions as regulated in Section 7-
62 63 of Chapter 7, Article III, Division 2 of the City’s Code of Ordinances.

63 **SECTION III**

64 MEMBERSHIP

65 Board qualifications for members shall be as outlined in the City of Stonecrest’s Code
66 of Ordinances Section 7-87 of Chapter 7, Article III, Division 2. All members of the Board shall

67 be residents of the City of Stonecrest and shall have experience in the building industry. The
68 members of the Board shall have applicable experience in drainage and structural issues in
69 residential-home-design or construction, heating ventilation and air conditioning, electrical
70 installations and plumbing. Members of the Board shall hold no other city office, appointed
71 position within the city or any other city compensated position. Any vacancy on the Board shall
72 be filled in accordance with the original appointing procedure for the vacant position. Any
73 newly appointed member shall serve for the remainder of the unexpired term.

74 **SECTION IV**

75 TERMS

76 As to the initial terms of the five Board members, they are as follows: two initial Board
77 members shall be designated to serve a term of two years, and three initial Board members shall
78 be designated to serve a term of four years. After expiration of any term thereafter, each Board
79 member shall serve a term of four years. Terms of each Board member shall expire on
80 December 31 of the Board member's term regardless whether a successor has been appointed
81 to the Board member's position. Successive terms are permissible, but in no event shall a
82 member be permitted to serve more than eight consecutive years. Any Board member may be
83 removed with or without cause by the City Council.

84 **SECTION V**

85 COMPENSATION

86 The Board members shall not be compensated, except that the City of Stonecrest,
87 Georgia, may reimburse the Board members for necessary expenses incurred in the
88 performances of their official duties.

89 **SECTION VI**

90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112

QUORUM

Three members of the Board shall constitute a quorum at any meeting and a vote of three voting members shall be required to enable the Board to act.

SECTION VII

GOVERNANCE

The Board shall elect a chair, vice-chair and secretary. The persons so elected shall serve in these capacities for a term of one year. No person may serve in any of these capacities for more than three consecutive years. The vice-chair will preside at the meetings of the Board in the chair's absence. The Board shall determine its procedural rules and regulations, and otherwise take such action as is appropriate for the management of the affairs committed to its supervision. The Board's rules and regulations shall be consistent with Chapter 7 of the City's Code of Ordinances and necessary to carry out the provisions of this chapter.

All hearings of the Board shall be open to the public and the agenda shall be made available at least two business days prior to the meeting of the Board. Matters not placed on the agenda shall not be heard by the Board, except for appeals involving a structure or service system that, in the opinion of the director, is unsafe, unsanitary or uninhabitable.

SECTION VIII

INITIAL MEMBERS

The initial members of the Construction Board of Appeals shall be as follows:

- 1. Member
- 2. Member
- 3. Member
- 4. Member

113 5. Member

114 **SECTION IX**

115 ENFORCEMENT AND SEVERABILITY

116 (a) It is hereby declared to be the intention of the Mayor and Council that all sections,
117 paragraphs, sentences, clauses and phrases of this Resolution are or were, upon their enactment,
118 believed by the Mayor and Council to be fully valid, enforceable and constitutional.

119 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest
120 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this
121 Resolution is severable from every other section, paragraph, sentence, clause or phrase of this
122 Resolution. It is hereby further declared to be the intention of the Mayor and Council that, to
123 the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this
124 Resolution is mutually dependent upon any other section, paragraph, sentence, clause or phrase
125 of this Resolution.

126 (c) In the event that any phrase, clause, sentence, paragraph or section of this Resolution
127 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise
128 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the
129 express intent of the Mayor and Council that such invalidity, unconstitutionality or
130 unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional
131 or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or
132 sections of the Resolution and that, to the greatest extent allowed by law, all remaining phrases,
133 clauses, sentences, paragraphs and sections of the Resolution shall remain valid, constitutional,
134 enforceable, and of full force and effect.

135 **SECTION X**

136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165

REPEAL OF CONFLICTING RESOLUTIONS

All resolutions and parts of resolutions in conflict herewith are hereby expressly repealed.

SECTION XI

EFFECTIVE DATE OF RESOLUTION

This Resolution shall become effective upon the date of approval and execution by the Mayor and Council of the City of Stonecrest, Georgia.

SO RESOLVED, this _____ day of _____, 2021.

CITY OF STONECREST, GEORGIA

Jason Lary, Sr., Mayor

ATTEST:

Megan Reid, City Clerk

APPROVED AS TO FORM:

City Attorney