



**CITY COUNCIL  
ATLANTA, GEORGIA**

**25-O-1055**

**AN ORDINANCE BY COUNCILMEMBER BYRON D. AMOS AS SUBSTITUTED BY COMMUNITY DEVELOPMENT/HUMAN SERVICES COMMITTEE AMENDING THE ATLANTA BUILDING CODE SO AS TO CREATE A PROVISION REJECTING CERTAIN NEW PERMIT APPLICATIONS RELATED TO BUILDINGS OR STRUCTURES SUBJECT TO UNRESOLVED CORRECTION NOTICES OR STOP WORK ORDERS; AND FOR OTHER PURPOSES.**

WHEREAS, The City of Atlanta Building Code, also known as the Building Code Amendments, is codified as Appendix A of the Land Development Code (Part III of the City of Atlanta Code of Ordinances) and, in addition to statewide applicable state minimum standard codes, pursuant to Section 103.1 of the Building Code applies to the construction, alteration, repair, equipment, use, occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenance connected or attached to such buildings or structures, unless otherwise exempted from its provisions; and

WHEREAS, Section 104.1(a) of the Building Code concerning permit application provides that

*[a]pplications for permits shall be examined within a reasonable time after filing, provided however that no applicant shall be prevented from exercising their rights pursuant to O.C.G.A. § 8-2-26 to request in writing a determination as whether their application can be processed within the time frame set forth by such state law*

; and

WHEREAS, Section 104.1(a) additionally provides that

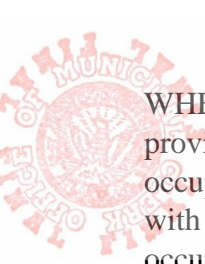
*[i]f, after examination by the [director of the Office of Buildings], it appears that the proposed work will be in compliance with the laws and ordinances applicable thereto, the application shall be approved and a permit issued for the proposed work*

; and

WHEREAS, Section 104.1(a) lastly provides that “[i]f the director's examination reveals otherwise, such application shall be rejected and the applicant notified by a written report or otherwise”; and

WHEREAS, the Building Code also provides at Sections 106.1 and 106.2 that where a building or structure, its systems, appliances or equipment or any work in connection therewith that is covered by this Code, is being erected, demolished, installed, altered or repaired in violation of the provisions or requirements of the Building Code, or in violation of plans or specifications submitted and approved thereunder, or of a permit issued thereunder, the director may serve a written notice or stop work order requiring the discontinuance of the illegal action or the suspension of all work until the condition in violation has been remedied or corrected; and

WHEREAS, while Section 104.1(a) provides for the rejection of an application where the director's examination the application reveals that it appears that the proposed work will not be in compliance with the laws and ordinances applicable thereto, Section 104.1(a) does not provide for the denial of a permit application where any ongoing building construction related thereto does not comply with the applicable regulatory requirements and is subject to a notice or stop work order issued under Sections 106.1 or 106.2; and



WHEREAS, OCGA Sec. 8-2-26(g)(18) concerning the enforcement of state minimum standard codes provides that upon receipt of an application for a building construction permit or certificate of occupancy the local building official determines that the building construction or plans do not comply with the applicable regulatory requirements, the official may deny the permit or request for certificate of occupancy or certificate of complete, as appropriate subject to the notice and appeal requirements contained therein and the Atlanta Building Code; and

WHEREAS, City officials have noted a rise in builders and contractors being cited for violations of the City of Atlanta Building Code, including illegal and unpermitted property use, participating in unpermitted property construction or engaging in construction activity beyond the scope of the permit; and

WHEREAS, this illegal construction is heavily impacting value and safety of properties in Atlanta, including historic neighborhoods and landmarks; and

WHEREAS, the Department of City Planning keeps track of violations of the City of Atlanta Building Code; and

WHEREAS, the Atlanta City Council makes a concerted and continued effort to monitor and thus reduce violations of building provision City of Atlanta Building Code; and

WHEREAS, it is recognized that contractors and builders who have unresolved building code violations undermine the intent of these regulations and pose potential risks to public safety, health, and welfare; and

WHEREAS, in furtherance of its authority to regulate and permit the construction of buildings and other structures within the City of Atlanta to promote the health, safety, and welfare of the citizens of the City of Atlanta, it is the desire of the Atlanta City Council to amend Section 104.1 of the Building Code provide for the rejection of a permit application in accordance with OCGA Sec. 8-2-26(g)(18), where any ongoing building construction related thereto does not comply with the applicable regulatory requirements and is subject to a notice or stop work order issued under Sections 106.1 or 106.2 and the condition in violation has not been remedied or corrected.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS AS FOLLOWS:

SECTION 1: That part III (Land Development Code) Appendix A (Building Code Amendments) Section 104.1 (Applications) subsection (a) is hereby amended such that it shall thereafter read as follows (with new language in underline font and deleted language in strikethrough font): (a) Applications for permits shall be examined within a reasonable time after filing, provided however that no applicant shall be prevented from exercising their rights pursuant to O.C.G.A. § 8-2-26 to request in writing a determination as whether their application can be processed within the time frame set forth by such state law. If, after examination by the director, it appears that the proposed work will be in compliance with the laws and ordinances applicable thereto, the application shall be approved and a permit issued for the proposed work. If the director's examination reveals otherwise, or if the director finds that any ongoing construction subject to this Code and related to the building or structure for which the permit application has been filed does not comply with the applicable regulatory requirements, is subject to a notice or stop work order issued under Sections 106.1 or 106.2, the condition in violation has not been remedied or corrected, and the permit application is not necessary for such remedy or correction, such application shall be rejected and the applicant notified by a written report or otherwise.



SECTION 2: That the amendments contained in this Ordinance shall be effective immediately upon approval.

SECTION 3: That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict only.

SECTION 4: That the Municipal Clerk is instructed to retain all legislative history references in the codified version of the Building Code, including Editor's notes, and shall not delete any such references, but shall amend them to include this ordinance.

A true copy,

Corrine A. Lindo

Municipal Clerk

ADOPTED by the Atlanta City Council

FEB 17, 2025

APPROVED per City Charter Section 2-403

FEB 26, 2025