

Chapter 22 BUILDINGS AND BUILDING REGULATIONS¹

ARTICLE I. IN GENERAL

Sec. 22-1. Fire districts.

- (a) The first fire district of the city shall include the area within the following boundaries:

Beginning at the intersection of the northerly right-of-way of Carolina, Clinchfield and Ohio Railway with the centerline of Clay Street; thence along the centerline of Clay Street north 38 degrees 20 minutes east 2,180.97 feet more or less, to the centerline of Sullivan Street; thence along the centerline of Sullivan Street south 37 degrees 13 minutes east 311.08 feet, more or less; thence at right angles and along the divisional line and the continuations thereof, between lots one and two of block 50, 232 feet more or less, to the centerline of Holston Street; thence along such centerline north 9 degrees 54 minutes west 45 feet more or less, to the intersection of such centerline with the centerline of a 15-foot alley; thence following the centerline of such alley in a general southeasterly direction 843 feet, more or less, crossing Broad Street to the centerline of Watauga Street; thence south 85 degrees 30 minutes east 30 feet, more or less, to its intersection with the centerline of another 15-foot alley; thence leaving Watauga Street and following the centerline of such alley south 18 degrees 59 minutes west 186 feet to an angle; thence still along the alley south 37 degrees 13 minutes east 238 feet, more or less, to the line of Charlemont Avenue; thence along the centerline of Charlemont Avenue south 18 degrees 59 minutes west 75 feet, more or less, to the intersection of such centerline with the centerline of Boone Street; thence south 77 degrees 23 minutes east 100 feet, more or less, to its intersection with the centerline of a 15-foot alley; thence along the centerline of such alley south 26 degrees 13 minutes east 1,480 feet to the intersection of such centerline with the centerline of Center Street; thence south 71 degrees 33 minutes west; thence following along the line of right-of-way north along the centerline of Center Street 535 feet, more or less, to the centerline of Wexler Street; thence along the centerline of Wexler Street south 38 degrees 2 minutes west 1,160 feet, more or less, to the northerly right-of-way of Carolina, Clinchfield and Ohio Railway; thence north 51 degrees 58 minutes west 2,177.35 feet, more or less, to an angle; thence along such line south 38 degrees 2 minutes west 30 feet, more or less, to an angle; thence still along such line north 51 degrees 58 minutes west 405 feet, more or less, to the point of beginning, containing 96 acres, more or less.

- (b) The second fire district shall include all the territory within the corporate limits except the territory within the first district, described in subsection (a) of this section.

(Code 1981, § 6-17; Code 1998, § 22-112)

¹State law reference(s)—Contractor Licensing Act of 1994, T.C.A. § 62-6-101 et seq.; power of municipality to adopt technical codes by reference, T.C.A. § 6-54-502; authority of municipality to adopt standardized codes by reference, T.C.A. § 6-54-119; power of municipality to regulate electricians and electrical work, T.C.A. § 6-54-104; structures unfit for occupation and use, T.C.A. § 13-21-101 et seq., building regulations generally, T.C.A. § 68-120-101 et seq.; minimum statewide construction safety standards, T.C.A. § 68-120-101; certification of local fire and building officials, T.C.A. § 68-120-113; municipal authority to license residential, commercial and accessory buildings and maintenance and alteration contractors, T.C.A. § 7-62-103; limitation on local licensing authority, T.C.A. § 7-62-104.

Sec. 22-2. Duties of officials regarding standard technical codes.

In each of the standard technical codes adopted by reference in this chapter, when reference is made to the duties of a certain official named therein, the designated city official who has duties corresponding to that named official in such code shall be deemed to be the responsible official, insofar as enforcing the provisions of such code are concerned.

(Code 1981, § 6-1; Code 1998, § 22-1)

Secs. 22-3—22-22. Reserved.

ARTICLE II. ADMINISTRATION

DIVISION 1. GENERALLY

Secs. 22-23—22-47. Reserved.

DIVISION 2. BUILDING OFFICIAL

Sec. 22-48. Position established.

There is established the position of building official.

(Code 1981, § 2-83; Code 1998, § 22-51)

Sec. 22-49. Duties.

The building official shall be in charge of the building department and shall be charged with the enforcement of the various building codes and ordinances of the city. In addition, the building official shall be in charge of all public buildings, except as otherwise noted in the Charter or this Code, and shall have such other duties as are provided by ordinance or by the city manager.

(Code 1981, § 2-84; Code 1998, § 22-52)

Sec. 22-50. Air pollution.

The building official shall be the person in charge of all air pollution and air pollution related matters which require coordination with state and federal agencies.

(Code 1981, § 2-85; Code 1998, § 22-53)

Secs. 22-51—22-73. Reserved.

~~DIVISION 3. MECHANICAL, PLUMBING AND GAS BOARD OF EXAMINERS DELETE~~

Sec. 22-74. Created. DELETE

There is created a mechanical, plumbing and gas board of examiners.

(Code 1981, § 6-98; Code 1998, § 22-81)

Sec. 22-75. Members' qualifications, terms of office, oath, compensation. DELETE

- (a) The mechanical, plumbing and gas board of examiners shall consist of five members, three of whom are persons who, from special training or experience, would qualify as experts either in the field of natural gas, plumbing or heating. At least one of the three members shall be a person who, from special training and experience, shall qualify in the field of natural gas installation, and at least one of the three members shall be a person who, from special training and experience, shall be qualified in the field of plumbing. The third member shall be qualified by special training either in the field of natural gas, heating or plumbing. The other two members shall be the plumbing inspector and the building official.
- (b) The term of office for the members, other than the plumbing inspector and the building official, shall be for a period of two years or until their successors are appointed. The city manager shall appoint the other members of the board and their successors. Three members shall constitute a quorum of the board and shall have the power to act.
- (c) All members, before assuming their duties, shall subscribe to an oath before the city recorder to discharge their duties impartially to the best of their ability, without fear or favor.
- (d) The appointive members shall serve without compensation.

(Code 1981, § 6-99; Code 1998, § 22-82)

Sec. 22-76. Officers; meetings. DELETE

- (a) As soon as possible after its appointment, the mechanical, plumbing and gas board of examiners shall meet and organize by selecting a chairperson. The city building official shall be the secretary and shall designate the time and place for the examination of every applicant desiring to obtain a license to operate a natural gas, plumbing or heating business.
- (b) Meetings of the board shall be held not more often than once a month, unless a special meeting is requested by at least three members of the board, one of whom must be the secretary thereof, upon reasonable attempted notice to all members of the board.

(Code 1981, § 6-100; Code 1998, § 22-83)

Secs. 22-77—22-95. Reserved.

ARTICLE III. BUILDING CODE

Sec. 22-96. Codes adopted by reference.

- (a) ~~(a)~~ **Building Code.** The provisions of the International Building Code, ~~2018-2024~~ edition, including appendices B, C, J, and K, published by the International Code Council, are hereby adopted by reference as though copied verbatim in this subsection. One copy of said code and revisions thereto was on file in the office of the city recorder for a period of 15 days prior to adoption, and the one copy of said code

Formatted: Font: Bold

and revisions thereto shall remain on file in the office of the city recorder for public use, inspection and examination. The International Building Code, 2018-2024 edition is hereby amended as follows:

Section 101.1 [NAME OF JURISDICTION] insert City of Kingsport.

Section 103.1 Creation of enforcement agency. [INSERT NAME OF DEPARTMENT] insert Building Department

Section 104 is amending by adding a new section to read "~~104.10.2~~ 104.4.4.2 All references to flood prone areas contained within this code shall comply with Kingsport's duly adopted Flood Insurance Program requirements as shown on the current Flood Insurance Rate Maps (FIRM) or the Flood Boundary and Floodway Maps (FBFM) provided by the National Flood Insurance Program. Any conflicts between the requirements contained herein and those contained in the Flood Insurance Program, the duly adopted Flood Insurance Program shall apply."

Section 105.2 pertaining to work exempt from permit is amended by deleting the phrase "Fences not over 7 feet (2133 mm) high" and in lieu thereof substituting the phrase "Fences not over 8 feet high."

Section 202 pertaining to definitions is pursuant to TCA § 68-120-101(a)(8)(C)(i)(a) amended by deleting the definition of TOWNHOUSE in its entirety and in lieu thereof substituting the phrase "A single-family dwelling unit constructed in a group of three or more attached units in which each unit is separated by a 2 hour fire wall extending from foundation to roof and with a yard or public way on not less than two sides being exempt from sprinkler requirements of Section R313.1 and Section P2904 of the IRC, however, if a sprinkler system is installed it shall meet the requirements of these sections."

Section 423: Storm Shelters – The requirements of this section shall not be required.

Section 3301.1 pertaining to the scope is amended by adding the following language at the end of the section "The provisions of this chapter shall not apply when in conflict with the Tennessee Occupational Safety and Health Act (TOSHA) or other applicable local, State or Federal requirements affecting safeguards during construction."

Section 3001 is amended by adding a new section to read "3001.1.1 Permitting and inspections. Any elevator regulated by the State of Tennessee must be inspected and comply with all applicable State regulations. Any conflict between this code and State Law, State Law shall prevail."

- (b) **Existing Buildings Code.** The provisions of the International Existing Buildings Code, 2018-2024 edition including appendix E, published by the International Code Council, are adopted by reference as though copied verbatim in this subsection. One copy of said code and revisions thereto was on file in the office of the city recorder for a period of 15 days prior to adoption, and that one copy of said code and revisions thereto shall remain on file in the office of the city recorder for public use, inspection and examination. The International Existing Buildings Code, 2018-2024 edition is hereby amended as follows:

(1) Section 101.1 Title [NAME OF JURISDICTION] Insert CITY OF KINGSPORT

Section 103.1: Creation of Agency [INSERT NAME OF DEPARTMENT] Insert Building Department

Sections 112.1 through 112.3-4 pertaining to appeals is hereby deleted in its entirety and in lieu thereof substituting the following:

"Section 112.1 General. In order to hear and decide appeals of orders, decisions, or determinations made by the code official relative to the application and interpretation of this code shall be an issue by creating a board of appeals. The board of appeals as referenced in the International Building Code, 2018-2024 edition shall serve as the board of appeals for the International Existing Buildings Code, 2018-2024 edition.

Section 112.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rule legally adopted thereunder have been incorrectly interpreted, the

Formatted: Indent: Left: 0.25", First line: 0"

Formatted: List 1, Indent: Left: 0.25"

Formatted: Font: Bold

provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board shall have no authority to waive the requirements of this code.

Sections 112.3 Court review. Any aggrieved party may appeal the decision of the board of appeals to the appropriate court by filing a petition for writ of common law certiorari in the manner and time required by T.C.A. section 27-8-101."

- (c) **Property Maintenance Code.** The provisions of the International Property Maintenance Code, ~~2018~~2024 edition, published by the International Code Council, are adopted by reference as though copied verbatim in this subsection. One copy of said code and revisions thereto was on file in the office of the city recorder for a period of 15 days prior to adoption, and that one copy of said code and revisions thereto shall remain on file in the office of the city recorder for public use, inspection and examination. The International Property Maintenance Code, ~~2018~~2024 edition is hereby amended as follows:

- (1) Section 101.1 pertaining to title is amended by deleting the phrase "[name of jurisdiction]" and in lieu thereof substituting the phrase "the City of Kingsport, Tennessee."
- (2) Section 103.1 pertaining to general is amended by deleting the phrase "department of property maintenance" and all such references in the code and in lieu thereof substituting the phrase "building department, sometimes referenced as the building and codes division."
- (3) ~~Section 103.5 pertaining to fees is amended by deleting the text in its entirety and in lieu thereof substituting the following: Fees for activities and services performed by the department in carrying out its responsibilities under this code shall be set by the board of mayor and aldermen. Delete addressed in section 104.1~~
- (4) Section ~~111-106~~ pertaining to means of appeal, including all subsections, is amended by deleting the text of the section in its entirety and in lieu thereof substituting the following:

~~"111-106.1~~ Right to appeal. Any person directly affected by a decision of the building official or a notice or order issued under this code shall have the right to appeal to the city manager, or designee, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means. Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the city manager or designee. A hearing will be held before the city manager or designee at a time and place therein fixed not less than ten days or more than thirty days after receipt of the application for appeal. The appellant and the city shall have the right to appear and in person or by counsel and give testimony under oath at the place and time fixed in the notice of the hearing. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the city manager or designee.

~~111-2106.2~~ Decision in writing. The decision of the city manager or designee shall be made in writing within ten business days following the hearing and a copy shall be furnished to the appellant and to the code official.

~~111-3106.3~~ Enforcement. The building official shall take immediate action in accordance with the decision of the city manager or designee.

~~111-4 106.4~~ Appeal of decision of city manager or designee. Any aggrieved party may appeal the decision of the city manager or designee to the appropriate court by filing a petition for writ of common law certiorari in the manner and time required by T.C.A. section 27-8-101. Any decision of the city manager or designee will be effective during appeal unless otherwise stayed by a court of competent jurisdiction."

Formatted: Font: Bold

- (5) ~~Section 112.4 pertaining to failure to comply is amended by deleting the phrase "not less than [AMOUNT] dollars or more than [AMOUNT] dollars" and in lieu thereof substituting the phrase "up to fifty (50) dollars per day that the unauthorized work is continued." Delete addressed in 108.4~~
- (6) Section 302.4 pertaining to weeds is amended by deleting the text of the section in its entirety and in lieu thereof substituting the following: All premises and exterior property shall be maintained free from grass, weeds or uncultivated vegetation in accordance with Sections 106-49 through 106-54 of the Kingsport City Code.
- (7) Section 302.8 pertaining to motor vehicles is deleted in its entirety.
- (8) Section 304.14 pertaining to insect screens is ~~amended by deleting the phrase "During the period from [DATE] to [DATE]." Deleted in its entirety.~~
- (9) Section 602.3 pertaining to heat supply is amended by deleting the phrase "from [DATE] to [DATE]."
- (10) Section 602.4 pertaining to occupiable work spaces is amended by deleting the phrase "from [DATE] to [DATE]."
- (11) Section 303.2 Enclosures. Is amended by replacing 24 inches (610 mm) with 36 inches (915 mm) to align with the definition of swimming pools pursuant to TCA 68-14-802
- (d) **Energy Conservation Code.** ~~The provisions of the International Energy Conservation Code, 2024 edition COMMERCIAL PROVISIONS ONLY, published by the International Code Council, is hereby adopted by reference as though copied verbatim in this subsection. One copy of said code and revisions thereto was on file in the office of the city recorder for a period of 15 days prior to adoption, and that one copy of said code and revisions thereto shall remain on file in the office of the city recorder for public use, inspection and examination. The International Energy Conservation Code, 2024 edition is hereby amended as follows:~~
- 1) ~~One & Two Family dwellings as well as Townhouses shall meet the energy code requirements of the 2024 IRC Chapter 11 energy requirements as amended. The R column in Table C402.1.3 4 except Marine shall apply only to residential occupancies other than one & two family dwellings or townhouses.~~
- 2) ~~To the extent the 2024 edition of the International Energy Conservation Code contains residential standards more stringent than the state minimum standards adopted by the state fire marshal for one-family and two-family construction and additions thereto of 30 or more square feet of interior space, the state minimum standard shall apply in accordance with Tenn. Code Ann § 68-120-101(b)(2)(A)(iii) (2023) and Tenn. Comp. R. & Regs. Chapter 0780-02-23 (2023) or as may be amended from time to time.~~
- (3) ~~Section C101.1 Title {NAME OF JURISDICTION} Insert City of Kingsport.~~
- (4) ~~Section C103.1 Creation of enforcement agency: {INSERT NAME OF DEPARTMENT} insert Building Department~~
- (5) Section C109.1 pertaining to board of appeals general is hereby amended by adding a new sentence to read "The Board of Appeals as referenced in the International Building Code, ~~2018-2024~~ edition shall serve as the Board of Appeals for the International Energy Conservation Code, ~~2018-2024~~ edition."
- (6) Section R109.1 pertaining to board of appeals general is hereby amended by adding a new sentence to read "The Board of Appeals as referenced in the International Building Code, ~~2018-2024~~ edition shall serve as the Board of Appeals for the International Energy Conservation Code, ~~2018-2024~~ edition."
- (e) **Residential Code.** The provisions of the International Residential Code, ~~2018-2024~~ edition, including appendix ~~F, Q, and J~~ **BB, BC, BD, BE, & BO** for one- and two-family dwellings, published by the International Code Council, is hereby adopted by reference as though copied verbatim in this subsection. One copy of said code and revisions thereto was on file in the office of the city recorder for a period of 15 days prior to adoption, and that one copy of said code and revisions thereto shall remain on file in the office of the city

Formatted: Font: Bold

Formatted: Indent: Left: 0", First line: 0"

Formatted: Font: Bold

recorder for public use, inspection and examination. The International Residential Code, 2018-2024 edition is hereby amended as follows:

(1) Chapter 1 Administration:

(a) Section R101.1 & R103.1 Insert CITY OF KINGSPORT

- (1b) ~~Section R104.2.3.1 Flood Hazard Areas~~ is amended ~~by adding a new section to read "R104.10.2 to read "~~ All references to flood prone areas contained within this code shall comply with Kingsport's duly adopted Flood Insurance Program requirements as shown on the current Flood Insurance Rate Maps (FIRM) or the Flood Boundary and Floodway Maps (FBFM) provided by the National Flood Insurance Program. Any conflicts between the requirements contained herein and those contained in the Flood Insurance Program, the duly adopted Flood Insurance Program shall apply."
- (2 c) ~~Section R105.2~~ pertaining to work exempt from permit is amended by deleting the phrase "1. 200 square feet" and in lieu thereof substituting the phrase "120 square feet."
- (3 d) ~~Section R105.2~~ pertaining to work exempt from permit is amended by deleting the phrase "2."Fences not over 7 feet (2133 mm) high" and in lieu thereof substituting the phrase "Fences not over 8 feet high."
- (e) ~~Section 105.5 Expiration -After the last sentence in this section insert "Residential Demolition permits shall be valid for 30 days with one extension of 30 days if approved by the Building Official.~~
- (f) ~~Sections 112.1 through 112.4 pertaining to appeals is hereby deleted in its entirety and in lieu thereof substituting the following:~~
- "Section 112.1 General. In order to hear and decide appeals of orders, decisions, or determinations made by the code official related to the application and interpretation of this code shall be an issue by creating a board of appeals. The board of appeals as referenced in the International Building Code, 2024 edition shall serve as the board of appeals for the International Residential Code, 2024 edition.

(2) Definitions:

- (4a) ~~Section R202~~ pertaining to definitions is pursuant to TCA § 68-120-101(a)(8)(C)(i)(a) amended by deleting the definition of *TOWNHOUSE* in its entirety and in lieu thereof substituting the phrase "A single-family dwelling unit constructed in a group of three or more attached units in which each unit is separated by a 2 hour fire wall extending from foundation to roof and with a yard or public way on not less than two sides being exempt from sprinkler requirements of Section ~~R313.1-R309~~ and Section P2904 of the International Residential Code, 2018-2024 edition, however, if a sprinkler system is installed it shall meet the requirements of these sections."

(3) CHAPTER 3 Building Planning –

- (a) Table 301.2 Climatic & Geographic Design Criteria – Insert the following information: Ground snow load -23, Wind Speed – 106 mph exposure B, Topographic effects – NO, Special Wind Region – NO, Windborne debris zone – NO, Seismic design Category B, Weathering – Severe, Frost line Depth – 12", Termite – Moderate to Heavy, Ice Barrier Required – YES, Flood Hazards – as required per Kingsport Ordinances Section 114-251 through 114-297, delete footnote g in its entirety and insert "g. Flood Hazard areas shall be determined by the City of Kingsport.", Air Freezing Index – 265, Mean Annual Temp – 57.3
- (b) Section 302.13 Fire Protection for Floors: Delete text in Exception 2 "or electric – powered heating.
- (c) R302.3 Fire Resistance rating. -delete entire section and insert "two family dwellings (duplexes) shall have the same fire resistance separation rating as required for Townhouses in section R302.2.

(5.d)—Pursuant to TCA 68-120-101(a)(8)(A), the sprinkler requirements in section ~~R313.2~~ R309 and section P2904 shall not be mandatory for one- and two-family dwellings, provided however, if a sprinkler system is installed it shall meet the requirements of section ~~R313~~R309.2 and section P2904.

(4) Chapter 4 Foundations – R403.1 Footings -At end of paragraph in the last sentence add “Concrete footing shall be designed and constructed in accordance with the provisions of Section R403 or in accordance with ACI 332 “and have a minimum of 2 continuous runs of #4 rebar located at the bottom 1/3 of the footing.”

(5) Chapter 5 Floors – R507. Exterior Decks. R507.1 Add at end of “Wood-framed decks shall be in accordance with this section “and the American Wood Council DCA-6 2015, the most stringent requirements shall apply.”

(a) Table R507.4 Deck Post Height – Add NP to all 4x4 & 4x6 post columns.

(66) Chapter 11 [RE] Energy Conservation - Delete Chapter 11 in its entirety and replace it with the 2018 IRC Chapter 11 Energy Code requirements as adopted per Section 22-96.

1) Delete 2018 TABLE 1102.1.2 and insert 2009 TABLE N1102.1, DELETE 2018 Table 1102.1.4 and insert 2009 Table N1102.1.2

2) N1102.2.8 Slab-on-grade floors – Requirements shall be optional.

3) The testing requirements by section N1102.4.2.1 (Blower Door) and N1103.2.2 (Duct Blaster) shall be optional and replaced with visual inspection.

-To the extent the -2024 edition of the International Residential Code contains energy code standards more stringent than the state minimum standards adopted by the state fire marshal for one-family and two-family construction and additions thereto of 30 or more square feet of interior space, the state minimum standard shall apply in accordance with Tenn. Code Ann § 68-120-101(b)(2)(A)(iii) (2023) and Tenn. Comp. R. & Regs. Chapter 0780-02-23 (2023) or as may be amended from time to time.

(7) Chapter 16 Duct Systems M1602.2 Return air openings. 7. Exceptions 1. Omit the word “only” after Kitchen. Add 4.”Taking return air for heating or air-conditioning systems from a kitchen is not prohibited in a dwelling unit where the kitchen and living spaces are in a single room and the cooking appliance is electric and located not less than 5 feet (1524 mm) in any direction from the return air intake opening.”

(8) Chapter 26 General Plumbing requirements. P2603.5.1 Sewer depth. Where [NUMBER] is stated insert 18 in both places.

Section 3005.2.2 Building Sewer – add at end of section “A minimum pipe size of 4” sewer is required on the outside of structures within 30” of sewer exiting said structure. A two way clean out shall be placed at the building drain and sewer junction as well as the private/city sewer junction.”

(9) Part VIII Electrical – Delete chapters 34 through 43 in their entirety and insert “Electrical installations shall be in accordance with the 2023 National Electric Code as adopted.”

(f) **Accessibility Code.** The provisions of the Chapter 11 of the International Building Code, ~~2018-2024~~ edition, is hereby adopted by reference as though copied verbatim in this subsection. One copy of said code and revisions thereto was on file in the office of the city recorder for a period of 15 days prior to adoption, and that one copy of said code and revisions thereto shall remain on file in the office of the city recorder for public use, inspection, and examination.

Formatted: Font: Bold

(Code 1981, § 6-16; Code 1998, § 22-111; Ord. No. 4295, § II, 11-5-1996; Ord. No. 4441, § 1, 10-7-1997; Ord. No. 4736, § I, 2-15-2000; Ord. No. 5435, § I, 8-1-2006; Ord. No. 6430, § I, 8-19-2014; Ord. No. 6559, § I, 4-5-2016; Ord. No. 6741, § I, 7-17-2018; Ord. No. 6783, § I, 2-19-2019; Ord. No. 7136, § I, 2-20-2024)

Secs. 22-97—22-120. Reserved.

ARTICLE IV. ELECTRICITY²

DIVISION 1. GENERALLY

Sec. 22-121. Electrical code adopted by reference.

The provisions of the National Electrical Code ~~2017~~ 2023 edition published by the National Fire Protection Association, is hereby adopted by reference as though copied verbatim herein. One copy of said code and revisions thereto was on the office of the city recorder for a period of 15 days prior to adoption, and that one copy of said code and revisions thereto shall remain on file in the office of the city recorder for public use, inspection and examination. The 2023 National Electric Code is hereby amended as follows:

Article 110.24 - Available Fault Current field marking shall be voluntary.

Article 210.8 (A) (5) is amended by stating —“Unfinished areas of basements”

Article 210.8 (F) *Exception No. 2: Delete language “This exception shall expire September 1, 2026.”

Article 210.12 Arc-Fault Circuit-Interrupter Protection (B) Dwelling Units -add note “arc-fault interrupters (AFCIs) shall be optional for branch circuits dedicated to supplying refrigeration equipment.

Article 215.18 (A) Surge Protection Device – (1) shall be optional

Article 225.41 Emergency Disconnects – delete entire section

Article 225.42 Surge Protection - (1) Dwelling units shall be optional

Article 230.67 Surge Protection - (1) Dwelling units shall be optional

Article 230.2 Number of Services – Add sentence at the beginning “Only one electrical service shall be allowed for any parcel with a residential structure”

Article 270 (A) (1) Readily Accessible Location At the end of the sentence insert “but no more than 10’ of conductor length”

Article 230.85 Emergency Disconnects – Delete entire section

²State law reference(s)—Power of municipality to regulate electricians and electrical work, T.C.A. § 6-54-104.

(Code 1981, § 6-29; Code 1998, § 22-141; Ord. No. 4441, § 2, 10-7-1997; Ord. No. 4736, § II, 2-15-2000; Ord. No. 5435, § II, 8-1-2006; Ord. No. 6430, § II, 8-19-2014; Ord. No. 6741, § II, 7-17-2018; Ord. No. 6783, § II, 2-19-2019)

Sec. 22-122. Applicability to homeowners.

Nothing in this article or the electrical code adopted in section 22-121 shall prevent any homeowner from installing or maintaining electrical work within his own property boundaries, providing such electrical work is done by himself and is used exclusively by him or his family. Such privilege does not convey the right to violate any of the provisions of the electrical code or this article, nor is it to be construed as exempting any such property owner from obtaining a permit and paying the required fees ~~therefor~~ therefore.

(Code 1981, § 6-30; Code 1998, § 22-142)

Sec. 22-123. Rules and regulations.

- (a) The building official is authorized to adopt rules and regulations to enforce this article. No such rule or regulation shall become effective until four weeks after notice of intention to adopt it shall have been given in the newspaper of general circulation in the city and until a public hearing on the rule or regulation shall have been held. However, the public hearing shall not be necessary unless a request shall have been made for such hearing during the period of publication. Such rule must be drawn in its proposed form and shall be open to public inspection at the time the notice to adopt is published. Any rule may be amended or repealed by the same procedure prescribed for adoption of new rules.
- (b) Rules adopted and promulgated as provided in this section shall have the same force and effect as the sections of this article.
- (c) In adopting rules for electrical control, the building official shall embody in them the most approved methods and practices for safety of life and property.

(Code 1981, § 6-31; Code 1998, § 22-143)

Secs. 22-124—22-144. Reserved.

DIVISION 2. PERMITS AND INSPECTIONS

Sec. 22-145. Permit required.

No person shall do any work which is within the scope of the electrical code adopted by section 22-121 without a permit issued by the recorder.

(Code 1981, § 6-39; Code 1998, § 22-171)

Sec. 22-146. Permit fees.

A person desiring an electrical permit shall pay such fees as are established by the board of mayor and aldermen.

(Code 1981, § 6-44; Code 1998, § 22-172)

Sec. 22-147. Imposition of additional permit charges by building official.

The building official is authorized to make additional charges in accordance with the established fee schedule on any job for which an electrical permit has been issued, to cover any addition to that particular job or for work knowingly or unknowingly left out of the permit application.

(Code 1981, § 6-45; Code 1998, § 22-173)

Sec. 22-148. Issuance of permit.

- (a) Permits for electrical work shall be issued only by the [recorder Building Official](#), upon receipt of an application issued by the building official. No application for a permit shall be issued until the applicant therefor, if requested by the building official, submits detailed plans or drawings showing the work to be covered by the permit.
- (b) No permit shall be issued for any work which does not or will not comply with this article or the provisions of any other applicable law or ordinance.

(Code 1981, § 6-40; Code 1998, § 22-174)

Sec. 22-149. Inspections and approvals required.

It shall be unlawful to use or permit the use of or to supply current for electric wiring for light, heat or power in a building or structure, unless the required inspection has been made and approval has been granted.

(Code 1981, § 6-41; Code 1998, § 22-175)

Sec. 22-150. Right of entry to make inspection.

The electrical inspector shall have authority to enter any building or premises for the purpose of inspecting electrical work or appliances at any time during reasonable working hours.

(Code 1981, § 6-42; Code 1998, § 22-176)

Sec. 22-151. Conduct of inspections.

- (a) At least two inspections shall be made on each electrical job, the first when the work is roughed in (all connections made and soldered, not taped), and the second when the job is finished. On jobs where, due to the size or type of construction, it would not be practical to get all the wiring ready for inspection at one time, inspections shall be made as often as is necessary.
- (b) No work shall be covered until the proper inspections have been made and approval given. The contractor or the person responsible for any work covered before it is inspected and approved shall uncover such work at his own expense in order that proper inspection can be made.
- (c) No service equipment or wiring shall be installed in attics, lofts or upper floors unless there is a ladder or stairway furnished so that work will be accessible at the time a request for an inspection is made.

(Code 1981, § 6-43; Code 1998, § 22-177)

Sec. 22-152. Correction of unsafe conditions.

- (a) If after inspection the electrical inspector finds that electrical wiring, devices, appliances and equipment which are within the scope of this article are in a dangerous or unsafe condition, the person owning, using or operating such shall be notified in writing and shall make the necessary repairs and changes required to place them in a safe condition within ten days or any longer period specified by the ~~electrical inspector~~ [Building Official](#).
- (b) Upon failure to comply with such notice, the ~~electrical inspector~~ [Building Official](#) is authorized to have electrical service discontinued until such repairs or changes are made.
- (c) No fee shall be charged for an inspection made pursuant to this section.

(Code 1981, § 6-46; Code 1998, § 22-178)

Sec. 22-153. Temporary use of current before final approval of work.

The building official in his discretion may grant temporary permission, for a reasonable time, to supply and use current in part of an electric installation before such installation has been fully completed and final approval granted.

(Code 1981, § 6-47; Code 1998, § 22-179)

Sec. 22-154. Appeals.

When the building official condemns all or a part of any electrical installation or denies an electrical permit, the person aggrieved may, within five days after receiving written notice from the building official, file a petition in writing for review of such action with the city manager. Upon receipt of the petition, the city manager shall at once proceed to determine if the installation or proposed installation complies with this article and within three days shall make a decision in accordance with his findings.

(Code 1981, § 6-48; Code 1998, § 22-180)

Secs. 22-155—22-176. Reserved.

DIVISION 3. ELECTRICIANS

Subdivision I. In General

Sec. 22-177. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Apprentice means a person working under the direction and supervision of a licensed electrician for the purpose of learning the electrical trade.

Electrical trade.

-
- (1) The term "electrical trade" means the practical installation, maintenance and repair of electrical wiring or wiring systems as set out in the definition of electrician as provided in this section.
 - (2) The term "electrical trade" does not include:
 - a. Work by persons excluded from the definition of electrician;
 - b. The performance of minor repairs, such as the replacement of fuses, sockets, lamps, switches, outlet receptacles in installed electrical wiring systems;
 - c. The connection of electrical portable appliances to existing receptacles which have been permanently installed; or
 - d. Work involving the manufacture, test or repair of any electrical materials, devices, appliances or apparatus.

Electrician.

- (1) The term "electrician" applies to all persons engaged in the electrical trade on a fulltime or parttime basis to install, maintain, repair or replace electrical wiring or wiring systems. The term "electrician" shall apply to a person on the maintenance staff of any hospital or similar institution, commercial building, theater, office building, hotel, motel, tourist facility or court, apartment complex and shall also apply to a person in the employ of or a person who operates or maintains any single-family or multifamily residential structure which is used, in whole or in part, by subdivision into separate apartments or rooms of any nature whatsoever, for the purpose of being leased, rented or otherwise made available to the public for occupancy which requires such person to do more than maintain or repair existing electrical wire, wiring systems or maintain or replace electric appliances or electrical equipment within such buildings on an in-house basis.
- (2) The term "electrician" does not apply to a person who:
 - a. Sells, installs or maintains elevators, escalators or similar equipment or to employees of a municipal plant or other public utility organized for the purpose of constructing, maintaining and operating public works for the generation, supply, transmission and distribution of electricity; and
 - b. Is under the control of a federal regulatory body or authority granted by the state or to any person in the employ of a manufacturing or industrial plant for the purpose of performing repair, manufacturing and maintenance work on the premises occupied by such manufacturing or industrial plant, and installation work on premises occupied only by the manufacturing or industrial plant;

however, this exception does not apply if electrical work is done outside the main plant area by an independent contractor; such work shall be performed only by a duly licensed electrician after having obtained the necessary license and payment of the requisite license and permit fees to the city for such work.

Helper means a person employed by an electrician to perform tasks that do not constitute actual electrical work or the practice of the electrical trade as defined in this section.

(Code 1981, § 6-56; Code 1998, § 22-206)

Sec. 22-178. Responsibility for electrical work.

Every electrician shall be responsible for all work performed by his employees while acting within the course and scope of their employment for all electrical work covered in this division.

(Code 1981, § 6-69; Code 1998, § 22-207)

Sec. 22-179. Use of only licensed electricians; responsibility for compliance with standards.

Electricians shall use only licensed electricians in the performing of actual electrical work in the practice of the electrical trade, except as otherwise provided in this article, and shall be responsible for ensuring that all work is performed in a safe and workmanlike manner and up to the standard of this type of work and shall see that the work is performed in accordance with the provisions of applicable codes as adopted by the city.

(Code 1981, § 6-70; Code 1998, § 22-208)

Secs. 22-180—22-196. Reserved.

Subdivision II. Delete entire section Electrical Board of Examiners

Sec. 22-197. Created. Delete

There is created an electrical board of examiners.

(Code 1981, § 6-57; Code 1998, § 22-236)

Sec. 22-198. Members' qualifications, terms, oath and compensation. Delete

- (a) The electrical board of examiners shall consist of five members, three of whom are persons who, from special training or experience, would qualify as experts in the electric field and the other members being the electrical inspector and the building official.
- (b) The term of office for the board members, other than the electrical inspector and the city building official, shall be two years or until their successors are appointed. The city manager shall appoint the members of the board, other than the electrical inspector and the building official, and their successors. Three members of the board shall have the power to act.
- (c) All members of the board, before assuming their duties, shall subscribe to an oath before the city recorder to discharge their duties impartially to the best of their ability, without fear or favor.
- (d) The appointive members shall serve without compensation.

(Code 1981, § 6-58; Code 1998, § 22-237)

Sec. 22-199. Officers; meetings. Delete

- (a) As soon as possible after appointment, the electrical board of examiners shall meet and organize by selecting a chairperson. The building official shall be the secretary and shall designate the time and place for the examination of every applicant desiring to obtain a license to operate as an electrician within the city.
- (b) Meetings of the board shall be held once a month, unless a special meeting is requested by at least three members of the board, one of whom must be the secretary thereof, upon attempted reasonable notice to all members of the board.

(Code 1981, § 6-59; Code 1998, § 22-238)

Secs. 22-200—22-221. Reserved.

Subdivision ~~III~~ II. Licenses

Sec. 22-222. Required; applicability to apprentices and helpers.

- (a) No person shall practice the electrical trade without a license issued by the ~~reecorder~~[Building Official](#), except as provided in this section.
- (b) An electrician's license shall entitle the holder thereof to engage in the practice of the electrical trade on a fulltime or part-time basis and to perform actual electrical work as set out in the definition of electrical trade and electrician in section 22-177.
- (c) It shall be unlawful for the holder of an electrician's license issued pursuant to this subdivision to allow any person who is not licensed as an electrician to do any actual electrical work, except that nothing in this article shall preclude any person from working as an apprentice or a helper under the direct supervision and direction of a licensed electrician.
- (d) An electrician who is employed by an itinerant company, operating stage show, circus or similar form of entertainment need not obtain such a license, but shall purchase the required electrical permit and shall be subject to the instructions and approvals of the electrical inspector.

(Code 1981, § 6-60; Code 1998, § 22-266)

Sec. 22-223. Examination.

Except as otherwise provided in this section, every person who desires to practice the electrical trade in the city shall ~~appear before the electrical board of examiners and be examined as to his qualifications and ability to perform such endeavors and be approved for a license. The electrician's examination may be oral, written or any combination thereof for applicants to demonstrate to the electrical board of examiners basic skills of the electrical trade. The fee for the examination shall be set by resolution of the board of mayor and aldermen from time to time, as circumstances require, in addition to the regular fee for the issuance of a license. However, nothing in this section shall require the reexamination of any person holding a valid electrical contractor's license issued by the electrical board of examiners prior to September 20, 1983. Every person desiring to practice the electrical trade shall be examined and required to conform to the requirements of this article. make application to the Building Official and pay such application fee as set by resolution of the board of mayor and alderman. Such application shall include proof of at least 3 years' experience in the electrical trade and a copy of either a LLE for work up to \$25,000 or a CE for work over \$25,000 issued by the State of Tennessee Contractors licensing board. In addition to the license a certificate of liability insurance to include workman's comp and a business license shall be submitted with the application. The Building Official & Electrical Inspector shall review submitted documents and approve or disapprove the application. The applicant shall have the right to appeal a disapproval to the city manager or his designee.~~

(Code 1981, § 6-61; Code 1998, § 22-267)

Sec. 22-224. Fee.

The annual fee for an electrician's license shall be set by resolution of the board of mayor and aldermen from time to time as the circumstances require.

(Code 1981, § 6-62; Code 1998, § 22-268)

Sec. 22-225. Bond.

- (a) No person shall practice an electrical trade within the city until such person shall secure and present to the building official a licensing bond executed and issued by a surety company duly qualified and authorized to do business in the state, in a penal sum to be determined and set by resolution of the board of mayor and aldermen from time to time as circumstances require.
- (b) The bond shall be payable to the city, for the use of the city and any citizen who may be damaged by the failure of such electrical contractor to comply with this article or who may be damaged by any negligence [bond](#) committed or imperfect or defective work done by such electrician or any person in the employ of such electrician, while acting in the scope and course of his employment.
- (c) The bond shall be so conditioned as to require electricians to comply with all sections of this article. In such bond, the electrician shall indemnify and save harmless the city and all persons therein from loss, cost or damage caused by negligence or by inadequate, imperfect or defective work done by him or his employees while acting in the scope and course of their employment.
- (d) Nothing in this article shall be construed to relieve any electrician from giving [bond](#) as required by this section or other city ordinance.

(Code 1981, § 6-68; Code 1998, § 22-269)

Sec. 22-226. Issuance.

No electrician's license shall be issued by the ~~recorder without a certificate of approval from the electrical board of examiners. Such approvals for licenses shall be signed by the chairperson and the secretary of the electrical board of examiners.~~ [Building Official without approval of all required documentation noted in section 22-223.](#)

(Code 1981, § 6-63; Code 1998, § 22-270)

Sec. 22-227. Expiration term.

An electrician's license authorizing the holder to practice the electrical trade shall expire on December 31, unless sooner revoked or renewed.

(Code 1981, § 6-64; Code 1998, § 22-271)

Sec. 22-228. Display.

It shall be the duty of every licensed electrician to display his license at his place of business or to have evidence of such license on his person at all times on the job.

(Code 1981, § 6-65; Code 1998, § 22-272)

Sec. 22-229. Revocation.

Any license to practice the electrical trade within the city may be revoked by the ~~electrical board of examiners,~~ [Building Official](#) after a hearing affording due process, for the following:

-
- (1) Failure to comply with any section of this article or any city ordinance governing the installation of electric wiring, electric appliances and electric equipment.
 - (2) Permitting such work to be carried on in an unworkmanlike manner by those employed by him.
 - (3) Using unqualified labor in performance of such work.
 - (4) Permitting the work to be done in a hazardous or dangerous manner.
 - (5) Incompetent work.
 - (6) Obtaining a permit for an unlicensed person not in his employ.

(Code 1981, § 6-66; Code 1998, § 22-273)

Secs. 22-230—22-251. Reserved.

DIVISION 4. ANTENNAS ?

Sec. 22-252. Compliance with article and electrical code required.

All television and radio antennas or masts and their appurtenances erected in the city shall comply with the requirements of this division and the rules and regulations of article 810 of the electrical code adopted in section 22-121.

(Code 1981, § 6-78; Code 1998, § 22-301)

Sec. 22-253. Permit.

- (a) No person shall erect any television or radio antenna or mast or appurtenance thereto without a permit issued by the building official. A person desiring such a permit shall make application to the building official, setting forth detailed information regarding the location, type of antenna and material to be used, all of which shall conform to this article. The application shall be accompanied by a fee as determined by the board of mayor and aldermen.
- (b) When the application shows that the proposed work and equipment conform with this article, the building official shall issue a permit. Where the application fails to show conformity to this article, a permit shall be denied.

(Code 1981, § 6-79; Code 1998, § 22-302)

Sec. 22-254. Noncomplying installations.

It shall be unlawful for any person to maintain, use or have on his premises a television or radio antenna, mast or appurtenance thereto unless the antenna, mast or appurtenance shall conform to this article. When any television or radio antenna, mast or appurtenance thereto shall be found to be in violation of this article, the owner of such equipment shall be served with notice and shall be given 30 days to correct the conditions in order to conform to this article or to remove the equipment from the premises.

(Code 1981, § 6-80; Code 1998, § 22-303)

Sec. 22-255. Anchoring to chimney or flue.

No television or radio antenna or mast shall be fastened to a chimney unless the antenna or mast has sufficient guy wires. Any fastening to a chimney or flue will be accepted only as a stabilizer for the base of the antenna or mast and not as a brace. Any anchorage to a chimney or flue shall be made by a steel band of No. 16-gauge metal one-inch-wide or by approved chimney clamp. The ends of such band shall be fastened by means of clamps or rivets. There shall be at least 150 pounds of masonry above the clamp, computed on a basis of six pounds per brick in place.

(Code 1981, § 6-81; Code 1998, § 22-304)

Sec. 22-256. Safety wire.

No television or radio antenna or mast shall be located where it will be in danger of falling on electrical distribution lines, unless a separate safety wire is attached to the crossarm of the antenna and is sufficiently anchored according to subsection 22-257(b).

(Code 1981, § 6-82; Code 1998, § 22-305)

Sec. 22-257. Guy wires.

- (a) Television or radio antennas or masts shall have at least three guy wires of No. 12-gauge or larger galvanized wire or six stranded clothesline wire.
- (b) All guy wires shall be anchored securely. If the anchors are fastened to the wood structure of the building, screw-type eyebolts at least 5/16-inch in diameter shall be embedded into solid wood at least three inches deep. All guy wires extended to the ground shall be fastened to 1¼-inch iron pipe driven at least three feet six inches into firm soil or clay or a four-inch by four-inch post of pressure treated wood driven three feet six inches into firm soil or clay. A plate of iron three-eighths-inch thick and with an area of at least one square foot having a one-half-inch diameter rod fastened to masonry shall be by means of two three-eighths-inch expansion bolts imbedded at least four inches into the masonry. Nails for fasteners or anchorage are prohibited. Guy wires shall be secured to anchors by served connections, served wrapped ends or wire clamps.

(Code 1981, § 6-83; Code 1998, § 22-306)

Sec. 22-258. Restrictions for anchoring guy wires.

- (a) Under this division, no anchorage for guy wires shall be made to a cornice or projection of any building, but the anchorage shall be made to substantial framing of the building.
- (b) No guy wires shall be fastened to any adjoining building without the written consent of the owner of the building or his agent and the occupant of the building.
- (c) No guy wires shall be placed in the path of regular travel of persons or placed in such manner as to form a trap for anyone.

(Code 1981, § 6-84; Code 1998, § 22-307)

Sec. 22-259. Grounding.

All television or radio antennas or masts shall be grounded by means of No. 6-gauge wire or larger clamped to a ground rod driven four feet into the earth or to cold water piping of the building within eight feet of the vertical line of the antennas or masts. If the conditions of the earth are such that no moisture is obtained at a four-foot depth, a hole shall be drilled or dug at least four feet deep and, after placing the grounding rod therein, the hole shall be filled with wet charcoal. All grounding conductors shall be run in as straight a line as practicable from the grounding electrode or rod. Lightning arrestors or lead-ins are not to be considered the grounding of the antennas or masts.

(Code 1981, § 6-85; Code 1998, § 22-308)

Sec. 22-260. Lightning arrestors.

Whenever polyethylene ribbon-type lead-in conductors are used, lightning arrestors shall be installed on each lead-in conductor. Lightning arrestors shall be grounded in the same manner as television antennas or masts.

(Code 1981, § 6-86; Code 1998, § 22-309)

Secs. 22-261—22-283. Reserved.

ARTICLE V. GAS CODE

DIVISION 1. GENERALLY

Sec. 22-284. Code adopted by reference.

The provisions of the International Fuel Gas Code, [2018-2024](#) edition, published by the International Code Council, is hereby adopted by reference as though copied verbatim herein. One copy of said code and revisions thereto was on file in the office of the city recorder for a period of 15 days prior to adoption, and that one copy of said code and revisions thereto shall remain on file in the office of the city recorder for public use, inspection and examination. The International Fuel Gas Code, 2018 edition is hereby amended as follows:

(1) ~~(1)~~ — [Section 101.1 Title \[NAME OF JURISDICTION\] – insert \[CITY OF KINGSPORT\]](#)

[Section 103.1 Creation of Agency \[name of department\] – insert \[Kingsport Building & Code Enforcement\]](#)

Sections ~~109.2~~ [112.1](#) through ~~109.7~~ [112.4](#) pertaining to appeals is hereby deleted in its entirety and in lieu thereof substituting the following:

"~~Section 109.2~~ [Section 112 Means of Appeal](#). Board of appeals. The board of appeals as referenced in the International Building Code, [2018-2024](#) edition shall serve as the board of appeals for the International Fuel Gas Code, [2018-2024](#) edition.

~~Section 109.3~~ Court review. Any aggrieved party may appeal the decision of the board of appeals to the appropriate court by filing a petition for writ of common law certiorari in the manner and time required by T.C.A. section 27-8-101."

Formatted: Indent: Left: 0.65", First line: 0"

Section 113.4 Violation penalties is hereby deleted in its entirety and in lieu thereof substituting the following: 113.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

Formatted: Font: Bold

Formatted: Font: Bold

(Code 1981, § 6-112; Code 1998, § 22-336; Ord. No. 4441, § 3, 10-7-1997; Ord. No. 4736, § III, 2-15-2000; Ord. No. 5435, § III, 8-1-2006; Ord. No. 6430, § III, 8-19-2014; Ord. No. 6741, § III, 7-17-2018; Ord. No. 6783, § III, 2-19-2019)

Secs. 22-285—22-301. Reserved.

DIVISION 2. PERMITS AND INSPECTIONS

Sec. 22-302. Permit required.

No person shall do any work which is within the scope of the gas code adopted in section 22-284 without a permit issued by the building official.

(Code 1981, § 6-120; Code 1998, § 22-366)

Sec. 22-303. Action upon application for permit.

The building official shall act upon an application for a gas permit with plans as filed or as amended without unreasonable or unnecessary delay.

(Code 1981, § 6-121; Code 1998, § 22-367)

Sec. 22-304. Effect of issuance of permit.

A gas permit shall be construed as a license to proceed with the work and shall not be construed as authority to violate, cancel, alter or set aside the requirements of this article, nor shall such issuance of a permit prevent the building official from requiring the correction of errors in plans or in construction or of violations of the gas code.

(Code 1981, § 6-122; Code 1998, § 22-368)

Sec. 22-305. Service connection permit.

Before the gas company shall make any opening or service connection in any street, sidewalk, alley or other public place to connect the applicant consumer to any gas main, a permit shall be obtained for such opening from the ~~city recorder~~ [Building Official](#), upon receipt of an application therefor, issued by the public works director, to make such installation.

(Code 1981, § 6-131; Code 1998, § 22-369)

Sec. 22-306. Permit fees.

A person desiring a gas permit shall pay such fees as are established by the board of mayor and aldermen.

(Code 1981, § 6-123; Code 1998, § 22-370)

Sec. 22-307. Permit revocation.

The building official may revoke a permit issued under this division if there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit is based. In all such cases no fees shall be refunded.

(Code 1981, § 6-124; Code 1998, § 22-371)

Sec. 22-308. Inspections required.

All new gas installation work and such portions of existing systems as may be affected by new work or changes shall be inspected to ensure compliance with the requirements of this article and to ensure that the installation and construction of the gas system is in accordance with approved plans.

(Code 1981, § 6-125; Code 1998, § 22-372)

Sec. 22-309. Installing agency to furnish equipment, materials, labor for tests.

The installing agency shall be required under any permit issued in compliance with this article to furnish all necessary test equipment, materials, power and labor needed in making the inspection and in testing the safety of such installation, in accordance with good engineering practices in such field of work.

(Code 1981, § 6-126; Code 1998, § 22-373)

Sec. 22-310. Notice for inspection.

The installing agency shall give reasonable advance notice to the building official when gas installation work is ready for test or inspection. The installing agency shall make sure that the work will stand the test prescribed before giving such notice.

(Code 1981, § 6-127; Code 1998, § 22-374)

Sec. 22-311. Final testing.

The final test for each permit issued under this division shall be made after the gas has been turned into the system in accordance with the following procedure:

- (1) Before turning the gas into any piping system, all openings from which gas can escape shall be closed.
- (2) Immediately after turning the gas into any piping system, the gas company shall check and ascertain that no gas is escaping.
- (3) If the gas company finds that gas is escaping, it shall immediately shut off the gas and notify the building official, which notice, if requested, shall be in writing and shall direct the installing agency to prepare the system for further tightness tests. Thereafter, the procedure of final test shall be as provided in this section and in section 22-312.
- (4) If the gas company ascertains that the system is apparently gastight, it shall notify the building official in writing of such fact.

(Code 1981, § 6-128; Code 1998, § 22-375)

Sec. 22-312. Correction, retesting of disapproved work.

If the building official finds that gas installation work will not pass the test required by section 22-311, the installing agency shall make the necessary corrections and the work shall then be resubmitted for reinspection.

(Code 1981, § 6-129; Code 1998, § 22-376)

Sec. 22-313. Stop work orders.

Upon notice from the building official that work on any gas installation is being done contrary to this article or in a dangerous or unsafe manner, such work shall be immediately stopped. The notice shall be in writing and shall be given to the owner of such property or to his agent or to the person doing the work and shall state the conditions under which work may be resumed. When an emergency exists, oral notice given by the building official shall be sufficient, but he shall confirm the notice in writing within a reasonable time thereafter.

(Code 1981, § 6-130; Code 1998, § 22-377)

Sec. 22-314. Unauthorized connection to mains.

It shall be unlawful for any person, other than a person authorized by the gas company, to make any opening or service connection in any street, alley or public place to connect consumers to a gas main of the company.

(Code 1981, § 6-132; Code 1998, § 22-378)

Sec. 22-315. Turning on gas prior to inspection, approval of system.

It shall be unlawful for the gas company to turn on the gas for the applicant consumer to the gas main or other source of supply and render gas service to such consumer by or through such connection, except for testing purposes made by the gas company, until such connection to the gas meter or source of supply, together with the consumer's entire system for the use and consumption of gas, has been first inspected, tested and approved and notice of approval has been given to the gas company by the building department.

(Code 1981, § 6-133; Code 1998, § 22-379)

Secs. 22-316—22-333. Reserved.

DIVISION 3. GASFITTERS

Subdivision I. In General

Sec. 22-334. Responsibility for gas installation.

A gasfitter engaged in the business of a gas installing agency shall be responsible for all work performed by licensed gasfitters in his employ pursuant to this division.

(Code 1981, § 6-150; Code 1998, § 22-406)

Sec. 22-335. Responsibility of installing agency.

A gasfitter engaged in business as a gas installing agency shall use only licensed gasfitters to perform the work of gasfitting in the installation, replacement or repair of consumer gas piping or in the connection, installation, repair or serving of gas appliances and gas burning equipment and shall be responsible for seeing that such work is performed in a safe and workmanlike manner, up to the standards of this type of work, and shall see that the work is performed in accordance with the applicable codes adopted by the city.

(Code 1981, § 6-151; Code 1998, § 22-407)

Secs. 22-336—22-358. Reserved.

Subdivision II. License

Sec. 22-359. Required.

No person shall engage in work as a gasfitter without a license issued by the ~~reecorder~~Building Official. The sections of this division are applicable to the installation of consumers' gas piping, gas appliances and related accessories from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories as set forth by the gas code adopted in this article and all acts supplemental and amendatory thereof.

(Code 1981, § 6-141; Code 1998, § 22-436)

Sec. 22-360. Examination of applicant.

Every person desiring to engage in work as a gasfitter who does not possess a valid gasfitting license shall make application to the Building Official and pay such application fee as set by resolution of the board of mayor and alderman. Such application shall include proof of at least 3 years' experience in the gas installation trade and a copy of either a LLP for work up to \$25,000 or a CMC for work over \$25,000 issued by the State of Tennessee Contractors licensing board. In addition to the license a certificate of liability insurance to include workman's comp and a business license shall be submitted with the application. The Building Official & Gas Inspector shall review submitted documents and approve or disapprove the application. The applicant shall have the right to appeal a disapproval to the city manager or his designee.

~~appear before the mechanical, plumbing and gas board of examiners and be examined as to his qualifications and ability to engage in work as a gasfitter and shall be approved for a license. Such examination may be oral or written or any combination thereof for an applicant to demonstrate to the mechanical, plumbing and gas board of examiners basic skills as a gasfitter. The fee for the examination shall be set by resolution of the board of mayor and aldermen from time to time as the circumstances require; provided, however, that nothing in this section shall require the reexamination of any person holding a valid gas installing agency license heretofore issued by the mechanical, plumbing and gas board of examiners prior to September 20, 1983. All other persons desiring to engage in work as a gasfitter shall be examined and required to conform to the requirements of this article.~~

(Code 1981, § 6-142; Code 1998, § 22-437)

Formatted: Indent: First line: 0"

Sec. 22-361. Fee.

A person desiring a license to work at or engage in gasfitting shall pay such fee as set by resolution of the board of mayor and aldermen as may be established from time to time as circumstances require.

(Code 1981, § 6-143; Code 1998, § 22-438)

Sec. 22-362. Bond.

- (a) A person shall not engage in or work at the installation, extension or alteration of a consumer's gas piping or gas appliances until such person shall secure and present to the building official a licensing bond executed and issued by a surety company qualified and authorized to do business in the state, in a penal sum determined and set by resolution of the board of mayor and aldermen from time to time as circumstances require. If a person duly licensed as a gasfitter is also a duly licensed and bonded plumber who is licensed by the [mechanical, plumbing and gas board of examiners, Building Department](#), one bond licensing gas work, as well as plumbing work shall be sufficient to fulfill this requirement.
- (b) The bond shall be payable to the city, for the use of the city and any citizen who may be damaged by the failure of such gasfitter to comply with this article or who may be damaged by any negligence committed or imperfect or defective work done by such gasfitter while acting in the scope and course of his employment.
- (c) The bond shall be so conditioned as to require gasfitters to comply with all sections of this article. In such bond the gasfitter shall indemnify and save harmless the city and all persons therein from loss, cost or damage caused by negligence or by inadequate, imperfect or defective work done by him or his employees while acting in the course and scope of his employment.
- (d) Nothing in this division shall be construed to relieve any gasfitter from giving bond as required by this section or other city ordinance.

(Code 1981, § 6-149; Code 1998, § 22-439)

Sec. 22-363. Issuance.

No gasfitter's license shall be issued by the [city recorder](#) - [Building Official without approval of all required documentation noted in section 22-360](#).

(Code 1981, § 6-144; Code 1998, § 22-440)

Sec. 22-364. Expiration.

A license to work as a gasfitter shall expire December 31 following the date of issuance unless sooner revoked.

(Code 1981, § 6-145; Code 1998, § 22-441)

Sec. 22-365. Display.

A person holding a license to do work as a gasfitter shall display his license at his place of business or shall have evidence of such license on his person at all times on the job.

(Code 1981, § 6-146; Code 1998, § 22-442)

Sec. 22-366. Revocation.

Any license to work as a gasfitter may be revoked by the [mechanical, plumbing and gas board of examiners Building Official](#), after a hearing affording due process, for the following:

- (1) Failure to comply with this article and all city ordinances governing the installation of gas-burning facilities and equipment in doing such work.
- (2) Permitting the work to be carried on in an unworkmanlike manner by those employed by him.
- (3) Allowing and using unqualified labor in the performance of such work.
- (4) Permitting the work to be done in a hazardous or dangerous manner.
- (5) Incompetent work.
- (6) Obtaining a permit for an unlicensed person to perform gasfitting work.

(Code 1981, § 6-147; Code 1998, § 22-443)

Secs. 22-367—22-390. Reserved.

ARTICLE VI. MECHANICAL CODE

Division 1. Generally

Formatted: Centered

Sec. 22-391. Code adopted by reference.

The provisions of the International Mechanical Code, [2018-2024](#) edition, published by the International Code council, is hereby adopted by reference as though copied verbatim herein. One copy of said code and revisions thereto was on file in the office of the city recorder for a period of 15 days prior to adoption, and that one copy of said code and revisions thereto shall remain on file in the office of the city recorder for public use, inspection and examination. The International Mechanical Code, [2018-2024](#) edition is hereby amended as follows:

- (1) Sections [409-2112.1](#) through [409-7112.4](#) and [section 113](#) pertaining to appeals is hereby deleted in its entirety and in lieu thereof substituting the following:

"Section [409-2112.1](#) Board of appeals. The board of appeals as referenced in the International Building Code, [2018-2024](#) edition shall serve as the board of appeals for the International Mechanical Code, [2018-2024](#) edition.

Section [409-3112.2](#) Court review. Any aggrieved party may appeal the decision of the board of appeals to the appropriate court by filing a petition for writ of common law certiorari in the manner and time required by T.C.A. section 27-8-101."

[Section 113.4 Violation penalties](#) is hereby deleted in its entirety and in lieu thereof substituting the following: [113.4 Violation penalties](#). Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

[Section 306.2.4 Tracer wire-](#) Delete "14 American Wire Gauge" and insert "18 American Wire Gauge"

- **INSERT - DIVISION 2. - PERMITS AND INSPECTIONS**

Formatted: Font: (Default) inherit, 13.5 pt, Font color: Custom Color(49,51,53)

- **Sec. 22-392. - Permit required.**

No person shall connect any mechanical equipment or install appliances in new or existing systems, structures or premises or repair or add to any existing mechanical system without a mechanical permit issued by the building official.

- **Sec. 22-393. - Fees.**

A person desiring a mechanical permit shall pay such fees as are established by the board of mayor and aldermen.

- **Sec. 22-394. - Imposition of additional charges by building official.**

The building official is authorized to make additional charges in accordance with the established fee schedule on any job for which a mechanical permit has been issued to cover any addition to that particular job or for work knowingly or unknowingly left out of the application for a permit.

- **Sec. 22-395. - Issuance of permit.**

The permit required in this division shall be issued only by the building official, upon receipt of an application issued by the building official. No application for a permit will be issued until the applicant therefore, if requested to do so by building official, submits detailed plans or drawings showing the work to be covered by the permit.

- **Sec. 22-396. - Inspections generally.**

(a) It shall be unlawful to use or permit the use of a mechanical system in a building or structure, unless the required inspection has been made and approval has been granted.

Formatted: Indent: Left: 0", Space Before: Auto, After: Auto

(b) At least two inspections shall be made on each mechanical job:

(1) The first, when the work is roughed-in including ductwork, registers, refrigeration lines, or other work to be concealed; and

(2) The second, when the work is finished and all equipment set.

On jobs where, due to size or type of construction, it would not be practical to have all mechanical equipment ready for inspection at one time, inspections shall be made as often as is necessary.

- c) It shall be unlawful to cover any mechanical supply piping, wiring, sprinkler piping, exhaust ducts or supply ducts until such work has been inspected and approved by the mechanical inspector.

• **Sec. 22-397. - Right of entry for inspection.**

The mechanical inspector shall have authority to enter any building or premises for the inspection of mechanical equipment at any time during reasonable working hours.

• **Sec. 22-398. - Correction of unsafe conditions.**

(a) If after inspection the mechanical inspector finds that mechanical equipment or appliances, which are within the scope of this article, are in a dangerous or unsafe condition, the person owning, using or operating such shall be notified in writing and shall make the necessary repairs and changes required to place them in a safe and sanitary condition within five days or any longer period as specified by the mechanical inspector.

(b) Upon failure to comply promptly with any notice or instruction from the mechanical inspector to correct unsafe conditions or faulty work, the building official shall have authority to request the power company to discontinue electrical service to the offender until such notice or instructions have been complied with, and the power company is authorized to take such action.

• **Sec. 22-399. - Appeals.**

When a mechanical installation is condemned pursuant to this article or when a mechanical permit is denied, the person aggrieved may, within five days after receiving written notice from the building official, file a petition in writing, for review of the action of the mechanical inspector, with the city manager. Upon receipt of the petition, the city manager shall at once proceed to determine if the mechanical installation complies with this article and within three days shall make a decision in accordance with his findings.

(Code 1981, § 6-163; Code 1998, § 22-471; Ord. No. 4441, § 4, 10-7-1997; Ord. No. 5435, § V, 8-1-2006; Ord. No. 6430, § IV, 8-19-2014; Ord. No. 6741, § IV, 7-17-2018; Ord. No. 6783, § IV, 2-19-2019)

Formatted: Font: (Default) Open Sans, 10.5 pt, Font color: Custom Color(RGB(49,51,53)), Expanded by 0.1 pt

Formatted: Font: (Default) Open Sans, 10.5 pt, Font color: Custom Color(RGB(49,51,53)), Expanded by 0.1 pt

Formatted: Font: (Default) Open Sans, 10.5 pt, Font color: Custom Color(RGB(49,51,53)), Expanded by 0.1 pt

Formatted: Indent: Left: 0.25", Space Before: Auto, After: Auto

~~Secs. 22-392—22-410. Reserved.~~

Insert - Division 3. MECHANICAL EQUIPMENT INSTALLERS.

• Sec. 22-400. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Apprentice means a person working under the direction and supervision of a licensed mechanical installer for the purpose of learning the mechanical trade.

Helper means a person employed by a mechanical installer to perform tasks which do not constitute actual mechanical work or the practice of the mechanical trade as defined in this section.

Mechanical Installer.

(1) The term "mechanical installerr" applies to all persons engaged in the mechanical trade on a fulltime or parttime basis to install, maintain, repair or replace mechanical equipment or mechanical systems and as activities otherwise defined as practicing the mechanical trade. The term "mechanical installer," for purposes of this article, shall also apply to persons on the maintenance staff of a hospital or similar institution, theater, office building, hotel, motel, tourist facility or court, apartment complex and a person in the employ of or a person who operates or maintains any single-family or multifamily residential structure which is used, in whole or in part, by subdivision into separate apartments or rooms of any nature whatsoever for the purpose of being leased, rented or otherwise made available to the public for occupancy, which requires the person to do more than maintain or repair existing mechanical equipment or mechanical systems and fixtures within the buildings on an in-house basis.

(2) The term "mechanical installer" does not apply

a. A person who performs minor repairs such as the repair or replacement of diffusers, duct line replacement, fuses, or refrigerant;

b. Persons who are under the control of a federal regulatory body or authority granted by the state or to any person in the employ of a manufacturing or industrial plant for the purpose of performing repair, manufacturing and maintenance work on the

Formatted: Block 1

Formatted: Font: 14 pt, Bold

Formatted: Space Before: Auto, After: Auto

Formatted: Space Before: Auto, After: Auto

premises occupied by the manufacturing or industrial plant and installation work on premises occupied only by the manufacturing or industrial plant; however, this exception does not apply, if mechanical work is done outside the main plant area by an independent contractor; such work shall be performed only by a duly licensed mechanical contractor and mechanical installer after having obtained the necessary license and payment of the required license and permit fees to the city for such work.

Mechanical trade.

(1) The term "mechanical trade" means the installation, repair or maintenance of piping, mechanical HVAC equipment, duct lines, commercial kitchen hoods, fire sprinklers, fire alarm systems, refrigeration equipment, paint booths, boilers and other equipment involved in the creating conditioned space, commercial kitchen exhaust, or other mechanical equipment in a building as set out in the definition of mechanical installer as provided in this section.

(2) The term "mechanical trade" does not include such work by persons excluded from the definition of mechanical installer nor does it involve minor repairs, such as the repair or replacement of diffusers, duct lines, or fuses or replacement of refrigerant.

- **Sec. 22-401. - Responsibility for work.**

Every mechanical installer shall be responsible for all mechanical work performed by his employees while acting within the course and scope of their employment for mechanical work within the scope of this article.

- **Sec. 22-402. - Use of licensed plumbers; responsibility for compliance with standards.**

Mechanical installers shall use only licensed mechanical trade persons in the practice of the mechanical trade, except as otherwise provided in this article, and shall be responsible for ensuring that all work is performed in a safe and workmanlike manner and up to the standards of this type of work and shall see that all work is performed in accordance with the applicable codes as adopted by the city.

Sec. 22-403. Required.

No person shall engage in work as a mechanical equipment installer without a license issued by the Building Official .The sections of this division are applicable to the installation of consumers' HVAC equipment and the installation and operation of residential and commercial mechanical systems and related accessories as set forth by the Mechanical code adopted in this article and all acts supplemental and amendatory thereof.

(Code 1981, § 6-141; Code 1998, § 22-436)

Formatted: Space Before: Auto, After: Auto

Sec. 22-404. Examination of applicant.

Every person desiring to engage in work as a Mechanical equipment Installer who does not possess a valid mechanical license shall make application to the Building Official and pay such application fee as set by resolution of the board of mayor and alderman. Such application shall include proof of at least 3 years' experience in the gas installation trade and a copy of either a LLM (or home improvement until such time the state issues LLM) for work up to \$25,000 or a CMC for work over \$25,000 issued by the State of Tennessee Contractors licensing board. In addition to the license a certificate of liability insurance to include workman's comp and a business license shall be submitted with the application. The Building Official & Mechanical Inspector shall review submitted documents and approve or disapprove the application. The applicant shall have the right to appeal a disapproval to the city manager or his designee.

(Code 1981, § 6-142; Code 1998, § 22-437)

Sec. 22-405. Fee.

A person desiring a license to work at or engage in mechanical work shall pay such fee as set by resolution of the board of mayor and aldermen as may be established from time to time as circumstances require.

(Code 1981, § 6-143; Code 1998, § 22-438)

Sec. 22-406. Bond.

- (a) A person shall not engage in or work at the installation, extension or alteration of a consumer's HVAC or mechanical equipment until such person shall secure and present to the building official a licensing bond executed and issued by a surety company qualified and authorized to do business in the state, in a penal sum determined and set by resolution of the board of mayor and aldermen from time to time as circumstances require.
- (b) The bond shall be payable to the city, for the use of the city and any citizen who may be damaged by the failure of such mechanical equipment installer to comply with this article or who may be damaged by any negligence committed or imperfect or defective work done by such mechanical equipment installer while acting in the scope and course of his employment.
- (c) The bond shall be so conditioned as to require mechanical equipment installers to comply with all sections of this article. In such bond the mechanical equipment installer shall indemnify and save harmless the city and all persons therein from loss, cost or damage caused by negligence or by inadequate, imperfect or defective work done by him or his employees while acting in the course and scope of his employment.
- (d) Nothing in this division shall be construed to relieve any mechanical equipment installer from giving bond as required by this section or other city ordinance.

Sec. 22-407. Issuance.

No Mechanical license shall be issued by the Building Official without approval of all required documentation noted in section 22-360.

(Code 1981, § 6-144; Code 1998, § 22-440)

Sec. 22-408. Expiration.

A license to work as a mechanical equipment installer shall expire December 31 following the date of issuance unless sooner revoked.

(Code 1981, § 6-145; Code 1998, § 22-441)

Sec. 22-409. Display.

A person holding a license to do work as a mechanical equipment installer shall display his license at his place of business or shall have evidence of such license on his person at all times on the job.

(Code 1981, § 6-146; Code 1998, § 22-442)

Sec. 22-410. Revocation.

Any license to work as a mechanical equipment installer may be revoked by the Building Official, after a hearing affording due process, for the following:

- (1) Failure to comply with this article and all city ordinances governing the installation of HVAC and mechanical equipment in doing such work.
- (2) Permitting the work to be carried on in an unworkmanlike manner by those employed by him.
- (3) Allowing and using unqualified labor in the performance of such work.
- (4) Permitting the work to be done in a hazardous or dangerous manner.
- (5) Incompetent work.
- (6) Obtaining a permit for an unlicensed person to perform mechanical work.

Sec. 22-411. Installation or maintenance by homeowner.

Nothing in this article or any code adopted by reference in this article shall prevent any homeowner from installing or maintaining mechanical systems within his own property boundaries, providing such mechanical work is done by himself and is used exclusively by him or his family. Such privilege does not convey the right to violate any of the sections of this article or any code adopted by reference in this article nor is it to be construed as exempting any such property owner from obtaining a mechanical permit and paying the required fees therefore.

ARTICLE VII. PLUMBING

DIVISION 1. GENERALLY

Sec. 22-~~411~~ 412. Code adopted by reference.

The provisions of International Plumbing Code, ~~2018~~-2024 edition, published by the International Code Council, is hereby adopted by reference as though copied verbatim herein. One copy of said code and revisions thereto was on file in the office of the city recorder for a period of 15 days prior to adoption, and that copy of said

code and revisions there to shall remain on file in the office of the city recorder for public use, inspection and examination. The International Plumbing Code, [2018-2024](#) edition is hereby amended as follows:

- (1) Sections [109-2112](#) through [109-7113](#) pertaining to appeals is hereby deleted in its entirety and in lieu thereof substituting the following:

"Section [109-2112 Means of Appeals & section 113](#) Board of appeals. The board of appeals as referenced in the International Building Code, [2018-2024](#) edition shall serve as the board of appeals for the International Plumbing Code, [2018-2024](#) edition.

Section [109-3112.1](#) Court review. Any aggrieved party may appeal the decision of the board of appeals to the appropriate court by filing a petition for writ of common law certiorari in the manner and time required by T.C.A. section 27-8-101."

Section 113.4 Violation penalties is hereby deleted in its entirety and in lieu thereof substituting the following: 113.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

(Code 1981, § 6-175; Code 1998, § 22-501; Ord. No. 4441, § 5, 10-7-1997; Ord. No. 5435, § VI, 8-1-2006; Ord. No. 6430, § V, 8-19-2014; Ord. No. 6741, § V, 7-17-2018; Ord. No. 6783, § V, 2-19-2019)

Sec. 22-~~412~~ 413. Rules and regulations.

- (a) The building official is authorized to adopt rules and regulations to enforce this article.
- (b) No rule or regulation of the building official shall become effective until four weeks after notice of intention to adopt it shall have been given in a newspaper of general circulation and until a public hearing on the rule or regulation shall have been held. The public hearing shall not be necessary unless a request shall have been made for such hearing during the period of publication. Such rule must be drawn in its proposed form and shall be open to public inspection at the time the notice to adopt is published. Any rules may be amended or repealed by the same procedure prescribed for the adoption of new rules.
- (c) Rules adopted and promulgated as provided in this section shall have the same force and effect as the sections of this article.
- (d) In adopting rules for plumbing control, the building official shall embody in them the most approved methods and practices for safety of life and property.

(Code 1981, § 6-176; Code 1998, § 22-502)

Sec. 22-~~413~~ 414. Compliance required.

No plumbing shall be installed in a building or structure nor shall an alteration or extension of an existing plumbing system be made except in conformity with this article or any rules that may be adopted and promulgated by the building official.

(Code 1981, § 6-177; Code 1998, § 22-503)

Sec. 22-~~414~~ 415. Installation or maintenance by homeowner.

Nothing in this article or any code adopted by reference in this article shall prevent any homeowner from installing or maintaining plumbing within his own property boundaries, providing such plumbing work is done by himself and is used exclusively by him or his family. Such privilege does not convey the right to violate any of the sections of this article or any code adopted by reference in this article nor is it to be construed as exempting any such property owner from obtaining a plumbing permit and paying the required fees therefor.

(Code 1981, § 6-178; Code 1998, § 22-504)

Secs. 22-~~415~~ 416—22-441. Reserved.

DIVISION 2. PERMITS AND INSPECTIONS

Sec. 22-442. Permit required.

No person shall connect any plumbing work with any sanitary or storm sewer, septic tank or sewage disposal system of any kind or install fixtures or appliances in new or existing systems, structures or premises or repair or add to any existing plumbing without a plumbing permit issued by the ~~recorder~~ Building Official.

(Code 1981, § 6-186; Code 1998, § 22-531)

Sec. 22-443. Fees.

A person desiring a plumbing permit shall pay such fees as are established by the board of mayor and aldermen.

(Code 1981, § 6-190; Code 1998, § 22-532)

Sec. 22-444. Imposition of additional charges by building official.

The building official is authorized to make additional charges in accordance with the established fee schedule on any job for which a plumbing permit has been issued to cover any addition to that particular job or for work knowingly or unknowingly left out of the application for a permit.

(Code 1981, § 6-191; Code 1998, § 22-533)

Sec. 22-445. Issuance of permit.

The permit required in this division shall be issued only by the ~~recorder~~ Building Official, upon receipt of an application issued by the building official. No application for a permit will be issued until the applicant therefor, if requested to do so by building official, submits detailed plans or drawings showing the work to be covered by the permit.

(Code 1981, § 6-187; Code 1998, § 22-534)

Sec. 22-446. Inspections generally.

- (a) It shall be unlawful to use or permit the use of or to supply water service to a plumbing system in a building or structure, unless the required inspection has been made and approval has been granted.
- (b) At least two inspections shall be made on each plumbing job:
 - (1) The first, when the work is roughed-in and tested; and
 - (2) The second, when the work is finished and all fixtures set.

On jobs where, due to size or type of construction, it would not be practical to have all plumbing ready for inspection at one time, inspections shall be made as often as is necessary.

- (c) It shall be unlawful to cover any plumbing, house drain or house sewer connection until such work has been inspected and approved by the plumbing inspector.

(Code 1981, § 6-188; Code 1998, § 22-535)

Sec. 22-447. Right of entry for inspection.

The plumbing inspector shall have authority to enter any building or premises for the inspection of plumbing at any time during reasonable working hours.

(Code 1981, § 6-189; Code 1998, § 22-536)

Sec. 22-448. Correction of unsafe conditions.

- (a) If after inspection the plumbing inspector or the health department finds that plumbing devices, equipment or appliances, which are within the scope of this article, are in a dangerous or unsafe condition, the person owning, using or operating such shall be notified in writing and shall make the necessary repairs and changes required to place them in a safe and sanitary condition within five days or any longer period as specified by the plumbing inspector or the health department.
- (b) Upon failure to comply promptly with any notice or instruction from the plumbing inspector or the health department to correct unsanitary conditions or faulty work, the building official, upon recommendation by the health department, shall have authority to request the city water department to discontinue water service to the offender until such notice or instructions have been complied with, and the water department is authorized to take such action.

(Code 1981, § 6-192; Code 1998, § 22-537)

Sec. 22-449. Appeals.

When a plumbing installation is condemned pursuant to this article or when a plumbing permit is denied, the person aggrieved may, within five days after receiving written notice from the building official, file a petition in writing, for review of the action of the plumbing inspector, with the city manager. Upon receipt of the petition, the city manager shall at once proceed to determine if the plumbing installation complies with this article and within three days shall make a decision in accordance with his findings.

(Code 1981, § 6-193; Code 1998, § 22-538)

Secs. 22-450—22-466. Reserved.

DIVISION 3. PLUMBERS

Subdivision I. In General

Sec. 22-467. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Apprentice means a person working under the direction and supervision of a licensed plumber for the purpose of learning the plumbing trade.

Helper means a person employed by a plumber to perform tasks which do not constitute actual plumbing work or the practice of the plumbing trade as defined in this section.

Plumber.

- (1) The term "plumber" applies to all persons engaged in the plumbing trade on a fulltime or parttime basis to install, maintain, repair or replace plumbing or plumbing systems and as activities otherwise defined as practicing the plumbing trade. The term "plumber," for purposes of this article, shall also apply to persons on the maintenance staff of a hospital or similar institution, theater, office building, hotel, motel, tourist facility or court, apartment complex and a person in the employ of or a person who operates or maintains any single-family or multifamily residential structure which is used, in whole or in part, by subdivision into separate apartments or rooms of any nature whatsoever for the purpose of being leased, rented or otherwise made available to the public for occupancy, which requires the person to do more than maintain or repair existing plumbing or plumbing systems and fixtures within the buildings on an in-house basis.
- (2) The term "plumber" does not apply to:
 - a. A person who performs minor repairs such as the repair or replacement of commodes or fixtures, faucets, water supply and drain lines under sinks and lavatories connecting a plumbing fixture or an appliance utilizing water with an installed existing plumbing system or the unclogging of sewer and septic lines;
 - b. Employees of municipal plants or other public utilities organized for the purpose of constructing, maintaining and operating works for the supply, purification and distribution of water, sewer trunk lines and laterals; and
 - c. Persons who are under the control of a federal regulatory body or authority granted by the state or to any person in the employ of a manufacturing or industrial plant for the purpose of performing repair, manufacturing and maintenance work on the premises occupied by the manufacturing or industrial plant and installation work on premises occupied only by the manufacturing or industrial plant;

however, this exception does not apply, if plumbing work is done outside the main plant area by an independent contractor; such work shall be performed only by a duly licensed plumbing contractor and plumber after having obtained the necessary license and payment of the required license and permit fees to the city for such work.

Plumbing trade.

Created: 2025-12-23 10:49:13 [EST]

-
- (1) The term "plumbing trade" means the installation, repair or maintenance of piping, fittings and fixtures involved in the distribution and use of water in a building as set out in the definition of plumber as provided in this section.
 - (2) The term "plumbing trade" does not include such work by persons excluded from the definition of plumber nor does it involve minor repairs, such as the repair or replacement of commodes or fixtures, faucets, water supply and drain lines under sinks and lavatories connecting a plumbing fixture or appliance utilizing water with an installed, existing plumbing system or the unclogging of sewer and septic lines.

(Code 1981, § 6-201; Code 1998, § 22-566)

Sec. 22-468. Responsibility for work.

Every plumber shall be responsible for all plumbing work performed by his employees while acting within the course and scope of their employment for plumbing work within the scope of this article.

(Code 1981, § 6-210; Code 1998, § 22-567)

Sec. 22-469. Use of licensed plumbers; responsibility for compliance with standards.

Plumbers shall use only licensed plumbers in the practice of the plumbing trade, except as otherwise provided in this article, and shall be responsible for ensuring that all work is performed in a safe and workmanlike manner and up to the standards of this type of work and shall see that all work is performed in accordance with the applicable codes as adopted by the city.

(Code 1981, § 6-211; Code 1998, § 22-568)

Secs. 22-470—22-491. Reserved.

Subdivision II. Licenses

Sec. 22-492. Required; applicability to apprentices and helpers.

- (a) No person shall practice the plumbing trade without a license issued by the [recorder Building Official](#), except as provided in this section.
- (b) A plumber's license shall entitle the holder thereof to engage in the practice of the plumbing trade on a fulltime or parttime basis and to perform actual plumbing work as set out in the definition of plumbing trade and plumber in section 22-467.
- (c) It shall be unlawful for the holder of a plumber's license issued under this subdivision to allow any person who is not licensed as a plumber to do any actual plumbing work, except that nothing in this division shall preclude any person from working as an apprentice or a helper under the direct supervision and direction of a licensed plumber.

(Code 1981, § 6-202; Code 1998, § 22-596)

Sec. 22-493. Examination.

Except as otherwise provided in this section, every person who desires to practice the plumbing trade in the city shall appear before the mechanical, plumbing and gas board of examiners and be examined as to his qualifications and ability to perform such endeavors and be approved for a license. The plumber's examination may be oral, written or any combination thereof for applicants to demonstrate to the mechanical, plumbing and gas board of examiners basic skills of the plumbing trade. The fee for the examination shall be set by resolution of the board of mayor and aldermen from time to time as circumstances require, in addition to the regular fee for issuance of a license. All other persons desiring to practice the plumbing trade shall be examined and required to conform to the requirements of this article.

(Code 1981, § 6-203; Code 1998, § 22-597)

Sec. 22-494. Fee.

The annual fee for a plumber's license shall be set by resolution of the board of mayor and aldermen from time to time as the circumstances require.

(Code 1981, § 6-204; Code 1998, § 22-598)

Sec. 22-495. Bond.

- (a) No person shall practice the plumbing trade within the city until such person shall secure and present to the building official a licensing bond executed and issued by a surety company duly qualified and authorized to do business in the state, in a penal sum determined and set by resolution of the board of mayor and aldermen from time to time as circumstances require.
- (b) The bond shall be payable to the city, for the use of the city and any citizen who may be damaged by the failure of such plumber to comply with this article or who may be damaged by any negligence committed or imperfect or defective work done by such plumber, while acting in the scope and course of his employment.
- (c) The bond shall be so conditioned as to require plumbers to comply with all sections of this article. In such bond, the plumber shall indemnify and save harmless the city and all persons therein from loss, cost or damage caused by negligence or by inadequate, imperfect or defective work done by him or his employees while acting in the scope and course of their employment.
- (d) Nothing in this division shall be construed to relieve any plumber from giving bond as required by this section or other ordinance of the city.

(Code 1981, § 6-209; Code 1998, § 22-599)

Sec. 22-496. Issuance.

No license shall be issued pursuant to this subdivision by the recorder without a certificate of approval from the mechanical, plumbing and gas board of examiners. Such approval for the license shall be signed by the chairperson and the secretary of the mechanical, plumbing and gas board of examiners.

(Code 1981, § 6-205; Code 1998, § 22-600)

Sec. 22-497. Expiration term.

A license to practice the plumbing trade shall expire December 31 unless sooner revoked or renewed.

(Code 1981, § 6-206; Code 1998, § 22-601)

Sec. 22-498. Display.

It shall be the duty of every licensed plumber to display his license at his place of business or have evidence of such license on his person at all times on the job.

(Code 1981, § 6-207; Code 1998, § 22-602)

Sec. 22-499. Revocation.

Any license to practice the plumbing trade within the city may be revoked by the mechanical, plumbing and gas board of examiners for good cause shown, after a hearing affording due process, for the following:

- (1) Failure to comply with any city ordinance governing the installation of plumbing fixtures and equipment.
- (2) Permitting the work to be carried on in an unworkmanlike manner by those employed by him.
- (3) Using unqualified labor in performance of such work.
- (4) Permitting the work to be done in a hazardous or dangerous manner.
- (5) Incompetent work.
- (6) Obtaining a permit for an unlicensed person not in his employ.

(Code 1981, § 6-208; Code 1998, § 22-603)

Secs. 22-500—22-521. Reserved.***ARTICLE VIII. SWIMMING POOLS*****Sec. 22-522. Code adopted by reference.**

The provisions of the International Swimming Pool and Spa Code, [2018-2024](#) edition, published by the International Code Council, is hereby adopted by reference as though copied verbatim herein. One copy of said code and revisions thereto was on file in the office of the city recorder for a period of 15 days prior to adoption, and that copy of said code and revisions there to shall remain on file in the office of the city recorder for public use, inspection and examination.

(Code 1981, § 6-223; Code 1998, § 22-631; Ord. No. 4441, § 7, 10-7-1997; Ord. No. 6430, § VI, 8-19-2014; Ord. No. 6741, § VI, 7-17-2018; Ord. No. 6783, § VI, 2-19-2019)

Sec. 22-523. Violations.

Any person who violates this article or the code adopted by reference in section 22-522 shall be subject to a penalty of not less than \$25.00 or more than as provided in section 1-14.

(Code 1981, § 6-229; Code 1998, § 22-632; Ord. No. 4099, § III, 8-1-1995)

Sec. 22-524. Enforcement.

The building official shall enforce this article.

(Code 1981, § 6-225; Code 1998, § 22-633)

Sec. 22-525. Right of entry for inspection.

The owner or operator of any swimming pool shall allow the building official and the health officer or other authorized official access to any swimming pool, wading pool or portable pool and appurtenances thereto at all reasonable times for the purpose of inspection to ascertain compliance with this article and all other pertinent sections of this Code and city ordinances.

(Code 1981, § 6-226; Code 1998, § 22-634)

Sec. 22-526. Maintenance and lighting.

- (a) All areas surrounding any swimming pool shall be maintained neatly, and no rubbish, debris or litter shall be permitted to remain or accumulate in or about any pool.
- (b) No artificial lighting shall be maintained or operated in connection with any swimming pool in such a manner as to be a nuisance or annoyance to neighboring properties. Such lighting shall not shine directly upon any abutting property. All lighting must be properly shielded.

(Code 1981, § 6-224; Code 1998, § 22-635)

Sec. 22-527. Health hazards and nuisances.

- (a) Every swimming pool in the city shall at all times comply with the requirements of the local department of health.
- (b) Any nuisance or hazard to health which may develop in or in consequence of or in connection with any such swimming pool, wading pool or portable pool shall forthwith be abated and removed by the owner, lessee or occupant of the premises on which the pool is located upon receipt of notice from the building official or the city health officer.

(Code 1981, § 6-227; Code 1998, § 22-636)

Sec. 22-528. Fences.

- (a) All swimming pools constructed, installed, established or maintained shall, unless prior approval has been given, be enclosed by a permanent fence of durable material at least four feet in height and shall be so constructed as not to have openings, mesh, holes or gaps larger than four square inches in any dimension

except for doors and gates. If a picket fence is erected or maintained, the horizontal spacing shall not exceed three inches. All gates used in conjunction with the fence shall be equipped with approved latching devices and shall be latched at all times when the swimming pool is not in use.

(b) All portable pools, unless enclosed by a fence of the type and dimensions specified in subsection (a) of this section, shall, when not in use, be either:

- (1) Emptied; or
- (2) Covered with a suitable, strong protective covering, securely fastened or locked in place.

(Code 1981, § 6-228; Code 1998, § 22-637)

Secs. 22-529—22-549. Reserved.

ARTICLE IX. NUISANCE BUILDINGS OR PREMISES³

DIVISION 1. GENERALLY

Sec. 22-550. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Nuisance means:

- (1) Any public nuisance as defined by statute or ordinance.
- (2) Any attractive nuisance which may prove detrimental to the health or safety of children, whether in a building, on the premises of a building or upon an unimproved lot. This shall include but not be limited to:
 - a. Abandoned wells, shafts, basements, excavations; abandoned iceboxes, refrigerators or motor vehicles;
 - b. Structurally unsound fences or structures;
 - c. Lumber;
 - d. Trash;
 - e. Debris; or
 - f. Vegetation such as poison ivy, poison oak or poison sumac which may prove hazardous for inquisitive minors.
- (3) Physical conditions dangerous to human life or detrimental to health of persons on or near the premises where the conditions exist.

³State law reference(s)—Structures unfit for occupation and use, T.C.A. § 13-21-101 et seq.; removal of dangerous or defective conditions, T.C.A. § 68-102-117; municipal authority to repair, close or demolish unfit structures, T.C.A. § 13-21-102.

-
- (4) Inadequate or unsanitary sewage or plumbing facilities.
 - (5) Unsanitary conditions or anything offensive to the senses or dangerous to health in violation of this division.
 - (6) Fire hazards.

Occupant means any person who has charge, care or control of a dwelling or premises or a part thereof, whether with or without the knowledge and consent of the owner.

Owner means any person who, alone or jointly or severally with others, shall have legal or equitable title to any premises in fee simple and every mortgagee of record, with or without accompanying actual possession thereof, or who shall have charge, care or control of any dwelling unit, as owner or as executor, administrator, trustee, receiver or guardian of the estate, or as a mortgagee in possession regardless of how such possession was obtained. Any person who is a lessor subletting or reassigning any part or all of any dwelling or dwelling unit shall be deemed to be a co-owner with the lessee and shall have joint responsibility over the portion of the premises sublet or assigned by the lessor.

Parties in interest means all individuals, associations or corporations who have interests of record in a structure or parcel of land or who have actual possession thereof.

Premises means a lot, plot or parcel of land, including any buildings or structures thereon.

Public officer means the building official.

Refuse means all putrescible and nonputrescible solid waste, including but not limited to garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes.

Rubbish means nonputrescible solid wastes consisting of both combustible and noncombustible wastes such as paper, wrappings, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

(Code 1981, § 6-310; Code 1998, § 22-696)

State law reference(s)—Similar definitions, T.C.A. § 13-21-101.

Sec. 22-551. Findings and declaration of policy.

It is found and declared that there exist in the city structures in use which are or may become substandard with respect to structural soundness, equipment or maintenance or, further, that such conditions, including but not limited to structural deterioration, lack of maintenance of exterior of premises, infestation, lack of essential heating or plumbing equipment, lack of maintenance or upkeep of essential utilities and facilities, existence of fire hazards, inadequate provisions for light and air, or unsanitary conditions and overcrowding, constitute a menace to the health, safety, welfare and reasonable comfort of the citizens and inhabitants of the city. It is further found and declared that because of lack of maintenance and because of progressive deterioration certain properties have the further effect of creating blighting conditions and initiating slums and that, if such are not curtailed and removed, the conditions will grow and spread and will necessitate in time the expenditure of large amounts of public funds to correct and eliminate the conditions and that, by timely regulations and restrictions as contained in this article, the growth of slums and blight may be prevented and the neighborhood and property values thereby maintained, the desirability and amenities of residential and nonresidential uses and neighborhoods enhanced and the public health, safety and welfare protected and fostered.

(Code 1981, § 6-301; Code 1998, § 22-666)

Sec. 22-552. Purpose.

The purpose of this article is to:

- (1) Protect the public health, safety and welfare by establishing minimum standards governing the maintenance, condition and occupancy of residential and nonresidential premises;
- (2) Establish minimum standards governing utilities, facilities and other physical components and conditions essential to make such facilities fit for human habitation, occupancy and use;
- (3) Fix certain responsibilities and duties upon owners, operators and occupants;
- (4) Authorize and establish procedures for the inspection of residential and nonresidential premises;
- (5) Fix penalties for the violation of this article; and
- (6) Provide for the repair, demolition or vacation of premises unfit for human habitation or occupancy or use.

(Code 1981, § 6-302; Code 1998, § 22-667)

Sec. 22-553. Administration.

All inspections, regulations, enforcement and hearings on violations of this article shall be under the direction and supervision of the building official. The building official may designate such other employees to perform duties as may be necessary to the enforcement of this article, including the making of inspections and holding of hearings.

(Code 1981, § 6-312; Code 1998, § 22-697)

Sec. 22-554. Applicability.

Every residential, nonresidential or mixed occupancy building and the land on which it is situated, used or intended to be used for dwelling, commercial, business or industrial occupancy or use shall comply with this article, whether or not such building shall have been constructed, altered or repaired before or after September 15, 1992, and irrespective of any permits or licenses which shall have been issued for the use or occupancy of the building or premises for the construction or repair of the building or for the installation or repair of equipment or facilities prior to the effective date of the ordinance from which this article is derived. This article shall also apply to mobile home parks.

(Code 1981, § 6-313; Code 1998, § 22-698)

Sec. 22-555. Administration fees.

Every owner or person in possession, charge or control of any place or premises on which a nuisance is created, accumulated or produced which must be abated by the city as a result of his failure or refusal to comply with an order of the building official is liable for and shall pay an administration fee in addition to the cost of repair, alteration or improvement or vacating and closing or removal or demolition by the building official, which fee shall be set by resolution of the board of mayor and aldermen.

(Code 1981, § 6-303; Code 1998, § 22-668)

Sec. 22-556. Controlling standards.

If any section of this article imposes a higher standard than set forth in any other ordinance or under state laws, the standards set forth in this article shall prevail; but if this article imposes a lower standard than any other local ordinance or of state laws, the higher standard shall prevail.

(Code 1981, § 6-314; Code 1998, § 22-699)

State law reference(s)—Reasons for unfitness, T.C.A. § 13-21-102.

Sec. 22-557. Compliance with other ordinances.

No section of this article shall relive any owner, operator or occupant from complying with any other section or relieve any city official from enforcing any other section of this Code.

(Code 1981, § 6-315; Code 1998, § 22-700)

Sec. 22-558. Care of premises.

Having adopted the property maintenance code by reference in section 22-96(d), it shall be unlawful, in conformance with such code, for the owner or occupant of a residential building, structure or property to utilize the premises of such residential property for the open storage of any abandoned motor vehicle, icebox, refrigerator, stove, glass, building material, building rubbish or similar items. It shall be the duty and responsibility of every such owner or occupant to keep the premises of such residential property clean and to remove from the premises all such abandoned items as listed in this section, including but not limited to weeds, dead trees, trash, garbage, etc., upon notice from the building official.

(Code 1981, § 6-311; Code 1998, § 22-701)

Secs. 22-559—22-579. Reserved.***DIVISION 2. STRUCTURES UNFIT FOR HUMAN HABITATION*****Sec. 22-580. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Dwelling means any building or structure or part thereof used and occupied for human occupation or use or intended to be so used and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

Occupant means any person who has charge, care or control of a dwelling or premises or a part thereof, whether with or without the knowledge and consent of the owner.

Owner means any person who, alone or jointly or severally with others, shall have legal or equitable title to any premises in fee simple and every mortgagee of record.

Parties in interest means all individuals, associations or corporations who have interests of record in a structure or parcel of land or who have actual possession thereof.

Premises means a lot, plot or parcel of land, including any buildings or structures thereon.

Public officer means the building official.

Structure means any dwelling or place of public accommodation.

(Code 1981, § 6-321; Code 1998, § 22-731)

Sec. 22-581. Findings.

Pursuant to T.C.A. § 13-21-101 et seq., it is found that there exist in the city structures that are unfit for human occupation or use due to:

- (1) Dilapidation;
- (2) Defects increasing the hazards of fire, accident or other calamities;
- (3) Lack of ventilation, light or sanitary facilities; or
- (4) Other conditions rendering such structures unsafe or unsanitary or dangerous or detrimental to the health, safety or morals or otherwise inimical to the welfare of the residents of the city.

(Code 1981, § 6-320; Code 1998, § 22-732)

Sec. 22-582. Enforcing official.

The building official is designated as the public officer who shall exercise the powers prescribed in this division.

(Code 1981, § 6-321.1; Code 1998, § 22-733)

Sec. 22-583. Powers of building official.

The building official is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and requirements of this division, including the following powers in addition to others granted in this division:

- (1) Investigate conditions in the city in order to determine which structures are unfit for human occupation or use.
- (2) Administer oaths and affirmations, examine witnesses and receive evidence.
- (3) Enter upon premises for the purposes of making examinations, provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession.

(Code 1981, § 6-330; Code 1998, § 22-734)

State law reference(s)—Power of public officers, T.C.A. § 13-21-107.

Sec. 22-584. Conditions rendering dwelling unfit for human habitation.

In addition to other standards set forth in this division, the building official may determine that a structure is unfit for human occupation or use, if he finds that conditions exist in such structure that are dangerous or injurious to the health or safety of the occupants of such structure, the occupants of neighboring structures or other residents of the city. Such conditions without limiting the generality of the foregoing, may include the following:

-
- (1) Defects increasing the hazards of fire, accident or other calamities;
 - (2) Lack of adequate ventilation, light or sanitary facilities;
 - (3) Dilapidation;
 - (4) Disrepair;
 - (5) Structural defects; and
 - (6) Uncleanliness.

(Code 1981, § 6-327; Code 1998, § 22-735)

State law reference(s)—Reasons for unfitness, T.C.A. § 13-21-102; conditions justifying fining of unfitness, T.C.A. § 13-21-104.

Sec. 22-585. Institution of action and notification.

- (a) As used in this section, the term "public authority" means any housing authority or any officer who is in charge of any department or branch of the city or state government relating to health, fire, building regulation or other activities concerning structures in the city.
- (b) Whenever a petition is filed with the building official by a public authority or by at least five residents of the city charging that any structure is unfit for human occupation or use or whenever it appears to the building official on his own motion that any structure is unfit for occupation or use, the building official shall, after making a preliminary investigation and such investigation discloses a basis for the charges, issue and cause to be served upon the owner and parties in interest of such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the building official at a time and place therein fixed not less than ten days or more than 30 days after the serving of the complaint. The notice shall also state that the owners and parties in interest shall be given the right to file an answer to the complaint and to appear in person or otherwise and give testimony at the place and time fixed in the complaint. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the building official.

(Code 1981, § 6-322; Code 1998, § 22-736)

Sec. 22-586. Determination of and further notice by building official.

- (a) If, after such notice and hearing as prescribed in section 22-585, the building official determines that the structure under consideration is unfit for human habitation or use, he shall state in writing his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order as follows:
 - (1) If the repair, alteration or improvement of the structure can be made at a reasonable cost in relation to the value of the structure, the order shall require the owner, within the time specified in the order, to repair, alter or improve such structure; to render it fit for human occupation or use or, if not adequately repaired, altered or improved within the time specified in the order, to vacate and close the dwelling as a place of human habitation or use; or
 - (2) If the repair, alteration or improvement of the structure cannot be made at a reasonable cost in relation to the value of the structure, the order shall require the owner, within the time specified in the order, to remove or demolish such structure.

-
- (b) The building official shall determine the value of the structure in question existing on the land, and the value of the land itself shall not be considered. If the structure can be made to conform to such standards as will make it properly habitable by an expenditure of not more than 50 percent of such value, the order referred to in subsection (a)(2) of this section shall conform to the first alternative in subsection (a)(1) of this section. If an expenditure of more than 50 percent of the value would be necessary to make the structure properly habitable, the order in subsection (a)(1) of this section shall conform to the second alternative in subsection (a)(2) of this section.
- (c) Any repair, alteration or improvement instituted in compliance with this division shall be made in conformance with the zoning and building codes.

(Code 1981, § 6-323; Code 1998, § 22-737)

State law reference(s)—Filing and service of complaints and orders, T.C.A. § 13-21-102.

Sec. 22-587. Failure of owner to comply.

If the owner fails to comply with the order under section 22-586(a)(1), the building official may cause such structure to be repaired, altered or improved or be vacated and closed. If the building is vacated and closed, the building official may cause to be posted on the main entrance of any structure so closed a placard with the following words:

"This building is unfit for human occupation or use; the use or occupation of this building for human occupation or use is prohibited and unlawful."

(Code 1981, § 6-324; Code 1998, § 22-738)

Sec. 22-588. Failure of owner to remove or demolish.

If the owner fails to comply with an order as set forth in section 22-586(a)(2), the building official may cause such structure to be removed or demolished.

(Code 1981, § 6-325; Code 1998, § 22-739)

Sec. 22-589. Creation of lien and payment into court.

- (a) Under this division, the cost of such repairs, alterations or improvements or vacating and closing or removal or demolition by the building official shall, upon the filing of the notice with the office of the register of deeds of the county in which the property lies, be a lien in favor of the city against the real property on which such cost was incurred, second only to:
- (1) Liens of the state, county and city for taxes;
 - (2) Any lien of the city for special assessments; and
 - (3) Any valid lien, right or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice.
- (b) These costs shall be collected by the city tax collector at the same time and in the same manner as property taxes are collected.
- (c) If the structure is removed or demolished by the building official, he shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the chancery court by the building official, shall be secured in such manner as

may be directed by such court and shall be disbursed by such court to the person found to be entitled thereto by final order or decree of such court.

- (d) However, nothing in this section shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

(Code 1981, § 6-326; Code 1998, § 22-740)

Sec. 22-590. Service of complaints or orders.

Complaints or orders issued by the building official pursuant to this division shall be served upon persons either personally or by registered mail. However, if the whereabouts of such persons are unknown and the whereabouts cannot be ascertained by the building official in the exercise of reasonable diligence and the building official shall make affidavit to that effect, the serving of such complaint or order upon such persons may be made by publishing the complaint or order once each week for two consecutive weeks in a newspaper printed and published in the city. A copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the register's office of the county in which the structure is located, and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law.

(Code 1981, § 6-328; Code 1998, § 22-741)

State law reference(s)—Similar provisions, T.C.A. § 13-21-105.

Sec. 22-591. Enjoining enforcement of order.

- (a) Any person affected by an order issued by the building official pursuant to this division may file a bill in the chancery court for an injunction restraining the building official from carrying out the provisions of the order, and the court may, upon the filing of such bill, issue a temporary injunction restraining the building official pending the final disposition of the cause, provided that, within 60 days after the posting and service of the order of the building official, such person shall file such bill in the court. Hearings shall be had by the court on such bill within 20 days or as soon thereafter as possible and shall be given preference over other matters on the court's calendar.
- (b) The court shall hear and determine the issue raised and shall enter such final order or decree as law and justice may require. In all such proceedings, the findings of the building official as to facts, if supported by evidence, shall be conclusive. Costs shall be in the discretion of the court. The remedies provided in this section shall be exclusive remedies, and no person affected by an order of the building official shall be entitled to recover any damages for action taken pursuant to any order of the building official or because of noncompliance by such person with any order of the building official.

(Code 1981, § 6-329; Code 1998, § 22-742)

Secs. 22-592—22-615. Reserved.

DIVISION 3. PROPERTY OTHER THAN OWNER-OCCUPIED RESIDENCES

Sec. 22-616. Prohibition.

Pursuant to the authority granted by T.C.A. § 6-54-113, it shall be unlawful for any owner of record of real property to create, maintain, or permit to be maintained on such property the growth of trees, vines, grass, underbrush and/or the accumulations of debris, trash, litter, or garbage or any combination of the preceding elements so as to endanger the health, safety, or welfare of other citizens or to encourage the infestation of rats and other harmful animals.

(Code 1981, § 6-344; Code 1998, § 22-771; Ord. No. 6604, § I, 9-20-2016)

Editor's note(s)—Ord. No. 6604, § I, adopted Sept. 20, 2016, changed the title of § 22-616 from "Applicability" to read as herein set out.

Sec. 22-617. Designation of building official.

The provisions of T.C.A. § 6-54-113 are enforceable in the city, and the building official is designated as the public officer who shall exercise the powers set out in T.C.A. § 6-54-113 and the provisions of this division.

(Code 1981, § 6-340; Code 1998, § 22-772; Ord. No. 6604, § I, 9-20-2016)

Editor's note(s)—Ord. No. 6604, § I, adopted Sept. 20, 2016, changed the title of § 22-617 from "Enforcing official" to read as herein set out.

Sec. 22-618. Institution of action and notification.

- (a) Pursuant to T.C.A. § 6-54-113, if it is determined by the building official that any owner of record of real property has created, maintained or permitted to be maintained on such property the growth of trees, vines, grass, underbrush or the accumulation of debris, trash, litter or garbage or any combination of such elements so as to endanger the health, safety or welfare of other citizens or so as to encourage the infestation of rats and other harmful animals, the building official shall provide notice to the owner of record to remedy the condition immediately. The notice shall be given by United States mail, addressed to the last known address of the owner of record. When an attempt at notification by United States mail fails or no valid last known address exists for the owner of record, the municipality may publish the notice in a newspaper of general circulation in the county where the property sits for no less than two consecutive issues or personally deliver the notice to the owner of record. For purposes of sections 22-616 through 22-621, such publication shall constitute receipt of notice effective on the date of the second publication of the notice and personal delivery shall constitute receipt of notice immediately upon delivery. The notice shall state that the owner of the property is entitled to a hearing. The notice shall be written in plain language and shall also include but not be limited to the following elements:
- (b) The notice shall state that the owner of the property is entitled to a hearing. The notice shall be written in plain language and shall also include, but not be limited to, the following elements:
 - (1) A brief statement of this section, which shall contain the consequences of failing to remedy the noted condition;
 - (2) The person, office, address and telephone number of the department or person giving notice;
 - (3) A cost estimate for remedying the noted condition, which shall be in conformity with the standards of cost in the community; and
 - (4) A place wherein the notified party may return a copy of the notice, indicating the desire for a hearing.

(Code 1981, § 6-341; Code 1998, § 22-773; Ord. No. 6604, § I, 9-20-2016)

Sec. 22-619. Failure of owner to comply.

- (a) If the person fails or refuses to remedy the condition within ten days after receiving the notice, the appropriate department or person shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards and the cost thereof assessed against the owner of the property. The city may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The city may bring one action for debt against more than one or all of the owners of properties against whom such costs have been assessed, and the fact that multiple owners have been joined in one action shall not be considered by the court as a misjoinder of parties. Upon the filing of the notice with the office of the register of deeds of the county in which the property lies, the costs shall be a lien on the property in favor of the city, second only to liens of the state, county and city for taxes; any lien of the city for special assessments; and any valid lien, right or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be collected by the city tax collector at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes.
- (b) When the owner of an owner-occupied residential property fails or refuses to remedy the condition within ten days after receiving the notice set out in Sec. 22-618, the appropriate department or person shall immediately cause the condition to be remedied or removed at a cost in accordance with reasonable standards in the community, with these costs to be assessed against the owner of the property. Subsection (a) shall apply to the collection of costs against the owner of an owner-occupied residential property, except that the city shall wait until cumulative charges for remediation equal or exceed \$500.00 before filing the notice with the register of deeds and the charges becoming a lien on the property. After this threshold has been met and the lien attaches, charges for costs for which the lien attached are collectible as provided in subsection (a) for these charges.
- (c) If the person who is the owner of record is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewerage or other materials, the ten-day period specified in subsection (a) shall be 20 days, excluding Saturdays, Sundays and legal holidays.

(Code 1981, § 6-342; Code 1998, § 22-774; Ord. No. 6604, § I, 9-20-2016)

Sec. 22-620. Rules; hearings; stay of enforcement.

- (a) The board of mayor and aldermen or building official may make rules and regulations necessary for the administration and enforcement of this division. The building official shall provide for a hearing upon request of the person aggrieved by the determination made pursuant to section 22-618. A request for a hearing shall be made within ten days following the receipt of the notice issued pursuant to section 22-618. Failure to make the request within this time shall, without exception, constitute a waiver of the right to a hearing.
- (b) Any person aggrieved by an order or act of the building official under this division may seek judicial review of the order or act. The time period established in section 22-619 shall be stayed during the pendency of a hearing.

(Code 1981, § 6-343; Code 1998, § 22-775; Ord. No. 6604, § I, 9-20-2016)

Sec. 22-621. Supplemental to similar authority.

The provisions of these sections 22-616 through 22-621 are in addition and supplemental to, and not in substitution for, similar authority in the City's Charter or other applicable law.

(Ord. No. 6604, § II, 9-20-2016)

Secs. 22-622—22-643. Reserved.

ARTICLE X. BUILDING NUMBERING

Sec. 22-644. Compliance.

All residences, business houses, shops and other buildings shall be numbered according to this article.

(Code 1981, § 24-29; Code 1998, § 22-801)

Sec. 22-645. East-west axis of reference.

Numbering under this article shall be done with reference to Broad Street, as streets may run east or west, from its southerly origin to its intersection with Gibson Mill Road, and with reference to Gibson Mill Road from its intersection with Broad Street to its intersection with Bloomingdale Pike, and with reference to Bloomingdale Pike from its intersection with Mill Street to the corporate line.

(Code 1981, § 24-30; Code 1998, § 22-802)

Sec. 22-646. North-south axis of reference.

Numbering under this article shall be done with reference to the Clinchfield Chesapeake and Ohio Railroad, north or south, as streets may run north or south, beginning at a point nearest such railroad.

(Code 1981, § 24-31; Code 1998, § 22-803)

Sec. 22-647. Odd numbers on east and south; even numbers on west and north.

Under this article, odd numbers shall be allotted to the east and south sides of the streets and even numbers to the west and north sides.

(Code 1981, § 24-32; Code 1998, § 22-804)

Sec. 22-648. Assignment of numbers to square or block.

Numbering under this article shall be done in such manner that 100 numbers shall be assigned to each square or block regularly laid out.

(Code 1981, § 24-33; Code 1998, § 22-805)

Sec. 22-649. Plats showing street numbers.

The department of developmental services shall prepare plats, on durable material, of each street numbered, showing the numbers given to each lot.

(Code 1981, § 24-34; Code 1998, § 22-806)

Sec. 22-650. Issuance of numbers and certificates.

Under this article, all house numbers and certificates therefor shall be issued by the department of developmental services.

(Code 1981, § 24-35; Code 1998, § 22-807)

Sec. 22-651. Use of other numbers.

It shall be unlawful for any person to use any numbers other than those assigned pursuant to this article.

(Code 1981, § 24-36; Code 1998, § 22-808)

Sec. 22-652. Record of numbers and certificates issued.

The department of developmental services shall keep a record of all numbers and certificates for numbers issued pursuant to this article.

(Code 1981, § 24-37; Code 1998, § 22-809)

Sec. 22-653. Duty of owners, tenants or occupants.

It shall be the duty of every property owner, tenant or occupant of a house, shop, residence, business house or other building to number such building and maintain such numbering in plain and legible figures, placed in a conspicuous place, and not suffer the number to be covered or hidden. No person shall refuse to number such house or building according to this article.

(Code 1981, § 24-38; Code 1998, § 22-810)