

TITLE 12

BUILDING, UTILITY, ETC. CODES

CHAPTER

1. BUILDING CODE.
2. PLUMBING CODE.
3. MECHANICAL CODE.
4. RESIDENTIAL CODE.
5. FUEL GAS CODE.
6. EXISTING BUILDING CODE.
7. ENERGY CONSERVATION CODE.

CHAPTER 1

BUILDING CODE¹

SECTION

- 12-101. Building code adopted.
 12-102. Modifications.
 12-103. Amendments.
 12-104. Available in recorder's office.
 12-105. Violations and penalty.

12-101. Building code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 6-54-506, and for the purpose of regulating the construction, alteration, repair, use, occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the *International Building Code*², 2018 edition, including Appendix Chapters A through K, omitting L, M, N (see *International Building Code* section R101.2.1, 2018 edition) and all subsequent amendments or additions to the said code, as

¹Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

Fees and fines for building construction and utilities, and any amendments thereto, are of record in the city recorder's office.

²Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code as fully as if copied herein verbatim, and is hereinafter referred to as the building code. (Ord. #653-21, March 2021)

12-102. Modifications. The following sections are hereby revised to read as follows:

(1) **Definitions.** Whenever the words "Building Official" are used in the building code, they shall refer to the person designated by the mayor and council to enforce the provisions of the building code.

12-103. Amendments. The following sections are hereby revised:

Section 101.1 Insert "City of Algood."

Section 1612.3 Insert "City of Algood."

Section 1612.3 Insert "May 16, 2007." (Ord. #653-21, March 2021)

12-104. Available in recorder's office. Pursuant to the requirements of the *Tennessee Code Annotated*, § 6-54-502, one (1) copy of the building code has been placed on file in the recorder's office and shall be there for the use and inspection of the public. (1997 Code, § 12-103)

12-105. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the building code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

CHAPTER 2

PLUMBING CODE¹

SECTION

- 12-201. Plumbing code adopted.
- 12-202. Modifications.
- 12-203. Amendments.
- 12-204. Available in recorder's office.
- 12-205. Violations and penalty.

12-201. Plumbing code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 6-54-506, and for the purpose of regulating plumbing installations, including alterations, repairs, equipment, appliances, fixtures, fittings, and the appurtenances thereto, within or without the municipality, when such plumbing is or is to be connected with the municipal water or sewerage system, the *International Plumbing Code*,² 2018 edition, omitting Appendix Chapter A, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the plumbing code. (Ord. #654-21, March 2021)

12-202. Modifications. (1) Wherever the plumbing code refers to the "Chief Appointing Authority," the "Administrative Authority," or the "Governing Authority," it shall be deemed to be a reference to the governing body of this municipality.

(2) Wherever "City Engineer," "Engineering Department," "Plumbing Official," or "Inspector" is named or referred to, it shall mean the person appointed or designated by the municipal governing body to administer and enforce the provisions of the plumbing code. (1997 Code, § 12-202, modified)

¹Municipal code references

Cross-connections: title 18.

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

Fees and fines for building construction and utilities, and any amendments thereto, are of record in the city recorder's office.

²Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

12-203. Amendments. The plumbing code is amended as follows:

- 101.1 Insert "City of Algood."
- 106.6.1 Insert "Ordinance 593-14: Fees and Fines for Building Construction, Plan Review and Permitting."
- 106.6.2 Insert "Ordinance 593-14: Fees and Fines for Building Construction, Plan Review and Permitting."
- 106.6.3 Refer to "Ordinance 593-14: Fees and Fines for Building Construction, Plan Review and Permitting."
- 108.4 Refer to "Ordinance 593-14: Fees and Fines for Building Construction, Plan Review and Permitting."
- 108.5 Refer to "Ordinance 593-14: Fees and Fines for Building Construction, Plan Review and Permitting."
- 305.4.1 Refer to "Table R301.2(1)" in the *International Residential Code* book.
- 903.1 Insert "8 inches." (Ord. #654-21, March 2021)

12-204. Available in recorder's office. Pursuant to the requirements of *Tennessee Code Annotated*, § 6-54-502, one (1) copy of the plumbing code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1997 Code, § 12-204)

12-205. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the plumbing code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

CHAPTER 3

MECHANICAL CODE¹

SECTION

- 12-301. Mechanical code adopted.
- 12-302. Modifications.
- 12-303. Amendments.
- 12-304. Available in recorder's office.
- 12-305. Violations and penalty.

12-301. Mechanical code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 6-54-506, and for the purpose of regulating the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and/or appurtenances thereto, including ventilating, heating, cooling, air conditioning, and refrigeration systems, incinerators, and other energy-related systems, the *International Mechanical Code*,² 2018 edition, including Appendix Chapter A, and omitting B, and all subsequent amendments or additions to the said code, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code as fully as if copied herein verbatim and is hereinafter referred to as the mechanical code. (Ord. #655-21, March 2021)

12-302. Modifications. Definitions. Wherever the mechanical code refers to the "Building Department," "Mechanical Official," or "Building Official," or "Inspector" it shall mean the person appointed or designated by the city council to administer and enforce the provisions of the mechanical code. (1997 Code, § 12-802)

12-303. Amendments. The following sections are hereby revised:
Section 101.1 Insert "City of Algood."

¹Municipal code references

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

Fees and fines for building construction and utilities, and any amendments thereto, are of record in the city recorder's office.

²Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

<u>Section 106.5.1</u>	Insert "Ordinance 593-14: Fees and Fines for Building Construction, Plan Review and Permitting."
<u>Section 106.5.2</u>	Insert "Ordinance 593-14: Fees and Fines for Building Construction, Plan Review and Permitting."
<u>Section 106.5.3</u>	Refer to "Ordinance 593-14: Fees and Fines for Building Construction, Plan Review and Permitting."
<u>Section 108.4</u>	Refer to "Ordinance 593-14: Fees and Fines for Building Construction, Plan Review and Permitting."
<u>Section 108.5</u>	Refer to "Ordinance 593-14: Fees and Fines for Building Construction, Plan Review and Permitting." (Ord. #655-21, March 2021)

12-304. Available in recorder's office. Pursuant to the requirements of *Tennessee Code Annotated*, § 6-54-502, one (1) copy of the mechanical code has been placed on file in the city recorder's office and shall be kept there for the use and inspection of the public. (1997 Code, § 12-804)

12-305. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the mechanical code as herein adopted. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

CHAPTER 4

RESIDENTIAL CODE¹

SECTION

- 12-401. Residential code adopted.
- 12-402. Modifications.
- 12-403. Amendments.
- 12-404. Available in recorder's office.
- 12-405. Violations and penalty.

12-401. Residential code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 6-54-506, and for the purpose of providing building, plumbing, mechanical and electrical provisions, the *International Residential Code*,² 2018 edition, including Appendix chapters A through Q, omitting L (see *International Residential Code*, section R102.5, 2018 edition), and all subsequent amendments or additions to the said code, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code as fully as if copied herein verbatim, and is hereinafter referred to as the residential code. (Ord. #652-21, March 2021)

12-402. Modifications. Wherever the residential code refers to the "Building Official" it shall mean the person appointed or designated by the municipal governing body to administer and enforce the provisions of the residential code. Wherever the "Department of Law" is referred to it shall mean the city attorney. Wherever the "Chief Appointing Authority" is referred to it shall mean the municipal governing body. (1997 Code, § 12-502)

12-403. Amendments. The following sections are hereby revised:

Section R101.1 Insert "City of Algood."

Table R301.2(1) Insert "Completed Table R301.2(1) - Climatic and Geographic Design Criteria."³

¹Fees and fines for building construction and utilities, and any amendments thereto, are of record in the city recorder's office.

²Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

³A copy of Table R301.2(1) is of record in the recorder's office attached to Ord. #652-21.

- Section R303.4 Insert "or approved air exchanger on the HVAC System which will make up the required ventilation." at the end of section.
- Section R313.2 Replace the verbiage "one- and two- family dwellings" with "all residential dwellings except one- and two-family dwellings."
- Section P2503.5.1 Omit the words "other than plastic."
- Section P2603.5.1 Refer to Table R301.2(1) for number of inches. (Ord. #652-21, March 2021)

12-404. Available in recorder's office. Pursuant to the requirements of *Tennessee Code Annotated*, § 6-54-502, one (1) copy of the residential code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1997 Code, § 12-504)

12-405. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the residential code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

CHAPTER 5

FUEL GAS CODE¹

SECTION

- 12-501. Title and definitions.
- 12-502. Purpose and scope.
- 12-503. Available in recorder's office.
- 12-504. Use of existing piping and appliances.
- 12-505. Bond and license.
- 12-506. Gas inspector and assistants.
- 12-507. Powers and duties of inspector.
- 12-508. Permits.
- 12-509. Inspections.
- 12-510. Certificates.
- 12-511. Fees.
- 12-512. Amendments.
- 12-513. Nonliability.
- 12-514. Violations and penalty.

12-501. Title and definitions. This chapter and the code herein adopted by reference shall be known as the gas code of the municipality and may be cited as such.

The following definitions are provided for the purpose of interpretation and administration of the gas code.

(1) "Certain appliances" means conversion burners, floor furnaces, central heating plants, vented wall furnaces, water heaters, and boilers.

(2) "Certificate of approval" means a document or tag issued and/or attached by the inspector to the inspected material, piping, or appliance installation, filled out, together with date, address of the premises, and signed by the inspector.

(3) "Gas company" means any person distributing gas within the corporate limits or authorized and proposing to so engage.

(4) "Inspector" means the person appointed as inspector, and shall include each assistant inspector, if any, from time to time acting as such under this chapter by appointment of the municipal governing body.

(5) "Person" means any individual, partnership, firm, corporation, or any other organized group of individuals. (1997 Code, § 12-401)

¹Municipal code reference

Gas system administration: title 19, chapter 2.

Fees and fines for building construction and utilities, and any amendments thereto, are of record in the city recorder's office.

12-502. Purpose and scope. The purpose of the gas code is to provide minimum standards, provisions, and requirements for safe installation of consumer's gas piping and gas appliances. All gas piping and gas appliances installed, replaced, maintained, or repaired within the corporate limits shall conform to the requirements of this chapter and to the *International Fuel Gas Code*,¹ 2018 edition, including Appendix Chapters A through D (see *International Fuel Gas Code*, section 101.3, 2018 edition) which is hereby adopted and incorporated by reference and made a part of this chapter as if fully set forth herein and shall be referred to as the gas code. (Ord. #656-21, March 2021)

12-503. Available in recorder's office. Pursuant to the requirements of the *Tennessee Code Annotated*, § 6-54-502, one (1) copy of the gas code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

12-504. Use of existing piping and appliances. Notwithstanding any provision in the gas code to the contrary, consumer's piping installed prior to the adoption of the gas code or piping installed to supply other than natural gas may be converted to natural gas if the inspector finds, upon inspection and proper tests, that such piping will render reasonably satisfactory gas service to the consumer and will not in any way endanger life or property; otherwise, such piping shall be altered or replaced, in whole or in part, to conform with the requirements of the gas code. (1997 Code, § 12-403)

12-505. Bond and license. (1) No person shall engage in or work at the installation, extension, or alteration of consumer's gas piping or certain gas appliances, until such person shall have secured a license as hereinafter provided, and shall have executed and delivered to the city recorder a good and sufficient bond in the penal sum of ten thousand dollars (\$10,000.00), with corporate surety, conditioned for the faithful performance of all such work, entered upon or contracted for, in strict accordance and compliance with the provisions of the gas code. The bond herein required shall expire on the first day of January next following its approval by the city recorder, and thereafter on the first day of January of each year a new bond, in form and substance as herein required, shall be given by such person to cover all such work as shall be done during such year.

(2) Upon approval of said bond, the person desiring to do such work shall secure from the city recorder a nontransferable license which shall run until the first day of January next succeeding its issuance, unless sooner

¹Copies of this code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

revoked. The person obtaining a license shall pay any applicable license fees to the city recorder.

(3) Nothing herein contained shall be construed as prohibiting an individual from installing or repairing his own appliances or installing, extending, replacing, altering, or repairing consumer's piping on his own premises, or as requiring a license or a bond from an individual doing such work on his own premises; provided, however, all such work must be done in conformity with all other provisions of the gas code, including those relating to permits, inspections, and fees. (1997 Code, § 12-404)

12-506. Gas inspector and assistants. To provide for the administration and enforcement of the gas code, the office of gas inspector is hereby created. The inspector, and such assistants as may be necessary in the proper performance of the duties of the office, shall be appointed or designated by the municipal governing body. (1997 Code, § 12-405)

12-507. Powers and duties of inspector. (1) The inspector is authorized and directed to enforce all of the provisions of the gas code. Upon presentation of proper credentials, he may enter any building or premises at reasonable times for the purpose of making inspections or preventing violations of the gas code.

(2) The inspector is authorized to disconnect any gas piping or fixture or appliance for which a certificate of approval is required but has not been issued with respect to same, or which, upon inspection, shall be found defective or in such condition as to endanger life or property. In all cases where such a disconnection is made, a notice shall be attached to the piping, fixture, or appliance disconnected by the inspector, which notice shall state that the same has been disconnected by the inspector, together with the reason or reasons therefor, and it shall be unlawful for any person to remove said notice or reconnect said gas piping or fixture or appliance without authorization by the inspector and such gas piping or fixture or appliance shall not be put in service or used until the inspector has attached his certificate of approval in lieu of his prior disconnection notice.

(3) It shall be the duty of the inspector to confer from time to time with representatives of the local health department, the local fire department, and the gas company, and otherwise obtain from proper sources all helpful information and advice, presenting same to the appropriate officials from time to time for their consideration. (1997 Code, § 12-406)

12-508. Permits. (1) No person shall install a gas conversion burner, floor furnace, central heating plant, vented wall furnace, water heater, boiler, consumer's gas piping, or convert existing piping to utilize natural gas without first obtaining a permit to do such work from the city recorder; however, permits

will not be required for setting or connecting other gas appliances, or for the repair of leaks in house piping.

(2) When only temporary use of gas is desired, the recorder may issue a permit for such use for a period of not to exceed sixty (60) days; provided the consumer's gas piping to be used is given a test equal to that required for a final piping inspection.

(3) Except when work in a public street or other public way is involved the gas company shall not be required to obtain permits to set meters, or to extend, relocate, remove, or repair its service lines, mains, or other facilities, or for work having to do with its own gas system. (1997 Code, § 12-407)

12-509. Inspections. (1) A rough piping inspection shall be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been attached thereto.

(2) A final piping inspection shall be made after all piping authorized by the permit has been installed and after all portions thereof which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been attached thereto. This inspection shall include a pressure test, at which time the piping shall stand an air pressure equal to not less than the pressure of a column of mercury six inches (6") in height, and the piping shall hold this air pressure for a period of at least ten (10) minutes without any perceptible drop. A mercury column gauge shall be used for the test. All tools, apparatus, labor, and assistance necessary for the test shall be furnished by the installer of such piping. (1997 Code, § 12-408)

12-510. Certificates. The inspector shall issue a certificate of approval at the completion of the work for which a permit for consumer piping has been issued if after inspection it is found that such work complies with the provisions of the gas code. A duplicate of each certificate issued covering consumer's gas piping shall be delivered to the gas company and used as its authority to render gas service. (1997 Code, § 12-409)

12-511. Fees. (1) The total fees for inspection of consumer's gas piping at one (1) location (including both rough and final piping inspection) shall be one dollar and fifty cents (\$1.50) for one to four (1-4) outlets, inclusive, and fifty cents (\$0.50) for each outlet above four (4).

(2) The fees for inspecting conversion burners, floor furnaces, boilers, or central heating plants shall be one dollar and fifty cents (\$1.50) for each unit.

(3) The fees for inspecting vented wall furnaces and water heaters shall be one dollar (\$1.00) for each unit.

(4) If the inspector is called back, after correction of defects noted, an additional fee of one dollar (\$1.00) shall be made for each such return inspection.

(5) Any and all fees shall be paid by the person to whom the permit is issued. (1997 Code, § 12-410)

12-512. Amendments. The following sections are hereby revised:

101.1 Insert "City of Algood."

106.6.1 Insert "Ordinance 593-14: Fees and Fines for Building Construction, Plan Review and Permitting."

106.6.2 Insert "Ordinance 593-14: Fees and Fines for Building Construction, Plan Review and Permitting."

106.6.3 Refer to "Ordinance 593-14: Fees and Fines for Building Construction, Plan Review and Permitting."

108.4 Refer to "Ordinance 593-14: Fees and Fines for Building Construction, Plan Review and Permitting."

108.5 Refer to "Ordinance 593-14: Fees and Fines for Building Construction, Plan Review and Permitting." (Ord. #656-21, March 2021)

12-513. Nonliability. This chapter shall not be construed as imposing upon the municipality any liability or responsibility for damages to any person injured by any defect in any gas piping or appliance mentioned herein, or by installation thereof, nor shall the municipality, or any official or employee thereof, be held as assuming any such liability or responsibility by reason of the inspection authorized hereunder or the certificate of approval issued by the inspector. (1997 Code, § 12-413)

12-514. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the gas code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code or the license of such person may be revoked, or both fine and revocation of license may be imposed. Each day a violation is allowed to continue shall constitute a separate offense.

CHAPTER 6

EXISTING BUILDING CODE¹

SECTION

- 12-601. Existing building code adopted.
- 12-602. Modifications.
- 12-603. Amendments.
- 12-604. Available in recorder's office.
- 12-605. Violations and penalty.

12-601. Existing building code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 6-54-506, and for the purpose of regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings, including historic buildings, as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said *International Existing Building Code*,² 2018 edition, including Appendix Chapters A, B, and Resource A, omitting Appendix C (see *International Existing Building Code*, section 101.6, 2018 edition), on file in the office of the City of Algood are hereby referred to, adopted, and made a part thereof, as if fully set out in this code, with the additions, insertions, deletions and changes, if any, prescribed in § 12-602 of this chapter. (Ord. #657-21, March 2021)

12-602. Modifications. Definitions. Whenever the unsafe building abatement code refers to the "Chief Appointing Authority," or the "Chief Administrator" it shall be deemed to be a reference to the governing body. When the "Building Official" is named it shall, for the purposes of the unsafe building abatement code, mean such person as the governing body has appointed or designated to administer and enforce the provisions of the unsafe building abatement code. (1997 Code, § 12-702)

12-603. Amendments. The following sections are hereby revised:

- 101.1 Insert "City of Algood."
- 1401.2 Insert "April 1, 2021." (Ord. #657-21, March 2021)

¹Fees and fines for building construction and utilities, and any amendments thereto, are of record in the city recorder's office.

²Copies of this code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

12-604. Available in recorder's office. Pursuant to the requirements of *Tennessee Code Annotated*, § 6-54-502, one (1) copy of the existing building code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1997 Code, § 12-704)

12-605. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the existing building code as herein adopted. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

CHAPTER 7

ENERGY CONSERVATION CODE¹

SECTION

- 12-701. Energy code adopted.
- 12-702. Modifications.
- 12-703. Available in recorder's office.
- 12-704. Violations and penalty.

12-701. Energy code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 6-54-506, and for the purpose of regulating the design of buildings for adequate thermal resistance and low air leakage and the design and selection of mechanical, electrical, water-heating and illumination systems and equipment which will enable the effective use of energy in new building construction, the *International Energy Conservation Code*,² 2012 edition, as prepared and maintained by the International Code Council, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the energy code. (Ord. #590-14, Dec. 2014)

12-702. Modifications. Whenever the energy code refers to the "Responsible Government Agency," it shall be deemed to be a reference to the City of Algood. When the "Building Official" is named it shall, for the purposes of the energy code, mean such person as the governing body shall have appointed or designated to administer and enforce the provisions of the energy code. (1997 Code, § 12-602)

12-703. Available in recorder's office. Pursuant to the requirements of the *Tennessee Code Annotated*, § 6-54-502, one (1) copy of the energy code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1997 Code, § 12-603)

¹Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

Fees and fines for building construction and utilities, and any amendments thereto, are of record in the city recorder's office.

²Copies of this code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

12-704. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the energy code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.