

**TITLE 12**

**BUILDING, UTILITY, ETC. CODES**

**CHAPTER**

1. BUILDING CODE.
2. PLUMBING CODE.
3. RESIDENTIAL CODE.
4. MODEL ENERGY CODE.
5. MECHANICAL CODE.
6. SWIMMING POOL ENCLOSURE.
7. EXISTING BUILDING CODE.

**CHAPTER 1**

**BUILDING CODE**<sup>1</sup>

**SECTION**

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

**12-101. Building code adopted.** A certain document, one (1) of which is on file in the office of the building official of the City of Dyer/Gibson County, being marked and designated as the International Building Code,<sup>2</sup> 2006 edition, including Appendix chapters, as published by the International Code Council, be and is hereby adopted as the Building Code of the City of Dyer, in the State of Tennessee for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and the use and the demolition of such structures as herein provided; providing for the

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<sup>1</sup>Municipal 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.

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

issuance of permits and collection of fees as set by the city; and each and all of the regulations, provisions, penalties, conditions and terms of said building code on file in the office of the building official are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in § 12-102 of this chapter. (Ord. #96-75, July 1996, modified, as replaced by Ord. #2010-188, Sept. 2010)

**12-102. Modifications.** Whenever the building code refers to the "Chief Appointing Authority" or the "Chief Administrator," it shall be deemed to be a reference to the city council. When the "Building Official" or "Director of Public Works" is named it shall, for the purposes of the building code, mean such person as the city council shall have appointed or designated to administer and enforce the provisions of the building code. When reference is made to the duties of a certain official named herein, that designated official of the City of Dyer who has duties corresponding to those of the building code shall be deemed to be the responsible official insofar as enforcing the provisions of the building code are concerned.

Provided further, that wherever there shall be a conflict between the following provisions and any other provision of the building code, the following provisions shall be applicable and controlling:

(1) Permits. All individuals, association of individuals, and corporations that desire to erect new buildings or move old buildings within the corporate limits, shall first obtain a permit from the building inspector prior to the commencement of construction or moving of such building.

(2) Zoning requirements, etc. All individuals, association of individuals, and corporations shall submit their building plans to the building inspector prior to the commencement of any construction, or moving of buildings, and which plans and specifications shall comply with the existing zoning ordinances, fire code, and construction codes which include the plumbing code. Any building that is moved from one location to another within the corporate limits shall comply with all such codes and ordinances to the same extent required for new construction.

(3) Special requirements for moving buildings. Any building that is moved from one location to another within or without the corporate limits must conform to the general appearance of the buildings in the area to which such building is being moved and also meet the general value of like buildings in the area after such move is accomplished.

(4) Fees. (a) New construction and improvements. The building inspector shall charge such prospective builder a fee for the issuance of the building permit, determined by the following table:

<u>Total Valuation of Work</u>	<u>Fee</u>
\$1000.00 and less	\$10.00

\$1001.00 to \$50,000.00	\$10.00 for the first \$1000.00 plus \$3.00 for each additional thousand or fraction thereof, to and including \$50,000.00.
\$50,001.00 to \$100,000.00	\$157.00 for the first \$50,000.00 plus \$2.50 for each additional thousand or fraction thereof, to and including \$100,000.00.
\$100,001.00 to \$500,000.00	\$282.00 for the first \$100,000.00 plus \$2.00 for each additional thousand or fraction thereof, to and including \$500,000.00.
\$500,001.00 and up	\$1,082.00 for the first \$500,000.00 plus \$1.50 for each additional thousand or fraction thereof.
Accessory buildings less than \$3000.00 in value, zoning inspection only	\$10.00

If, in the opinion of the building inspector, the valuation of work appears to be underestimated on the application, the building inspector may use the latest valuation tables as published by the Southern Building Code Congress International Inc., unless the applicant can show detailed estimates to meet the approval of the building inspector. Permit valuations shall include total cost, such as electrical, gas mechanical, plumbing equipment and other systems, including materials and labor.

(b) Moving of buildings or structures. The building inspector shall charge the person moving an existing building or structure from one location to another within or without the corporate limits, a moving fee in the amount of \$50.00.

(c) Demolition of buildings or structures. The building inspector shall charge the person demolishing any building or structure, a minimum fee of \$25.00 plus \$0.25 per 1,000 cubic feet over and above 100,000 cubic feet.

(d) Failure to obtain permit prior to construction. Any person commencing work for which a permit is required pursuant to section (1) above, shall obtain the required permit of which the fees computed in subsection (a), (b), or (c) shall be doubled; the payment of said double fees shall not relieve any persons from fully complying with the requirements of the building code in the execution of the work nor from any other penalties prescribed by law.

(e) Plan-checking fees. In all cases in which drawings and specifications are required by the building code or other laws to be submitted, the building inspector shall charge such prospective builder a fee in addition to that required by subsection (a) above in the amount of 1/2 of the amount required by subsection (a) above.

(5) Permit expiration date. Each permit issued hereunder shall be effective for a period of six (6) months, and after the expiration of such period, any building or moving permit issued hereunder shall expire unless actual construction or moving has been commenced within said six (6) month period following the date of issuance of such building permit.

The following sections are hereby revised:

Section 101.1

Section 1612.3

Section 3410.2 (1983 Code, § 4-102, as amended by Ord. #96-75, July 1996, Ord. #98-95, July 1998, and Ord. #2010-188, Sept. 2010)

**12-103. 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 kept there for the use and inspection of the public. (1983 Code, § 4-103, modified)

**12-104. Violations.** 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. (1983 Code, § 4-104)

**CHAPTER 2****PLUMBING CODE**<sup>1</sup>**SECTION**

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

**12-201. Plumbing code adopted.** A certain document, three (3) copies of which are on file in the office of the building official of the City of Dyer/Gibson County being marked and designated as the International Plumbing Code,<sup>2</sup> 2006 edition, including Appendix chapters, as published by the International Code Council, be and is hereby the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all the regulations, provisions, penalties, conditions and terms of said plumbing code on file in the office of the building official are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in § 12-202 of this chapter. (Ord. #96-75, July 1996, modified, as replaced by Ord. #2010-189, Sept. 2010)

**12-202. Modifications.** 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 city council.

Wherever "City Engineer," "Engineering Department," "Plumbing Official," or "Inspector" is named or referred to, it shall mean the person appointed or designated by the city council to administer and enforce the provisions of the plumbing code. Section 107 of the plumbing code is hereby deleted. When reference is made to the duties of a certain official named herein, that designated official of the City of Dyer who has duties corresponding to those

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<sup>1</sup>Municipal code references

Cross connections: title 18, chapter 5.

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

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

of the named official in the plumbing code shall be deemed to be the responsible official insofar as enforcing the provisions of the plumbing code are concerned.

The following sections are hereby revised:

Section 101.1 Insert: City of Dyer;

Section 106.6.2 Insert: Fees as adopted;

Section 106.6.3 Insert: 30 days;

Section 108.4 Insert: Class C/50.00 each day. (1983 Code, § 4-202, as amended by Ord. #96-75, July 1996, and Ord. #2010-189, Sept. 2010)

**12-203. 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. (1983 Code, § 4-203, modified)

**12-204. Violations.** 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. (1983 Code, § 4-204)

## CHAPTER 3

### RESIDENTIAL CODE

#### SECTION

- 12-301. Residential code adopted.
- 12-302. Modifications.
- 12-303. Available in recorder's office.
- 12-304. Violations.

**12-301. Residential code adopted.** A certain document, one (1) copy of which is on file in the office of the building official of the City of Dyer/Gibson County, being marked and designated as the International Residential Code,<sup>1</sup> 2006 edition, including Appendix chapters, as published by the International Code Council, be and is hereby adopted as the residential code of the City of Dyer, in the State of Tennessee for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of the detached one (1) and two (2) family dwellings and multiple single family dwellings (townhouses) not more than three (3) stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all the regulations, provisions, penalties, conditions and terms of said residential code on file in the office of the building official are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in § 12-302 of this chapter. (1983 Code, § 4-301, modified, as replaced by Ord. #2010-191, Sept. 2010)

**12-302. Modifications.** Wherever the residential code refers to the "Building Official" it shall mean the person appointed or designated by the city council 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 "Applicable Governing Body" is referred to it shall mean the city council.

The following sections are hereby revised:

Section R101.1

Table R301.2(1)

Section P2603.6.1

Section P3103.1. (1983 Code, § 4-302, as amended by Ord. #2010-191, Sept. 2010)

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<sup>1</sup>Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

**12-303. 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. (1983 Code, § 4-303, modified, as amended by Ord. #2010-191, Sept. 2010)

**12-304. Violations.** 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. (1983 Code, § 4-304, as amended by Ord. #2010-191, Sept. 2010)



## CHAPTER 4

### MODEL ENERGY CODE<sup>1</sup>

#### SECTION

- 12-401. Model energy code adopted.
- 12-402. Modifications.
- 12-403. Available in recorder's office.
- 12-404. Violation and penalty.

**12-401. Model energy code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 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 Model Energy Code<sup>2</sup> 1992 edition, as prepared and maintained by The Council of American Building Officials, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the energy code.

**12-402. Modifications.** Whenever the energy code refers to the "responsible government agency," it shall be deemed to be a reference to the City of Dyer. When the "building official" is named it shall, for the purposes of the energy code, mean such person as the city council shall have appointed or designated to administer and enforce the provisions of the energy code.

**12-403. 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.

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 13-19-106 requires Tennessee cities either to adopt the Model Energy Code, 1992 edition, or to adopt local standards equal to or stricter than the standards in the energy code.

Municipal 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.

<sup>2</sup>Copies of this code (and any amendments) may be purchased from The Council of American Building Officials, 5203 Leesburg, Pike Falls Church, Virginia 22041.

**12-404. Violation and penalty.** It shall be a civil offense 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 of up to five hundred dollars (\$500) for each offense. Each day a violation is allowed to continue shall constitute a separate offense.

**CHAPTER 5****MECHANICAL CODE**<sup>1</sup>**SECTION**

12-501. Mechanical code adopted.

12-502. Modifications.

**12-501. Mechanical code adopted.** Pursuant to authority granted by Tennessee Code Annotated §§ 6-54-501 through 6-54-516 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 Standard Mechanical Code<sup>2</sup>, 1997 edition, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the mechanical code. (Ord. #96-75, July 1996, modified)

**12-502. Modifications.** When reference is made to the duties of a certain official named herein, that designated official of the City of Dyer who has duties corresponding to those of the named official in the mechanical code shall be deemed to be the responsible official insofar as enforcing the provisions of the mechanical code are concerned. (Ord. #96-75, July 1996)

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<sup>1</sup>Municipal code references

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

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

## CHAPTER 6

### SWIMMING POOL ENCLOSURE

#### SECTION

12-601. Fence required.

12-602. Gates and doors to be self-closing, etc.

12-603. Application of requirements.

12-604. Modifications.

12-605. Permit required.

**12-601. Fence required.** Every outdoor swimming pool or family pool within the City of Dyer shall be completely surrounded by a fence or wall not less than five (5) feet in height, which shall be so constructed as not to have openings, holes, or gaps larger than four (4) inches in any dimension except for doors and gates. A dwelling house or accessory building may be used as a part of such enclosure. (1983 Code, § 4-401)

**12-602. Gates and doors to be self-closing, etc.** All gates or doors opening into such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except the door of any building which forms a part of the enclosure need not be so equipped. Latches shall be placed a minimum of 4 1/2 feet above the underlying ground or otherwise made inaccessible from the outside to small children. (1983 Code, § 4-402)

**12-603. Application of requirements.** This requirement for enclosures of swimming pools shall be applicable to all municipal pools or family pools hereafter constructed, other than indoor pools, and shall apply to all existing pools which have the depth of at least 18 inches of water. No person in possession of land within the city, either as owner, purchaser, lessee, tenant, or licensee, upon which is situated a swimming pool or family pool having a depth of at least 18 inches of water shall fail to provide and maintain such fence or wall as herein provided. (1983 Code, § 4-403)

**12-604. Modifications.** The building inspector may make modifications in individual cases, upon a showing of good cause, with respect to the height, nature, or location of the fence, wall, gates, or latches, provided the protection of small children is not reduced thereby. The building inspector of Dyer may permit other protective devices or structures to be used so long as the degree of protection afforded by the substitute devices or structures is not less than the protection afforded by the wall, fence, gate, and latches described herein. The building inspector shall allow a reasonable period within which to comply with the requirements of this chapter. (1983 Code, § 4-404)

**12-605. Permit required.** No enclosure required herein shall be constructed without first securing a permit for the construction of same from the building inspector. (1983 Code, § 4-405)

## CHAPTER 7

### EXISTING BUILDING CODE

#### SECTION

12-701. Existing building code adopted.

12-702. Modifications.

**12-701. Existing building code adopted.** A certain document, one (1) copy of which is on file in the office of the Building Official of Dyer/Gibson County, being marked and designated as the International Existing Building Code,<sup>1</sup> 2006 edition, including Appendix chapters, as published by the International Code Council, be and is hereby adopted as the Existing Building Code of the City of Dyer/Gibson County, in the State of Tennessee for 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 fees therefore; and each and all of the regulations, provisions, penalties, conditions, and terms of said existing building code on file in the office of the building official are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in § 12-702 of this chapter. (as added by Ord. #2010-190, Sept. 2010)

**12-702. Modifications.** The following sections are hereby revised:

Section 101.1

Section 1301.2. (as added by Ord. #2010-190, Sept. 2010)

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<sup>1</sup>Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.