

TITLE 12

BUILDING, UTILITY, ETC. CODES

CHAPTER

1. BUILDING CODE.
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11. VIOLATIONS.
12. BOARD OF APPEALS.

CHAPTER 1

BUILDING CODE¹

SECTION

- 12-101. Building code adopted.
- 12-102. Revisions.
- 12-103. Severability.
- 12-104. Recommended schedule of permit fees.

12-101. Building code adopted. A certain document being marked and designated as the International Building Code,² 2015 edition, including Appendix Chapters I (see International Building Code section 101.2.1, 2015 edition), as published by the International Code Council, be and is hereby adopted as the building code of the City of Elizabethton, in the State of

¹Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Property maintenance regulations: title 13.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

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

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 use and the demolition of such structures as herein provided; providing for the issuance of permits and the collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said building code on file in the office of the building inspector are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in § 12-102. (Ord. #51-6, May 2015, as replaced by Ord. #54-36, Oct. 2018 *Ch1_12-13-18*)

12-102. Revisions. The following sections are hereby revised:

Section 101.1. Insert "City of Elizabethton"

Section 113. Delete

Chapter 13. Delete and Add: "This Chapter shall be replaced with the Energy Conservation Code."

Section 1612. Delete. (Ord. #51-6, May 2015, as replaced by Ord. #54-36, Oct. 2018 *Ch1_12-13-18*)

12-103. Severability. That if any section, subsection, sentence, clause or phrase of this legislation or adopted code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter. The Elizabethton City Council hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional. (Ord. #51-6, May 2015, as replaced by Ord. #54-36, Oct. 2018 *Ch1_12-13-18*)

12-104. Recommended schedule of fees. The City of Elizabethton does hereby adopt the schedule of permit fees as set out in Ordinance #51-15,¹ as the schedule of permit fees for building permit fees, plumbing permit fees, electrical permit fees, gas permit fees, and mechanical permit fees within the city limits of the City of Elizabethton, Tennessee. (Ord. #51-15, Aug. 2015)

¹Permit fees (and any amendments) are of record in the city clerk's office.

CHAPTER 2

RESIDENTIAL CODE¹

SECTION

- 12-201. Residential code adopted.
- 12-202. Revisions.
- 12-203. Severability.

12-201. Residential code adopted. A certain document being marked and designated as the International Residential Code,² 2015 edition, including Appendix Chapters H (see International Residential Code section R102.5, 2015 edition), as published by the International Code Council, be and is hereby adopted as the residential code of the City of Elizabethton, in the State of Tennessee for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one- and two-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 the collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said residential code on file in the office of the building inspector 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. (Ord. #51-6, May 2015, as replaced by Ord. #54-36, Oct. 2018 *Ch1_12-13-18*)

12-202. Revisions. The following sections are hereby revised:
 Section R 101.1. Insert: "City of Elizabethton"
 Table R301.2 (1) Insert: "15"; "90"; "NO"; "B"; "Severe"; "12 inches (305 mm)"; "Moderate to Heavy"; "14 degrees Fahrenheit (-10 degrees Celsius)"; "1999"; "1500 or less"; and "55.9 degrees Fahrenheit (13.2 degrees Celsius)" in each cell respectively.
 Section R105.2.1. Delete and Add: "One story detached accessory structures used as storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet and the building is not over 15 feet in height."
 Section R106.1. Add: "For all buildings over 5,000 square feet in area and for all buildings with three or more attached dwellings, the construction documents shall be prepared by a registered design professional."

¹Permit fees (and any amendments) are of record in the city clerk's office.

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

Section R109.1.3. Delete and Add: "For construction in flood hazard areas as established by the Municipal Floodplain Zoning Ordinance, the building official shall require submission of documentation, prepared and sealed by a registered design professional in accordance with the Municipal Floodplain Zoning Ordinance."

Section R 112. Delete.

Section R303.4. Delete.

Section R303.5. Amend: Before the first sentence insert "Where required by the Building Official," and replace the word "shall" with "may".

Section R313.1. Amend: Add "; however, an automatic fire sprinkler system shall not be required in a three (3) unit townhouse with less than five thousand (5,000) gross square feet and three (3) or fewer stories if each unit is separated by a two (2) hour fire wall" after "install in townhouses."

Section R313.2. Amend: Replace the word "shall" with "may" and delete the exception clause.

Chapter 11. Delete and Add: "This Chapter shall be replaced with the Energy Conservation Code."

Section P2603.5.1 Insert: "18 inches (457 mm)"; "18 inches (457 mm)" (Ord. #51-6, May 2015, as amended by Ord. #52-6, March 2016, and replaced by Ord. #54-36, Oct. 2018 *Ch1_12-13-18*)

12-203. Severability. That if any section, subsection, sentence, clause or phrase of this legislation or adopted code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter or adopted code. The Elizabethton City Council hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses and phrases be declared unconstitutional. (Ord. #52-6, May 2015, as replaced by Ord. #54-36, Oct. 2018 *Ch1_12-13-18*)

CHAPTER 3

EXISTING BUILDING CODE

SECTION

- 12-301. Existing building code adopted.
- 12-302. Revisions.
- 12-303. Severability.

12-301. Existing building code adopted. A certain document being marked and designated as the International Existing Building Code,¹ 2015 edition, excluding all Appendixes, as published by the International Code Council, be and is hereby adopted as the existing building code of the City of Elizabethton, 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 the collection of fees therefor; 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 inspector are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in § 12-302. (Ord. #51-6, May 2015, as replaced by Ord. #54-36, Oct. 2018 *Ch1_12-13-18*)

12-302. Revisions. The following sections are hereby revised:
Section 101.1 Insert: "City of Elizabethton"
Section 112. Delete.
Section 1401.2 Insert: "September 1, 2008" (Ord. #51-6, May 2015, as replaced by Ord. #54-36, Oct. 2018 *Ch1_12-13-18*)

12-303. Severability. That if any section, subsection, sentence, clause or phrase of this legislation or adopted code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter. The Elizabethton City Council hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses and phrases be declared unconstitutional. (Ord. #51-6, May 2015, as replaced by Ord. #54-36, Oct. 2018 *Ch1_12-13-18*)

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

CHAPTER 4

PLUMBING CODE¹

SECTION

- 12-401. Plumbing code adopted.
- 12-402. Revisions.
- 12-403. Severability.

12-401. Plumbing code adopted. A certain document being marked and designated as the International Plumbing Code,² 2015 edition, excluding all Appendix Chapters, as published by the International Code Council, be and is hereby adopted as the plumbing code of the City of Elizabethton, in the State of Tennessee regulating and governing 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 the collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said plumbing code on file in the office of the building inspector are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in § 12-402. (Ord. #51-6, May 2015, as replaced by Ord. #54-36, Oct. 2018 *Ch1_12-13-18*)

12-402. Revisions. The following sections are hereby revised:
 Section 101.1. Insert: "City of Elizabethton"
 Section 106.6. Delete.
 Section 108.4. Delete.
 Section 108.5. Delete.
 Section 109. Delete and Add. "This section shall be replaced with the established appeals process in Title 12."
 Section 305.4.1. Insert: "18 inches (457 mm)"; "18 inches (457 mm)"

¹Municipal code reference

Cross connections: title 18.

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

Permit fees (and any amendments) are of record in the city clerk's office.

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

Section 903.1. Insert: "12 inches (305 mm)" (Ord. #51-6, May 2015, as replaced by Ord. #54-36, Oct. 2018 *Ch1_12-13-18*)

12-403. Severability. That if any section, subsection, sentence, clause or phrase of this legislation or adopted code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter. The Elizabethton City Council hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses and phrases be declared unconstitutional. (Ord. #51-6, May 2015, as replaced by Ord. #54-36, Oct. 2018 *Ch1_12-13-18*)

CHAPTER 5

ELECTRICAL CODE¹

SECTION

12-501. Electrical code adopted.

12-502. Revisions.

12-503. Hierarchy of regulations.

12-504. Severability.

12-501. Electrical code adopted. A certain document being marked and designated as the National Electrical Code,² 2017 edition, including Appendix A, B, C, D, E, F, G, H (excluding section 80.15 and 80.23) and I, as published by the National Fire Protection Association, be and is hereby adopted as the electrical code of the City of Elizabethton, in the State of Tennessee, for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of electrical systems as herein provided; providing for the issuance of permits and the collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of electrical code on file in the office of the building inspector 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 §12-502. (Ord. #51-6, May 2015, as replaced by Ord. #54-29, Aug. 2018 *Ch1_12-13-18*)

12-502. Revisions. The following sections are hereby revised: Article 210.12(A). Delete the phrase "laundry areas". (Ord. #51-6, May 2015, as replaced by Ord. #54-29, Aug. 2018 *Ch1_12-13-18*)

12-503. Hierarchy of regulations. Where there is a conflict between this code and any other codes adopted in this title, this code shall supersede. Additionally, this code shall serve as the electrical provisions of the International Building Code and the International Residential Code, as adopted elsewhere. (Ord. #51-6, May 2015)

¹Municipal code references

Fire protection, fireworks and explosives: title 7.

Permit fees (and any amendments) are of record in the city clerk's office.

²Copies of this code may be purchased from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.

12-504. Severability. If any section, subsection, sentence, clause or phrase of this legislation or adopted code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter. The Elizabethton City Council hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses and phrases be declared unconstitutional. (Ord. #51-6, May 2015)

CHAPTER 6

MECHANICAL CODE¹

SECTION

- 12-601. Mechanical code adopted.
- 12-602. Revisions.
- 12-603. Severability.

12-601. Mechanical code adopted. A certain document being marked and designated as the International Mechanical Code,² 2015 edition, excluding all Appendix Chapters, as published by the International Code Council, be and is hereby adopted as the mechanical code of the City of Elizabethton, in the State of Tennessee regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems as herein provided; providing for the issuance of permits and the collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said mechanical code on file in the office of the building inspector are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in § 12-602. (Ord. #51-6, May 2015, as replaced by Ord. #54-36, Oct. 2018 *Ch1_12-13-18*)

12-602. Revisions. The following sections are hereby revised:
 Section 101.1 . Insert: "City of Elizabethton"
 Section 106.5. Delete.
 Section 108.4. Delete.
 Section 108.5. Delete.
 Section 109. Delete and Add. "This section shall be replaced with the established appeals process in Title 12." (Ord. #51-6, May 2015, as replaced by Ord. #54-36, Oct. 2018 *Ch1_12-13-18*)

¹Municipal code references

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

Permit fees (and any amendments) are of record in the city clerk's office.

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

12-603. Severability. That if any section, subsection, sentence, clause or phrase of this legislation or adopted code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter. The Elizabethton City Council hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses and phrases be declared unconstitutional. (Ord. #51-6, May 2015, as replaced by Ord. #54-36, Oct. 2018 *Ch1_12-13-18*)

CHAPTER 7

FUEL GAS CODE¹

SECTION

- 12-701. Fuel gas code adopted.
- 12-702. Revisions.
- 12-703. Severability.

12-701. Fuel gas code adopted. A certain document being marked and designated as the International Fuel Gas Code,² 2015 edition, excluding all Appendix Chapters, as published by the International Code Council, be and is hereby adopted as the fuel gas code of the City of Elizabethton, in the State of Tennessee for regulating and governing fuel gas systems and gas-fired appliances as herein provided; providing for the issuance of permits and the collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said fuel gas code on file in the office of the building inspector are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 12-702. (Ord. #51-6, May 2015, as replaced by Ord. #54-36, Oct. 2018 *Ch1_12-13-18*)

12-702. Revisions. The following sections are hereby revised:
 Section 101.1. Insert: "City of Elizabethton"
 Section 106.6. Delete.
 Section 108.4. Delete.
 Section 108.5. Delete.
 Section 109. Delete and Add. "This section shall be replaced with the established appeals process in Title 12." (Ord. #51-6, May 2015, as replaced by Ord. #54-36, Oct. 2018 *Ch1_12-13-18*)

12-703. Severability. That if any section, subsection, sentence, clause or phrase of this legislation or adopted code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter. The Elizabethton City Council hereby declares that it would have passed this law, and each section, subsection, clause or phrase

¹Municipal code reference

Gas system administration: title 19, chapter 2.
 Permit fees (and any amendments) are of record in the city clerk's office.

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

thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses and phrases be declared unconstitutional. (Ord. #51-6, May 2015, as replaced by Ord. #54-36, Oct. 2018 *Ch1_12-13-18*)

CHAPTER 8

ENERGY CONSERVATION CODE¹

SECTION

- 12-801. Energy conservation code adopted.
- 12-802. Revisions.
- 12-803. Hierarchy of regulations.
- 12-804. Severability.

12-801. Energy conservation code adopted. A certain document being marked and designated as the International Energy Conservation Code,² 2015 edition, as published by the International Code Council, be and is hereby adopted as the energy conservation code of the City of Elizabethton, in the State of Tennessee for regulating and governing energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems 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 energy conservation code on file in the office of the building inspector 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 § 12-802. (Ord. #51-6, May 2015, as replaced by Ord. #54-36, Oct. 2018 *Ch1_12-13-18*)

12-802. Revisions. The following sections are hereby revised:
 Section C101.1 and R101.1. Insert: "City of Elizabethton"
 Section C108 and R108. Delete.
 Section C109 and R109. Delete.
 Section R402.1.2. Amend: Replace the words "shall be" with "may be optionally" in the first sentence. (Ord. #51-6, May 2015, as replaced by Ord. #54-36, Oct. 2018 *Ch1_12-13-18*)

12-803. Hierarchy of regulations. Where there is a conflict between this code and any other codes adopted in this chapter, this code shall supersede.

¹Municipal code references

- Fire protection, fireworks, and explosives: title 7.
- Planning and zoning: title 14.
- Street and other public ways and places: title 16.
- Utilities and services: titles 18 and 19.

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

Additionally, this code shall serve as the energy conservation provisions of the International Building Code and the International Residential Code, as adopted elsewhere. (Ord. #51-6, May 2015, as replaced by Ord. #54-36, Oct. 2018 *Ch1_12-13-18*)

12-804. Severability. That if any section, subsection, sentence, clause or phrase of this legislation or adopted code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter. The Elizabethton City Council hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses and phrases be declared unconstitutional. (Ord. #51-6, May 2015, as replaced by Ord. #54-36, Oct. 2018 *Ch1_12-13-18*)

CHAPTER 9**ACCESSIBILITY CODE****SECTION**

12-901. Accessibility code adopted.

12-902. Severability.

12-901. Accessibility code adopted. A certain document being marked and designated as the 2010 ADA Standards for Accessible Design as published by the United States Department of Justice, be and is hereby adopted as the accessibility code of the City of Elizabethton, in the State of Tennessee for regulating and governing newly designed and constructed or altered local government facilities, public accommodations, and commercial facilities to be readily accessible to and usable by individuals with disabilities; and each and all of the regulations, provisions, penalties, conditions and terms of said accessibility code on file in the office of the building inspector are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter. (Ord. #51-6, May 2015)

12-902. Severability. If any section, subsection, sentence, clause or phrase of this legislation or adopted code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter. The Elizabethton City Council hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses and phrases be declared unconstitutional. (Ord. #51-6, May 2015)

CHAPTER 10

MINIMUM APPLICANT REQUIREMENTS

SECTION

12-1001. Minimum applicant requirements.

12-1002. Fees.

12-1001. Minimum applicant requirements. (1) Applicants applying for a permit as required in chapters one (1) through nine (9) of this code shall be required to provide proof of successful completion of Tennessee state trade examinations or trade licensing requirements appropriate to the type of permit being applied for in accordance with the requirements of Tennessee Code Annotated, § 62-6-103(a)(1). If a state trade examination or trade license is not required for the application of a certain permit, proof of a valid Tennessee business license shall be required.

(2) Applicants applying for a permit as required in chapters one (1) through nine (9) of this code shall be required to provide proof of current, proper liability insurance of a minimum of one-hundred thousand dollars (\$100,000.00) for the business or person named as the applicant.

(3) Applicants applying for a permit and meeting the exemption requirements of Tennessee Code Annotated, § 62-6-103(a)(2) or completing work at their principal residence which has a valuation of less than twenty-five thousand dollars (\$25,000.00) shall be exempt from the requirement of this section and shall be required to attest to meeting the requirements of Tennessee Code Annotated, § 62-6-103(a)(2) or provide proof of principal residence. These exemptions shall not extend to other contractors or subcontractors and will only be granted so far as the State of Tennessee laws and rules allow. (Ord. #51-6, May 2015, as amended by Ord. #51-25, Nov. 2015, and replaced by Ord. #54-36, Oct. 2018 *Ch1_12-13-18*)

12-1002. Fees. (1) Fees shall be set by the City of Elizabethton fee schedule for permits.¹

(2) If any construction, alteration, or repair requiring a building permit has a valuation greater than twenty-four million dollars (\$24,000,000.00) and has a size greater than one hundred thousand (100,000) square feet, the project may be subject to a plans review conducted by a third party, private, International Code Council certified reviewer. All fees associated with this plans review will be charged to the permit applicant. (Ord. #51-6, May 2015, as replaced by Ord. #54-36, Oct. 2018 *Ch1_12-13-18*)

¹Permit fees (and any amendments) are of record in the city clerk's office.

CHAPTER 11

VIOLATIONS

SECTION

- 12-1101. Unlawful acts.
- 12-1102. Notice of violation.
- 12-1103. Prosecution of violation.
- 12-1104. Violation penalties.
- 12-1105. Stop work orders.
- 12-1106. Abatement of violation.
- 12-1107. Hierarchy of regulations.

12-1101. Unlawful acts. It shall be unlawful for any person, firm or corporation to act in violation of any of the provisions of this code or work in violation of the approved construction documents or directive of the building inspector. (Ord. #51-6, May 2015)

12-1102. Notice of violation. The building inspector shall serve a notice of violation or order to the person responsible for the violation of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation. (Ord. #51-6, May 2015)

12-1103. Prosecution of violation. If the notice of violation is not complied with promptly, the building inspector shall issue a citation to the person responsible for the violation. (Ord. #51-6, May 2015)

12-1104. Violation penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or work in violation of the approved construction documents or directive of the code official, is punishable by a fine of not more than fifty dollars (\$50.00). Each day that a violation continues after due notice has been served shall be deemed a separate offense. (Ord. #51-6, May 2015)

12-1105. Stop work orders. Upon notice from the building inspector that work on any building or structure is being done contrary to the provisions of this code or work contrary to the approved construction documents or directive of the building inspector or in a dangerous or unsafe and dangerous manner, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent or to the person doing the work and shall state the conditions under which work will be permitted to resume. Where occurrences of immediate danger exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the

structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than fifty dollars (\$50.00). (Ord. #51-6, May 2015)

12-1106. Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the plumbing on or about any premises. (Ord. #51-6, May 2015)

12-1107. Hierarchy of regulations. Where there is a conflict between this code and any other codes adopted by the City of Elizabethton in chapters one (1) through nine (9), this code shall supersede.

CHAPTER 12

BOARD OF APPEALS

SECTION

- 12-1201. Creation of board of appeals.
- 12-1202. Board authority.
- 12-1203. Board membership.
- 12-1204. Application for appeal.
- 12-1205. Meeting proceedings.
- 12-1206. Conflicts of interest.
- 12-1207. Board decisions and judicial review.

12-1201. Creation of board of appeals. In order to hear and decide appeals of orders, decisions or determinations made by the chief building official or fire marshal relative to the application and interpretation of this title, any codes adopted by this title, § 7-201 of the Elizabethton Municipal Code, and any codes adopted by § 7-201 of the Elizabethton Municipal Code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the mayor and confirmed by the city council. The board shall adopt rules of procedure for conducting its business. This board shall be hereafter known as the building codes board of appeals. (Ord. #51-6, May 2015)

12-1202. Board authority. The building codes board of appeals shall have the authority to hear and decide appeals of orders, decisions or determinations made by the chief building official or fire marshal relative to the application and interpretation of this title, any codes adopted by this title, § 7-201 of the Elizabethton Municipal Code, and any codes adopted by § 7-201 of the Elizabethton Municipal Code. The board shall have no authority to waive requirements of this code.

(1) **Determining substantial improvement for residential structures FEMA floodplains and floodways.** When the chief building official provides a finding required in section R105.3.1.1 of the International Residential Code, 2012 edition, the board of appeals shall determine whether the value of the proposed work constitutes a substantial improvement. A substantial improvement means any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the building or structure before the improvement or repair is started. If the building or structure has sustained substantial damage, all repairs are considered substantial improvement regardless of the actual repair work performed. The term does not include:

- (a) Improvements of a building or structure required to correct existing health, sanitary or safety code violations identified by the chief

building official and which are the minimum necessary to assure safe living conditions; or

(b) Any alteration of an historic building or structure provided that the alteration will not preclude the continued designation as an historic building or structure. For the purpose of this exclusion, an historic building is:

(i) Listed or preliminarily determined to be eligible for listing in the National Register of Historic Places; or

(ii) Determined by the Secretary of the U.S. Department of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as an historic district; or

(iii) Designated as historic under a state or local historic preservation program that is approved by the Department of Interior.

(2) Variances for residential structures in FDMA floodplains or floodway. A variance shall only be issued upon:

(a) A showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site render the elevation standards in section R322 of the International Residential Code, 2012 edition, inappropriate.

(b) A determination that failure to grant the variance would result in exceptional hardship by rendering the lot undevelopable.

(c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(d) A determination that the variance is the minimum necessary to afford relief, considering the flood hazard.

(e) Submission to the applicant of written notice specifying the difference between the design flood elevation and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation, and stating that construction below the design flood elevation increases risks to life and property. (Ord. #51-6, May 2015)

12-1203. Board membership. The board shall consist of seven (7) members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction. A minimum of five (5) members of the board shall be chosen from one (1) of the following design professionals: registered architect, structural engineer, mechanical engineer, plumbing engineer, electrical engineer, fire protection engineering, or, if none of the previous can be found to serve, any of the

following with at least ten (10) years' experience, five (5) years of which shall have been in responsible charge of work: builder or superintendent of building construction, mechanical contractor, plumbing contractor, electrical contractor, or fire protection contractor. Each member shall serve for five (5) year terms or until a successor has been appointed.

Executive secretary. The city manager shall designate a qualified clerk to serve as secretary to the board. The secretary shall record and file detailed minutes of the meeting and board resolutions in the office of the city clerk. The executive secretary shall also draft board resolutions and distribute resolutions to the appellant and to the chief building official or fire marshal. The executive secretary shall not be the chief building official or fire marshal or any other building official employed by the municipality. (Ord. #51-6, May 2015)

12-1204. Application for appeal. Any person shall have the right to appeal a decision of the chief building official or fire marshal to the board of appeals. A written request for appeal (which must outline the code provision for which the appeal is sought and the bases for the claim) 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 an equally good or better form of construction or method of protection or safety is proposed. The appeal shall be filed in writing with the chief building official within twenty (20) days after such person, firm, or corporation has been notified. (Ord. #51-6, May 2015)

12-1205. Meeting proceedings. The board shall meet upon notice from the chairman, within ten (10) days of the filing of an appeal or at stated periodic meetings. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the chief building official or fire marshal and any person whose interests are affected shall be given an opportunity to be heard. (Ord. #51-6, May 2015)

12-1206. Conflicts of interest. A member shall not hear an appeal in which that member has any personal, professional or financial interest in a party of the appeal. (Ord. #51-6, May 2015)

12-1207. Board decisions and judicial review. (1) The board shall modify or reverse the decision of the chief building official or fire marshal by a concurring majority vote. The decision of the board shall be by resolution. Certified copies shall be furnished to the appellant and to the chief building official or fire marshal. The chief building official or fire marshal shall take immediate action in accordance with the decision of the board.

(2) Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time

required by law following the filing of the decision in the office of the city clerk.
(Ord. #51-6, May 2015)