

TITLE 12

BUILDING, UTILITY, ETC. CODES¹

CHAPTER

1. BUILDING AND RESIDENTIAL CODE.
2. PLUMBING CODE.
3. ELECTRICAL CODE.
4. GAS CODE.
5. INTERNATIONAL ENERGY CONSERVATION CODE.
6. INTERNATIONAL PROPERTY MAINTENANCE CODE.
7. EXISTING BUILDING CODE.
8. BOARD OF CODES ENFORCEMENT APPEALS.

CHAPTER 1

BUILDING AND RESIDENTIAL CODE²

SECTION

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

12-101. Building codes adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 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, 2006 edition; and the International Residential

¹Title 12, Chapters 5 "Housing Code" and 7 "Unfit Buildings Ordinance" as adopted in the March 1997 Lenoir City Municipal Code, and any amendments thereto, were repealed and the chapters renumbered by Ord. #2009-02-09-1848, Feb. 2009.

²Municipal 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.

Code¹, 2006 edition, as prepared and adopted by the International Code Council, are hereby adopted and incorporated by reference as a part of this code, and are hereinafter referred to as the building codes. (as amended by Ord. #2000-1-24-1296-B, Jan. 2000, Ord. #2008-06-09-1816-A, June 2008, and Ord. #2009-02-09-1848, Feb. 2009)

12-102. Modifications. 1. Definitions. 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" is named it shall, for the purposes of the building code, mean such person as the city council has appointed or designated to administer and enforce the provisions of the building code.

2. Permit fees. The schedule of permit fees can be found in the office of the recorder as Attachment A to Ordinance 2008-06-09-1816-A.

3. For residential structures having an appraised value of \$75,000 or less, the permit fees for owner(s), authorized agents, or contractors; who desire to construct, enlarge, alter, repair, move, demolish, or change an existing residential building by 60%. This subsection shall be repealed one (1) year from the date of third and final reading of this subsection.² (as amended by Ord. #2004-01-12-1584, Jan. 2004, and Ord. #2008-06-09-1816-A, June 2008)

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.

12-104. Violations and penalty. Pursuant to Tennessee Code Annotated, § 7-63-101, the building inspector is authorized to issue ordinance summons for violations of this chapter on private property. The building inspector shall upon the complaint of any citizen, or acting on his own information, investigate complaints of violations on private property. If after such investigation the building inspector finds a violation on private property, he shall issue an ordinance summons. The ordinance summons shall be served upon the owner or owners of the property, or upon the person or persons apparently in lawful possession of the property, and shall give notice to the same to appear before the city court of Lenoir City and answer the charges against him or them. If the offender refuses to sign the agreement to appear, the building inspector may

1. Request the city judge to issue a summons, or

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

²Subsection three (3) of § 12-102 was passed January 12, 2004.

2. Request a police officer to witness the violation.

The police officer who witnesses the violation may issue the offender a citation in lieu of arrest as authorized by Tennessee Code Annotated, § 7-63-101 et seq., or if the offender refuses to sign the citation, may arrest the offender for failure to sign the citation in lieu of arrest.

The penalty for violating this section shall be a fine up to and including fifty dollars (\$50.00) and costs for each offense and/or the judge of the municipal court may punish a violation in the same manner as prescribed by any other city ordinance (Tennessee Code Annotated, § 6-54-306). Each day during which a violation continues to exist following the initial citation shall be considered a separate offense.

Failure of an offender to appear for trial in the city court after signing of the ordinance summons agreement shall cause the court having jurisdiction thereof to issue a warrant against the offender, as provided for in Tennessee Code Annotated, § 7-63-105. (as replaced by Ord. #2002-7-1480 F, July 2002)

CHAPTER 2

PLUMBING CODE¹

SECTION

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

12-201. Plumbing code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 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 city, when such plumbing is or is to be connected with the city water or sewerage system, the International Plumbing Code,² 2006 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference along with the 1995 Lenoir City Utilities Board sewer code amendments as a part of this code and is hereinafter referred to as the plumbing code. (as amended by Ord. #2000-1-24-1296-A, Jan. 2000, and Ord. #2008-06-09-1816-A, June 2008)

12-202. Modifications. 1. Definitions. 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.

2. Permit fees. The schedule of permit fees can be found in the office of the recorder as Attachment A to Ordinance 2008-06-09-1816-A. (as amended by Ord. #2008-06-09-1816-A, June 2008)

¹Municipal code references

Cross connections: title 18.

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

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

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.

12-204. 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 of up to five hundred dollars (\$500) for each offense. Each day a violation is allowed to continue shall constitute a separate offense.

CHAPTER 3

ELECTRICAL CODE¹

SECTION

- 12-301. Electrical code adopted.
- 12-302. Available in recorder's office.
- 12-303. Permit required for doing electrical work.
- 12-304. Violations and penalty.
- 12-305. Enforcement.
- 12-306. Fees.

12-301. Electrical code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506 and for the purpose of providing practical minimum standards for the safeguarding of persons and of buildings and their contents from hazards arising from the use of electricity for light, heat, power, radio, signaling, or for other purposes, the National Electrical Code,² 1999 edition, as prepared by the National Fire Protection Association, and/or any subsequent revisions of the National Electric Code as approved and adopted by the State of Tennessee pursuant to the authority granted by T.C.A. §§ 68-17-113, 68-17-143, and 68-17-150 is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the electrical code. (as amended by Ord. #2000-4/24/1313B, April 2000)

12-302. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the electrical code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

12-303. Permit required for doing electrical work. No electrical work shall be done within the city until a permit therefor has been issued by the city. The term "electrical work" shall not be deemed to include minor repairs that do not involve the installation of new wire, conduits, machinery, apparatus, or other electrical devices generally requiring the services of an electrician.

12-304. Violations and penalty. It shall be unlawful for any person to do or authorize any electrical work or to use any electricity in such manner or

¹Municipal code reference

Fire protection, fireworks and explosives: title 7.

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

under such circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the electrical code. 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.

12-305. Enforcement. The electrical inspector shall be such person as the city council shall appoint or designate. It shall be his duty to enforce compliance with this chapter and the electrical code as herein adopted by reference. He is authorized and directed to make such inspections of electrical equipment and wiring, etc., as are necessary to insure compliance with the applicable regulations, and may enter any premises or building at any reasonable time for the purpose of discharging his duties. He is authorized to refuse or discontinue electrical service to any person or place not complying with this chapter and/or the electrical code.

12-306. Fees. The electrical inspector shall collect the same fees as are authorized in Tennessee Code Annotated, § 68-102-143 for electrical inspections by deputy inspectors of the state fire marshal.

CHAPTER 4

GAS CODE¹

SECTION

- 12-401. Title and definitions.
- 12-402. Purpose and scope.
- 12-403. Use of existing piping and appliances.
- 12-404. Bond and license.
- 12-405. Gas inspector and assistants.
- 12-406. Powers and duties of inspector.
- 12-407. Permits.
- 12-408. Inspections.
- 12-409. Certificates.
- 12-410. Fees.
- 12-411. Violations and penalty.

12-401. Title and definitions. This chapter and the code herein adopted by reference shall be known as the gas code of the city. The following definitions are provided for the purpose of interpretation and administration of the gas code.

1. "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 city council.

2. "Person" means any individual, partnership, firm, corporation, or any other organized group of individuals.

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

4. "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.

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

12-402. 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

¹Municipal code reference

Gas system administration: title 19, chapter 2.

conform to the requirements of this chapter and to the Standard Gas Code,¹ 1999 edition, which is hereby incorporated by reference along with the 1995 Lenoir City Utilities Board gas code amendments and made a part of this chapter as if fully set forth herein. One (1) copy of the gas code shall be kept on file in the office of the city recorder for the use and inspection of the public. (as amended by Ord. #2000-4/24/1312-A, April 2000)

12-403. 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.

12-404. 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 \$10,000, 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 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.

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

12-405. 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 city council.

12-406. 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.

12-407. 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.

12-408. 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 (6) inches 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.

12-409. 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.

12-410. Fees. The permit fee schedule as recommended in Appendix "B" of the gas code is hereby adopted.

12-411. Violations and penalty. Any person who shall violate or fail to comply with any of the provisions of the gas code shall be subject to a penalty of up to five hundred dollars (\$500) for each offense, or the license of such person may be revoked, or both fine and revocation of license may be imposed.

CHAPTER 5¹

INTERNATIONAL ENERGY CONSERVATION CODE²

SECTION

- 12-501. Energy conservation code adopted.
- 12-502. Modifications.
- 12-503. Available in recorder's office.
- 12-504. Violations and penalty.

12-501. Energy conservation 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 International Energy Conservation Code³, 2006 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. (as amended by Ord. #2008-06-09-1816-A, June 2008, and renumbered by Ord. #2009-02-09-1848, Feb. 2009)

12-502. Modifications. Whenever the energy code refers to the "responsible government agency," it shall be deemed to be a reference to the City of Lenoir City. 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

¹Title 12, Chapter 5 "Housing Code" as adopted in the March 1997 Lenoir City Municipal Code, and any amendments thereto, was repealed and the chapters renumbered by Ord. #2009-02-09-1848, Feb. 2009.

²State 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.

³Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

designated to administer and enforce the provisions of the energy code. (as renumbered by Ord. #2009-02-09-1848, Feb. 2009)

12-503. 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. (as renumbered by Ord. #2009-02-09-1848, Feb. 2009)

12-504. Violations and penalty. Pursuant to Tennessee Code Annotated, § 7-63-101, the building inspector is authorized to issue ordinance summons for violations of this chapter on private property. The building inspector shall upon the complaint of any citizen, or acting on his own information, investigate complaints of violations on private property. If after such investigation the building inspector finds a violation on private property, he shall issue an ordinance summons. The ordinance summons shall be served upon the owner or owners of the property, or upon the person or persons apparently in lawful possession of the property, and shall give notice to the same to appear before the city court of Lenoir City and answer to them. If the offender refuses to sign the agreement to appear, the building inspector may

1. Request the city judge to issue a summons, or
2. Request a police officer to witness the violation.

The police officer who witnesses the violation may issue the offender a citation in lieu of arrest as authorized by Tennessee Code Annotated, § 7-63-101 et seq, or if the offender refuses to sign the citation, may arrest the offender for failure to sign the citation in lieu of arrest.

The penalty for violating this section shall be a fine up to and including fifty dollars (\$50.00) and costs for each offense and/or the judge of the municipal court may punish a violation in the same manner as prescribed by any other city ordinance (Tennessee Code Annotated, § 6-54-306). Each day during which a violation continues to exist following the initial citation shall be considered a separate offense.

Failure of an offender to appear for trial in the city court after signing of the ordinance summons agreement shall cause the court having jurisdiction thereof to issue a warrant against the offender, as provided for in Tennessee Code Annotated, § 7-63-105. (as added by Ord. #2002-7-1480-D, July 2002, and renumbered by Ord. #2009-02-09-1848, Feb. 2009)

CHAPTER 6

INTERNATIONAL PROPERTY MAINTENANCE CODE

SECTION

- 12-601. Property maintenance code adopted.
12-602. Modifications.
12-603. Available in recorder's office.
12-604. Violations and penalty.

12-601. Property maintenance code adopted. Pursuant to authority granted by Tennessee Code Annotated, 6-54-501 through 6-54-506, and for the purpose of regulating 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, the International Property Maintenance Code,¹ 2006 edition, 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 property maintenance code. (as added by Ord. #2008-06-09-1816-B, June 2008, and renumbered by Ord. #2009-02-09-1848, Feb. 2009)

12-602. Modifications. Whenever the property maintenance code refers to the "Chief Appointed Authority" or the "Chief Administrator," it shall be deemed to be a reference to the city council. When the "Building Official" or the "Code Official" is named it shall, for the purpose of the property maintenance code, mean such person as the city council has appointed or designated to administer and enforce the provisions of the property maintenance code. (as added by Ord. #2008-06-09-1816-B, June 2008, and renumbered by Ord. #2009-02-09-1848, Feb. 2009)

12-603. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502 one (1) copy of the property maintenance code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (as added by Ord. #2008-06-09-1816-B, June 2008, and renumbered by Ord. #2009-02-09-1848, Feb. 2009)

12-604. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provisions of the property maintenance code as herein adopted by reference. The violation of any section of this chapter shall

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

Change 3, January 14, 2013

12-15

be punishable by a penalty of up to fifty-dollars (\$50.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (as added by Ord. #2008-06-09-1816-B, June 2008, and renumbered by Ord. #2009-02-09-1848, Feb. 2009)

CHAPTER 7¹

EXISTING BUILDING CODE

SECTION

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

12-701. Existing building code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the repair, alteration, change of occupancy, addition, and relocation of existing buildings, the International Existing Building Code,² 2006 edition, 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 existing building code. (as added by Ord. #2008-06-09-1816-B, June 2008, and renumbered by Ord. #2009-02-09-1848, Feb. 2009)

12-702. Modifications. Whenever the property maintenance code refers to the "Chief Appointed Authority" or the "Chief Administrator," it shall be deemed to be a reference to the city council. When the "Building Official" or the "Code Official" is named it shall, for the purpose of the property maintenance code, mean such person as the city council has appointed or designated to administer and enforce the provisions of the property maintenance code. (as added by Ord. #2008-06-09-1816-B, June 2008, and renumbered by Ord. #2009-02-09-1848, Feb. 2009)

12-703. Available in recorder's office. Pursuant to the requirements of the 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. (as added by Ord. #2008-06-09-1816-B, June 2008, and renumbered by Ord. #2009-02-09-1848, Feb. 2009)

12-704. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provisions of the existing building code as

¹Title 12, Chapter 7 "Unfit Buildings Ordinance" as adopted in the March 1997 Lenoir City Municipal Code, and any amendments thereto, was repealed and the chapters renumbered by Ord. #2009-02-09-1848, Feb. 2009.

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

herein adopted by reference. The violation of any section of this chapter shall be punishable by a penalty of up to fifty-dollars (\$50.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (as added by Ord. #2008-06-09-1816-B, June 2008, and renumbered by Ord. #2009-02-09-1848, Feb. 2009)

CHAPTER 8

BOARD OF CODES ENFORCEMENT APPEALS

SECTION

12-801. Membership and terms.

12-802. Organization.

12-803. Applicable code(s).

12-804. Hearing procedures.

12-805. Appeals to the board.

12-806. Decisions of the board.

12-807. Appeals to court.

12-801. Membership and terms. There is hereby created and established a board of codes enforcement appeals, hereinafter referred to as the "board," which shall consist of seven (7) members appointed by the mayor. All appointed members shall be residents of the City of Lenoir City. Three (3) members shall be appointed initially for two (2) year terms, and four (4) for three (3) year terms, and they may be reappointed at the expiration of their terms. The appointed members shall not be candidates for public office at the time of their appointment, nor shall they be employed by the city. (as added by Ord. #2009-02-09-1848, Feb. 2009)

12-802. Organization. The board shall meet within fifteen (15) days after its appointment and shall elect a chairman from among the appointed members. The elected-chairman shall remain chairman until the expiration of his/her appointed term. A vice-chairman shall also be elected with the duties of assuming the responsibility of the chairman in the latter's absence. The duties of the chairman are to preside over the hearings on appeals to the board, and may vote on all matters. The rules of evidence prevailing in courts of law and equity shall not be controlling on hearings before the board. The building official/codes enforcement officer shall serve as the permanent secretary of the board, but shall not vote on any matter. The board may adopt by-laws, rules and regulations as it may deem necessary to carry into effect the provisions of this chapter. (as added by Ord. #2009-02-09-1848, Feb. 2009)

12-803. Applicable Code(s). The board shall have review authority to hear appeals as prescribed within the following list of applicable codes as adopted by the City of Lenoir City, as updated by ordinance, and/or as prescribed by Tennessee State Law and of which has been placed on file in the recorder's office and shall be available for the use and inspection of the public:

1. International Building Code (IBC) - 2006
2. International Energy Conservation Code (IECC) - 2006

3. International Existing Building Code (IEBC) - 2006
4. International Fire Code (IFC) - 2006
5. International Mechanical Code (IMC) - 2006
6. International Plumbing Code (IPC) - 2006
7. International Property Maintenance Code (IPMC) - 2006
8. International Residential Code (IRC) - 2006
9. NFPA 101 - Life Safety Code - 2006 (as added by Ord. #2009-02-09-1848, Feb. 2009)

12-804. Hearing procedures. The chairman shall call meetings and shall notify all board members of such meetings. The board shall hear appeals in open meetings, of which shall be advertised. The presence of four (4) members shall constitute a quorum and the concurring vote of three (3) members shall be necessary to reverse or modify any order, notice or decision of the building official/codes enforcement officer. The proceedings at such hearing, including the findings and decisions of the board shall be documented in the minutes of the meeting and shall be maintained as a matter of public record in the office of the building official/codes enforcement officer. (as added by Ord. #2009-02-09-1848, Feb. 2009)

12-805. Appeals to the board. Any person directly affected by a decision of the building official/codes enforcement officer or a notice or order issued under the aforementioned applicable codes shall have the right to appeal to the board of codes enforcement appeals, provided that a written application for appeal is filed within twenty (20) days after the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of the referenced code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of the referenced code does not fully apply, or the requirements of the referenced code can adequately be satisfied by other means. Within ten (10) days after the receipt of the application for appeal the chairman shall set a time and place for such hearing and shall give the petitioner written notice thereof. The hearing shall commence no later than thirty (30) days after the date of which the petition was filed. (as added by Ord. #2009-02-09-1848, Feb. 2009)

12-806. Decisions of the board. After hearing an appeal, the board shall sustain, modify or withdraw the decision, notice or order depending upon its findings. The board may authorize a variance from the referenced code when, because of unique conditions, a literal enforcement of the provisions thereof could result in a life-safety hazard and unnecessary hardship; provided that the intent of the code will be observed, public health and welfare secured, and substantial justice is done. The board may also extend the time for compliance if the case warrants. If the board sustains or modifies such decision, notice or order, it shall be deemed to be an order of the board and the violator shall

comply with all provisions of such order within the specified length of time. (as added by Ord. #2009-02-09-1848, Feb. 2009)

12-807. Appeals to court. Any person or persons, jointly or severally, aggrieved by the decision of the board may seek relief therefrom in any court of competent jurisdiction as provided by the laws of the State of Tennessee. (as added by Ord. #2009-02-09-1848, Feb. 2009)