

**TITLE 12****BUILDING, UTILITY, ETC. CODES****CHAPTER**

1. BUILDING CODE.
2. PLUMBING CODE.
3. FUEL GAS CODE.
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**CHAPTER 1****BUILDING CODE<sup>1</sup>****SECTION**

- 12-101. Building code adopted.<sup>2</sup>  
 12-102. Modifications.  
 12-103. Enforcement official.

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<sup>1</sup>Municipal code references

- Fire protection, fireworks, and explosive: title 7.
- Planning and zoning: title 14.
- Streets and other public ways and places: title 16.
- Utilities and services: titles 18 and 19.
- Cross connections: title 18.
- Street excavations: title 16.
- Wastewater treatment: title 18.
- Water and sewer system administration: title 18.
- Fire protection, fireworks and explosives: title 7
- Gas system administration: title 19, chapter 2
- Street excavations: title 16

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

**12-101. Building code adopted.** A certain document, a copy of which is on file in the office of the City Recorder, City of Portland, being marked and designated as the International Building Code, 2018 edition, excluding all appendices published by the International Code Council, be and is hereby adopted as the Building Code of the City of Portland 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 use, and the demolition of such existing structures 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 property maintenance code on file in the office of the City of Portland City Recorder's Office are hereby referred to, adopted, and made a part thereof, as if fully set out in this chapter, with the following additions, insertions, deletions and changes, prescribed in § 12-102 of this chapter. (1980 Code, § 4-101, as amended by Ord. #567, April 1998, replaced by Ord. #05-48, Jan. 2006, and Ord. #09-33, Aug. 2009, and amended by Ord. #15-28, June 2015, and Ord. #20-40, Sept. 2020 *Ch12\_12-06-21*)

**12-102. Modifications.** The following sections are hereby revised:

Delete Chapter 11 in its entirety (accessibility) and replace it with the 2010 edition of the Americans with Disabilities Act.

Delete all appendices. (1980 Code, § 4-102, as replaced by Ord. #05-48, Jan. 2006, and Ord. #09-33, Aug. 2009, and amended by Ord. #15-28, June 2015, Ord. #16-39, Sept. 2016, and replaced by Ord. #20-40, Sept. 2020 *Ch12\_12-06-21*)

**12-103. Enforcement official.** Within said codes, when reference is made to the duties of certain official named therein, that designated official, of the City of Portland who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of said code are concerned. (1980 Code, § 4-103, as replaced by Ord. #05-48, Jan. 2006)

## CHAPTER 2

### PLUMBING CODE

#### SECTION

12-201. Plumbing code adopted.

12-202. Modifications.

**12-201. Plumbing code adopted.** A certain document, a copy of which is on file in the office of the City Recorder, City of Portland, being marked and designated as the International Plumbing Code,<sup>1</sup> 2018 edition, including all appendices published by the International Code Council, be and is hereby adopted as the Plumbing Code of the City of Portland in the State of Tennessee for 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 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 City of Portland City Recorder's Office are hereby referred to, adopted, and made a part thereof, as if fully set out in this chapter, with the following additions, insertions, deletions and changes, prescribed in § 12-202 of this chapter. (as deleted by Ord. #05-48, Jan. 2006, added by Ord. #09-38, Aug. 2009, and amended by Ord. #15-28, June 2015, and Ord. #20-40, Sept. 2020 *Ch12\_12-06-21*)

**12-202. Modifications.** The following sections are hereby revised:

- (1) Section 101.1. Insert: City of Portland.
- (2) 106.6.2. Fee schedule. The fees for all plumbing work shall be as indicated in the City of Portland fee schedule.
- (3) Section 106.6.3 Delete: Item 2 & 3. (as added by Ord. #09-38, Aug. 2009, and amended by Ord. #16-39, Sept. 2016)

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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.

## CHAPTER 3

### FUEL GAS CODE

#### SECTION

12-301. Fuel gas code adopted.

12-302. Modifications.

**12-301. Fuel gas code adopted.** A certain document, a copy of which is on file in the office of the City Recorder, City of Portland, being marked and designated as the International Fuel Gas Code,<sup>1</sup> 2018 edition, as published by the International Code Council, be and is hereby adopted as the Fuel Gas Code of the City of Portland in the State of Tennessee for regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems in the City of Portland; providing for the issuance of permits and collection of fees therefor; and each and all the regulations, provisions, penalties, conditions and terms of said fuel gas code on file in the office of the City of Portland are hereby referred to, adopted, and made a part thereof, as if fully set out in this chapter, with the following additions, insertions, deletions and changes, prescribed in § 12-302 of this chapter. (as deleted by Ord. #05-48, Jan. 2006, added by Ord. #09-40, Aug. 2009, and amended by Ord. #15-28, June 2015, and Ord. #20-40, Sept. 2020 *Ch12\_12-06-21*)

**12-302. Modifications.** The following sections are hereby revised:

- (1) Section 101.1 Insert: "City of Portland."
- (2) Section 106.5.21: Delete.
- (3) Section 106.6.3: Delete. (as added by Ord. #09-40, Aug. 2009)

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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.

## CHAPTER 4

### MECHANICAL CODE

#### SECTION

12-401. Mechanical code adopted.

12-402. Modifications.

**12-401. Mechanical code adopted.** A certain document, a copy of which is on file in the office of the City Recorder, City of Portland, being marked and designated as the International Mechanical Code,<sup>1</sup> 2018 edition, including all appendices published by the International Code Council, be and is hereby adopted as the Mechanical Code of the City of Portland in the State of Tennessee for 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 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 City of Portland City Recorder's Office are hereby referred to, adopted, and made a part thereof, as if fully set out in this chapter, with the following additions, insertions, deletions and changes, prescribed in § 12-402 of this chapter. (as deleted by Ord. #05-48, Jan. 2006, added by Ord. #09-37, Aug. 2009, and amended by Ord. #15-28, June 2015, and Ord. #20-40, Sept. 2020 *Ch12\_12-06-21*)

**12-402. Modifications.** The following sections are hereby revised:

- (1) Section 101.1. Insert: City of Portland.
- (2) Delete entire text of Section 106.6.2 Fee schedule. and replace with the following: 106.5.2. Fee schedule. The fees for all mechanical work shall be as indicated in the City of Portland fee schedule.
- (3) DOES NOT EXIST IN CODE. (as added by Ord. #09-37, Aug. 2009 and replaced by Ord. #16-39), Sept. 2016)

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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.

**CHAPTER 5****ENERGY CONSERVATION CODE****SECTION**

12-501. Energy conservation code adopted.

12-502. Modifications.

**12-501. Energy conservation code adopted.** A certain document, a copy of which is on file in the office of the City Recorder, City of Portland, being marked and designated as the International Energy Conservation Code,<sup>1</sup> 2018 edition, as published by the International Code Council, be and is hereby adopted as the Energy Conservation Code of the City of Portland 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 regulations, provisions, penalties, conditions and terms of said energy conservation code on file in the office of the City of Portland City Recorder's Office are hereby referred to, adopted, and made a part thereof, as if fully set out in this chapter, with the following additions, insertions, deletions and changes, prescribed in § 12-502 of this chapter. (as deleted by Ord. #05-48, Jan. 2006, added by Ord. #09-35, Aug. 2009, and amended by Ord. #15-28, June 2015, and Ord. #20-40, Sept. 2020 *Ch12\_12-06-21*)

**12-502. Modifications.** The following sections are hereby revised:

Section R402.4.1.2 Testing is deleted and replaced with Section 402.4.2.1 Testing Option and Section 402.4.2.2 Visual Inspection Option from 2009 IECC.

Section R403.3.3 Duct Testing (Mandatory) and Section R403.3.4 Duct Leakage (Prescriptive) are Optional.

Table 402.1.2 Insulation and Fenestration Requirements by Component and Table R402.1.4 Equivalent U-Factors are deleted and replaced with Table 402.1.1 Insulation and Fenestration Requirements by Component and Table 402.1.3 Equivalent U-Factors from 2009 IECC. (as added by Ord. #09-35, Aug. 2009, and replaced by Ord. #20-40, Sept. 2020 *Ch12\_12-06-21*)

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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.

## CHAPTER 6

### PROPERTY MAINTENANCE CODE

#### SECTION

12-601. Property maintenance code adopted.

12-602. Modifications.

**12-601. Property maintenance code adopted.** A certain document, a copy of which is on file in the office of the City Recorder, City of Portland, being marked and designated as the International Property Maintenance Code,<sup>1</sup> 2018 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Portland 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 use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each all of the regulations, provisions, penalties, conditions and terms of said property maintenance code on file in the office of the City of Portland City Recorder's Office are hereby referred to, adopted, and made a part thereof, as if fully set out in this chapter, with the following additions, insertions, deletions and changes, prescribed in § 12-602 of this chapter. (as deleted by Ord. #05-48, Jan. 2006, added by Ord. #09-34, Aug. 2009, amended by Ord. #15-28, June 2015, replaced by Ord. #17-02, Feb. 2017, and amended by Ord. #20-40, Sept. 2020 *Ch12\_12-06-21*)

**12-602. Modifications.** The following sections are hereby revised:

(1) 101.1 Title. These regulations shall be known as the International Property Maintenance Code of The City of Portland hereinafter referred to as "this code."

(2) 101.5. References to International Zoning Code. All references to the International Zoning Code are hereby deleted and replaced with the City of Portland Zoning Ordinance.

(3) In Section 102.3, the reference to the International Zoning Code shall be deleted and the term "City of Portland Zoning Ordinance No. 387" shall be inserted in lieu thereof.

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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.

(4) 103.1 General. The department of property maintenance inspection is hereby created and The City of Portland Planning and Codes Director or his/her designee shall be known as the code official.

(5) 103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the City of Portland Fee Schedule<sup>1</sup>.

(6) Add subsection 106.3.1 Authority to Include Administrative Costs. The enforcing office shall add an additional administrative charge of fifteen percent (15%) to the cost of the work to abate the violation(s), and the city recorder shall add an administrative charge of ten percent (10%) to set up the file(s), add the cost to the tax statement(s) of each parcel involved, and the same shall result in a tax lien against the property as set forth by city and state laws.

(7) 106.5 Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action 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 building, structure or premises. Abatement shall include demolition of the structure where necessary in accordance with Section 110.

(8) 107.2 Form. Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate including address if applicable and map and parcel number.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing stating the maximum amount of time allowed to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
5. Inform the property owner or owner's authorized agent of the right to appeal.
6. Include a statement of the right to file a lien in accordance with Section 106.3.

(9) 107.3 Method of service. Such notice shall be deemed to be properly served by one or more of the following methods:

1. Delivered personally;
2. Sent by certified or first-class mail addressed to the last known address;

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<sup>1</sup>Property maintenance administrative fees, and any amendments thereto, may be found in the recorder's office.



3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure or property affected by such notice.

(10) Section 109.3 shall be amended to read as follows: Closing streets. When necessary for public safety, the City of Portland Police Department shall close, or order the authority having jurisdiction over same to close, sidewalks, streets, public ways and places adjacent to unsafe structures and prohibit the same from being utilized.

(11) 110.1 General. The code official shall order the owner or owner's authorized agent of any premises upon which is located any structure, which in the code official's or owner's authorized agent judgment is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary. The structure shall be immediately boarded up for a period not to exceed (6) six months. If a building permit has not been applied for and approved within the (6) six-month time frame, the code official shall order the owner or owner's authorized agent to immediately demolish and remove such structure.

(12) 111.1 Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within (10) ten calendar days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

(13) 111.2.4 Secretary. The code official shall designate a qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of Construction and Development Services.

(14) 111.2.5 Compensation of members. Compensation of members shall be determined by City of Portland Ordinance.

(15) 111.3 Notice of meeting. The board shall meet on the second Monday of every month.

(16) 111.5 Postponed Hearing. Deleted.

(17) Add: Section 112 Maintenance of Vacant and Boarded Structures

112.1 Vacant Structures – If the structure is vacant, the owner shall post a placard stating the owner's name and telephone number and shall secure a building permit from the City to board the structure securely to Board-Up Standards provided in Section 112.7.

112.2 Enforcement and Remedies for Violation. A building that is boarded or vacant for more than one (1) year in violation of this section is a public nuisance. In addition to the provisions in this section the City is authorized to use the remedies set forth in Section 106 of this code, state law and the City of

Portland applicable ordinances. The remedies, procedures and penalties provided by this section are cumulative to each other and to any others available under state law and/or city ordinances.

112.3 Owner Responsibilities. No person shall allow a building designed for human use or occupancy to stand vacant for more than thirty (30) days unless the owner established by substantial evidence to the reasonable satisfaction of the code official one of the following applies.

112.3.1 Permits. The building is the subject of an active building permit for repair or rehabilitation.

112.3.2 Sale or Lease. The building meets all applicable codes, does not contribute to blight and is ready for occupancy and is actively being offered for sale, lease or rent.

112.3.3 Maintained. The building does not contribute to and is not likely to contribute to blight because the owner is actively maintaining and monitoring the building so it does not contribute to blight. Active maintenance and monitoring shall include:

1. Maintenance of landscaping and plant material in good condition.
2. Maintenance of exterior of the building including but not limited to roofing, paint, windows and other exterior finishes in good condition.
3. Prompt and regular removal of all exterior trash, debris and graffiti.
4. Maintenance of the building in continuing compliance with all applicable codes and regulations.
5. Prevention of criminal activity on the premises including but not limited to loitering or trespassing.

112.4 Failure to comply. Any person who shall continue any work 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 \$75.00 dollars per violation per day and per violation.

112.7 Standards for Boarding a Vacant Building. The boarding of a vacant building shall be according to the specifications approved by the code official at the time of permit issuance. At a minimum the materials used to board-up the building shall be similar in color as used on the existing exterior facade.

112.8 Notice Procedures for Vacant, Unsecured, or Board Buildings. Whenever the code official determines that a vacant, unsecured, or boarded building exists, a notice shall be sent to the owner or responsible party in accordance with Section 107.

112.9 Continuing Nuisance. When the owner of a boarded or vacant building fails to maintain the property in accordance with this section or when repeated violations of this section occur for the same property, the code official may seek other remedies as provided by this code, local ordinances or state law including but not limited to demolition of the structure.

112.10 Emergency Hazard Abatement. When any building, structure or site constitutes such an imminent threat to life, limb or property such that it must be secured or barricaded and compliance with other provisions of this Code becomes infeasible as determined by the code official, the code official may summarily secure, close, or barricade the building without prior notice to the property owner. All costs of boarding shall be recovered pursuant to the procedures in Section 108.2.

(18) 113 Owner Responsibilities. No person shall allow a building designed for human use or occupancy to stand vacant for more than thirty (30) days unless the owner established by substantial evidence to the reasonable satisfaction of the code official one of the following applies.

113.1 Permits. The building is the subject of an active building permit for repair or rehabilitation.

113.2 Sale or Lease. The building meets all applicable codes, does not contribute to blight and is ready for occupancy and is actively being offered for sale, lease or rent.

113.3 Maintained. The building does not contribute to and is not likely to contribute to blight because the owner is actively maintaining and monitoring the building so it does not contribute to blight. Active maintenance and monitoring shall include:

1. Maintenance of landscaping and plant material in good condition.
2. Maintenance of exterior of the building including but not limited to roofing, paint, windows and other exterior finishes in good condition.
3. Prompt and regular removal of all exterior trash, debris and graffiti.
4. Maintenance of the building in continuing compliance with all applicable codes and regulations.
5. Prevention of criminal activity on the premises including but not limited to loitering or trespassing.

(19) 114 Continuing Nuisance. When the owner of a boarded or vacant building fails to maintain the property in accordance with this code and when repeated violations of this code occur for the same property, the code official may seek other remedies as provided by this code, local ordinances or state law including but not limited to demolition of the structure.

(20) 115 Vacant Structures. If the structure is vacant, the owner shall post a placard stating the owner's name and telephone number and shall secure a building permit from the City to board the structure securely to Board-Up Standards provided in Appendix A.

(21) Section 201.3, the reference to the International Zoning Code shall be deleted and the term "City of Portland Zoning Ordinance No. 387" shall be inserted in lieu thereof.

(22) Section 202 - General Definitions add the following:

(a) "Building" means any structure including but not limited to any residential, commercial, industrial or assembly structure approved for occupancy.

(b) "Vacant Building" means any structure or building that is unoccupied or occupied by unauthorized persons; and is unsecured or boarded.

(23) Section 302.3 shall be amended to read as follows: All private sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

(24) 302.4 Weeds. Premises and exterior property shall be maintained free from weeds or plant growth in excess of (8) eight inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

(25) 302.4.1 Repeated Nuisance. If a property has been cited more than (1) one time in a calendar year, the City of Portland shall charge an escalated administrative fee as provided in the City of Portland fee schedule.

(26) 302.8 Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exceptions:

1. A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

2. Any motor vehicle held in conjunction with a business enterprise lawfully licensed by the City for the storage, servicing and repair of motor vehicles and properly operated in an appropriate business zone pursuant to the zoning ordinances of the City.

(27) 304.14 Insect screens. During the period from March 1st to October 1st, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting

screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exceptions:

1. Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

2. Screens shall not be required where the building is equipped with a functioning and approved central heating, ventilating and air conditioning system.

(28) Section 304.18.1 is deleted.

(29) 307.1 General. Every exterior and interior flight of stairs having four (4) or more risers shall have a handrail on one side of the stair and every open portion of the stair, landing, balcony, porch, deck, ramp or other walking surface that is more than 30 inches above the floor or grade shall have guardrails. Handrails shall be not less than 34 inches in height or more than 38 inches in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guardrails shall be not less than 36 inches in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception:

1. Guardrails shall not be required where exempted by the adopted building code.

(30) Section 307.2.2 is amended as follows: Refrigerators. Refrigerators and similar equipment shall not be discarded, abandoned or stored on exterior premises.

(31) 602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1st to April 1st to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

(32) 602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from October 1st to April 1st to maintain a minimum temperature of 65°F during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.

2. Areas in which persons are primarily engaged in vigorous physical activities.

(33) Appendix A "Boarding Standard" is hereby added to this document.

(34) In Chapter 8, the reference to the International Zoning Code shall be deleted and the term "City of Portland Zoning Ordinance No. 387" shall be inserted in lieu thereof. (as added by Ord. #09-34, Aug. 2009, and amended by Ord. #16-07, March 2016, and 17-02, Feb. 2017)

## CHAPTER 7

### RESIDENTIAL CODE

#### SECTION

12-701. Residential code adopted.

12-702. Modifications.

**12-701. Residential code adopted.** A certain document, a copy of which is on file in the office of the City Recorder, City of Portland, being marked and designated as the International Residential Code,<sup>1</sup> 2018 edition, excluding all appendices published by the International Code Council, be and is hereby adopted as the Residential Code of the City of Portland 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 use, and the demolition of such existing structures 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 residential code on file in the office of the City of Portland City Recorder's Office are hereby referred to, adopted, and made a part thereof, as if fully set out in this chapter, with the following additions, insertions, deletions and changes, prescribed in § 12-702 of this chapter. (as deleted by Ord. #05-48, Jan. 2006, added by Ord. #09-32, Aug. 2009, and amended by Ord. #15-28, June 2015, Ord. #20-40, Sept. 2020 *Ch12\_12-06-21*)

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

Amend Portland Municipal Code, starting with Chapter 1, 12-101 by removing all references to the 2009 Edition and replacing with 2018 in all Chapters.

Section R108.2 Schedule of permit fees. Amend to reflect the Portland fee schedule as shown in the Portland Municipal Code, Chapter 1, Section 12-102. Also, fees as shown in Portland Municipal Code Chapter 7, 12-702.

Section R313.1 Townhome automatic fire sprinkler systems amend per State Fire Marshall's rule 0780-02-23. Shall not be required in three or fewer stories with less than 5,000 gross square feet and three or fewer stories if each unit is separated by a two-hour fire wall.

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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.

Section R313.2 One and Two Family automatic sprinkler systems. Delete per Tennessee Code Annotated, § 68-120-101.

Section R302.13 Fire protection of floors - Delete the wording "or electric-powered heating."

Section N1102.4.1.2 (R402.4.1.2) Testing is replaced with Section N1102.4.2.1 Testing Option and Section N1102.4.2.2 Visual Inspection from the 2009 IRC

Section N1103.3.3 (R403.3.3) Duct Testing (Mandatory) and Section 1103.3.4 (R403.3.4) Duct Leakage (Prescriptive) are Optional.

Table N1102.1.2 (R402.1.2) Insulation and Fenestration Requirement by Component and Table N1102.1.4 (R402.1.4) Equivalent U-Factors from 2018 IRC are hereby replaced with Table N1102.1 Insulation and Fenestration Requirements by Component and Table N1102.1.2 Equivalent U-Factor from the 2009 IRC.

Section N1102.4.4 (R402.4.4) Rooms Containing Fuel-Burning Appliances is deleted in its entirety.

Section N1103.5 (R403.5) Service Hot Water Systems (Mandatory) is hereby Optional.

Delete Chapters 34-43 relating to Electrical of the 2018 IRC. - Electrical Standards adopted in 0780-02-01 Electrical Installations are enforced by the State Fire Marshall's Office (2017 NEC).

Delete all Appendices.

In cases of natural disaster, including but not limited to, tornado, lightning, flood, fire, sink hole, ice storms, and other serious acts of nature, fees for the issuance of a residential building permit may be waived by the building inspector, at the sole discretion of the building inspector. (as added by Ord. #09-32, Aug. 2009, amended by Ord. #15-28, June 2015, Ord. #16-39, Sept. 2018, replaced by Ord. #20-40, Sept. 2020 **Ch12\_12-06-21**, and amended by Ord. #21-11, April 2021 **Ch12\_12-06-21**)

**CHAPTER 8**

**ASHRAE ADOPTED**

**SECTION**

12-801. ASHRAE Standard adopted.

**12-801. ASHRAE Standard adopted.** The City of Portland hereby adopts by reference as though they were copied herein fully the 2018 ASHRAE Standard 90.1. (as added by Ord. #15-28, June 2015, and amended by Ord. #20-40, Sept. 2020 *Ch12\_12-06-21*)



**CHAPTERS 9 - 13**

**[DELETED]**

(as deleted by Ord. #05-48, Jan. 2006)

## CHAPTER 14

### ABATING PUBLIC NUISANCES

#### SECTION

12-1401. Action concerning absentee property owners.

12-1402. Provisions for abating certain other public nuisances defined and prohibited.

12-1403. Notice of violations.

12-1404. Hearing before city council.

12-1405. Recorder to keep files and records.

12-1406. Authority to include administrative costs.

**12-1401. Action concerning absentee property owners.** To allow for nuisance abatement in the city limits when the property owner resides out of the effective enforcement of the city judge to act on affidavits of complaint filed by the codes officer. (as added by Ord. #584, § 1, Sept. 1998)

**12-1402. Provisions for abating certain other public nuisances defined and prohibited.** The growth of grass or weeds to a height of over one (1) foot (Ordinance #138); premises to be kept clean (Ordinance #401); and Standard Housing Code 1997 Edition (Ordinance #567) various standards for minimum facilities. (as added by Ord. #584, § 1, Sept. 1998)

**12-1403. Notice of violations.** If the codes officer determines that conditions exist in violation of preceding section 12-1401, he shall notify the recorded owner of the property in writing, at his last known mailing address, of the conditions on the property that constitute a menace to life, property, the public health, the public welfare and/or create a fire hazard, and demand that the owner cause such condition or conditions to be remedied immediately. Such notice shall include a description of the property owner's right and time for appeal, and an estimate of costs. The mailing of such notices shall be sufficient proof thereof, and the delivery of notice shall be equivalent to mailing. If the mailing address of the owner is unknown, and the property is unoccupied and the owner has no agent in the city, the notice shall be posted upon said property as notice to the owner. (as added by Ord. #584, § 1, Sept. 1998)

**12-1404. Hearing before the city council.** If the condition(s) described in the notice have not been corrected within ten (10) days from the date of mailing of the notice required in section 12-1403 hereof, and no proper request for an appeal by the owner has been received or, after any hearing and city council order of correction having been issued and not complied with, the sewer/street/sanitation department head shall cause said condition(s) to be corrected by the city at the expense of the property owner. After correction by

the sewer/street/sanitation department head, the sewer/street/sanitation department head shall submit in writing to the city recorder, with a copy to the property owner, the total cost of correction with a copy of the notice originally required in section 12-1403. The expense shall thereupon become and constitute a lien and charge upon the property which shall be payable with interest at the rate of six percent (6%) per annum from the date of such certification, until paid, collectable at the time ad valorem taxes on said property become due and payable to the city. Such expense and charge shall be first and prior lien against the property, subject only to the lien for taxes to the county and of the same character as the lien of the city for municipal taxes. Upon failure of the owner of the property to pay the lien, it may be enforced in the same manner as tax liens in favor of the city, and shall be certified by the city recorder to the delinquent tax attorney, along with the certification of ad valorem taxes assessed against the property in the city, and not paid when due. Any property owner shall have the right to have a hearing before the city council to show cause, if any, why such expense should not constitute a lien against his property. Such owner shall also have the right at this hearing to have determined the reasonableness of the expense or charge made by the city in remedying the condition(s) existing upon the owner's property. (as added by Ord. #584, § 1, Sept. 1998)

**12-1405. Recorder to keep files and records.** The city recorder shall keep a complete set of files and records relating to such liens, and shall include the amounts of such liens in tax statements for ad valorem taxes, thereafter submitted to the owners of lots, tracts, or parcels of land subject to such liens. (as added by Ord. #584, § 1, Sept. 1998)

**12-1406. Authority to include administrative costs.** The department head of streets/sewer/sanitation shall add an additional administrative charge of fifteen percent (15%) to the cost of the work to abate the violation(s), and the city recorder shall add an administrative charge of ten percent (10%) to set up the file(s), add the cost to the statement(s) of each parcel involved, and the same shall result and affect as set forth in prior selections of this chapter. (as added by Ord. #584, § 1, Sept. 1998)

## CHAPTER 15

### PLANNING AND ZONING FEES

#### SECTION

12-1501. Planning and zoning fees.

**12-1501. Planning and zoning fees.** Planning and zoning fees shall be charged by the City of Portland as indicated below:

Item	Additional Description	Fee
Billboard	Initial permit	\$500.00
	Billboard license	\$250.00
Billboard - Electronic Messaging Sign	Initial permit	\$1000.00
	Billboard license	\$500.00
Wall or Pole Sign	Less than 32 sq. feet	\$50.00
	Over 32 sq. feet	\$100.00
Sign face change out		\$50.00
Temporary sign		\$25.00
Temp fireworks sales tent		\$1,250 per year
Special event permit		\$25.00
Sketch Plat		\$150.00 + \$5.00 per lot
Preliminary Plat		\$150.00 + \$5.00 per lot
Final Plat		\$150.00 + \$5.00 per lot
Site Plan		\$150.00 up to 10,000 s/f + 0.05 per sq. ft. thereafter (\$500.00 max)
Preliminary PUD		\$250.00 + \$5.00 per acre over acres
Final PUD		\$150.00 + \$5.00 per acre over 5 acres
Re-zoning request	Up to .99 acres	\$100.00
	1- 9 acres	\$150.00
	10 – 19 acres	\$200.00
	20 – 49 acres	\$300.00
	50- 99 acres	\$400.00
	100 acres or more	\$500.00
<b>Administrative Fees</b>		
Technician fee	Permit Processing	\$10.00
Record Plat with Sumner Co.		\$50.00
Fee to file and release liens		\$50.00

(as added by Ord. #01-30, Dec. 2001, amended by Ord. #03-10, July 2003, and replaced by Ord. #16-39, Sept. 2016)

**CHAPTER 16**

**EXISTING BUILDING CODE**

**SECTION**

12-1601. Existing building code adopted.

**12-1601. Existing building code adopted.** The International Existing Building Code,<sup>1</sup> 2018 edition, is adopted. (as added by Ord. #20-40, Sept. 2020 *Ch12\_12-06-21*)

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

CHAPTER 17

**SWIMMING POOL AND SPA CODE**

**SECTION**

12-1701. Swimming pool and spa code adopted.

**12-1701. Swimming pool and spa code adopted.** The International Swimming Pool and Spa Code,<sup>1</sup> 2018 edition, is adopted. (as added by Ord. #20-40, Sept. 2020 *Ch12\_12-06-21*)

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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.