

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

1. BUILDING CODE.
2. RESIDENTIAL CODE.
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4. MECHANICAL CODE.
5. FUEL GAS CODE.
6. ENERGY CONSERVATION CODE.
7. ELECTRICAL CODE.
8. EROSION CONTROL ORDINANCE.
9. FIRE HYDRANT ORDINANCE.

CHAPTER 1**BUILDING CODE**¹**SECTION**

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

12-101. Building code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of establishing the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment, the International Building Code,² 2018 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 building

¹Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

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

code. (Ord. #140, Sept. 1987, as replaced by Ord. #199, Feb. 2001, Ord. #233, June 2007, Ord. #271, April 2012, Ord. #298, July 2015, and Ord. #332, July 2020 *Ch9_08-11-20*)

12-102. Modifications. (1) Definitions. Whenever in the building code reference is made to the duties of a certain official named therein, that designated official of the Town of Tazewell 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 the building code are concerned.

(2) Permit fees. All permit fees will be determined by the board of mayor and aldermen on an annual basis. (Ord. #140, Sept. 1987, as replaced by Ord. #199, Feb. 2001, Ord. #233, June 2007, Ord. #271, April 2012, Ord. #298, July 2015, and Ord. #332, July 2020 *Ch9_08-11-20*)

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. (Ord. #140, Sept. 1987, as replaced by Ord. #271, April 2013, Ord. #298, July 2015, and Ord. #332, July 2020 *Ch9_08-11-20*)

12-104. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the building code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to fifty dollars (\$50.00). Each day a violation is allowed to continue shall constitute a separate offense. (Ord. #140, Sept. 1987, as replaced by Ord. #271, April 2013, Ord. #298, July 2015, and Ord. #332, July 2020 *Ch9_08-11-20*)

CHAPTER 2

RESIDENTIAL CODE

SECTION

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

12-201. Residential code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of establishing the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment, the International Residential Code,¹ 2018 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 residential code. (Ord. #140, Sept. 1987, as replaced by Ord. #271, April 2013, Ord. #298, July 2015, and Ord. #332, July 2020 *Ch9_08-11-20*)

12-202. Modifications. (1) Definitions. Whenever in the building code reference is made to the duties of a certain official named therein, that designated official of the Town of Tazewell 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 the residential code are concerned.

(2) Permit fees. All permit fees will be determined by the board of mayor and aldermen on an annual basis.

(3) Amendments to code adopted:

(1) Unless otherwise provided by applicable law or the provisions of this chapter, the required minimum codes and standards for the construction of one (1) and two (2) family dwellings, townhouses, and additions thereto of thirty (30) square feet or more of interior space in the State of Tennessee shall be those prescribed in the following publications:

(a) International Residential Code (RC), 2018 edition, published by the International Code Council, Inc. (ICC), 500 New Jersey Avenue Northwest, 6th Floor, Washington, D.C., 20001, and Appendix Q except that:

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

1. Section R313 Automatic Fire Sprinkler Systems is not mandatory, pursuant to T.C.A. § 68-120-101(a)(8).
2. Chapters 34-43 relating to Electrical Installations are deleted and electrical standards adopted in 0780-02-01 Electrical Installations shall apply.
3. Figure R301.2(2) Seismic Design Categories is deleted and replaced with Figure R301.2(2) Seismic Design Categories Site Class D from 2015 IRC.
4. Section R314.6 Power Source relating to Smoke Alarms is amended to create Exception 3 that shall read:
5. Exception 3. Interconnection and hardwiring of smoke alarms in existing areas shall not be required where the alterations or repairs do not result in the removal of interior walls or ceiling finishes exposing the structure.
6. Section N1 102.4.1.2 (R402.4.1.2) Testing is replaced with Section N1 102.4.2.1 Testing Option and Section N1 102.4.2.2 Visual Inspection from 2009 IRC.
7. Section N1 103.3.3 (R403.3.3) Duct Testing (Mandatory) and Section N1 103.3.4 (R403.3.4) Duct Leakage (Prescriptive) are optional.
8. Table N1 102.1.2 (R402.1.2) Insulation and Fenestration Requirement by Component and Table N1 102.1.4 (R402.1.4) Equivalent U-Factors from 2018 IRC are replaced with Table N1 102.1 Insulation and Fenestration Requirements by Component and Table N1 102.1.2 Equivalent U-Factor from 2009 IRC.
9. Section N1 102.4.4 (R402.4.4) Rooms Containing Fuel-Burning Appliances is deleted in its entirety.
10. Table N1 102.1 Insulation and Fenestration Requirements by Component in the 2009 edition is adopted and amended by adding the following as footnote "I": "Log walls complying with ICC400 and with a minimum average wall thickness of 5" or greater shall be permitted in Zone 3 when a Fenestration U-Factor of .50 or lower is used, a Skylight U-Factor of .65 or lower is used, a Glazed Fenestration SHGC of .30 or lower is used, a 90 AFUE Furnace is used, an 85 AFUE Boiler is used, and a 9.0 HSPF Heat Pump (heating) and 15 SEER (cooling) are used."
11. Table N1 102.1 Insulation and Fenestration Requirements by Component in the 2009 edition is adopted and amended by adding the following as footnote "m": "Log walls complying with ICC400 and with a minimum average wall thickness of 5" or greater shall be permitted in Zone 4 when a Fenestration U-Factor of .35 or lower is used, a Skylight

U-Factor of .60 or lower is used, a 90 AFUE Furnace is used, an 85 AFUE Boiler is used, and a 9.0 HSPF Heat Pump (heating) and 15 SEER (cooling) are used."

- (2) Paragraph (1) of this rule shall not be construed as adopting any provision of the cited publications which establishes:
 - (a) Any provision superseded by law;
 - (b) An optional or recommended, rather than mandatory, standard or practice; or
 - (c) Any agency, procedure, fees, or penalties for administration or enforcement purposes inconsistent with these rules.
- (3) The provisions of the cited publications adopted by reference in paragraph (1) shall govern the manner in which:
 - (a) The codes and standards are applied to construction of one (1) and two (2) family dwellings, townhouses, and additions thereto of thirty (30) or more square feet of interior space as defined in this chapter;
 - (b) Occupancies and types of construction are classified for the purpose of determining minimum requirements of the codes and standards; and
 - (c) The specific requirements of the codes and standards may be modified to permit the use of alternate materials or methods of construction. (Ord. #140, Sept. 1987, as replaced by Ord. #271, April 2013, Ord. #298, July 2015, and Ord. #332, July 2020 *Ch9_08-11-20*)

12-203. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502 one (1) copy of the residential code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (Ord. #140, Sept. 1987, as replaced by Ord. #271, April 2013, Ord. #298, July 2015, and Ord. #332, July 2020 *Ch9_08-11-20*)

12-204. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the residential code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to fifty dollars (\$50.00). Each day a violation is allowed to continue shall constitute a separate offense. (Ord. #140, Sept. 1987, as replaced by Ord. #271, April 2013, Ord. #298, July 2015, and Ord. #332, July 2020 *Ch9_08-11-20*)

CHAPTER 3

PLUMBING CODE¹

SECTION

- 12-301. Plumbing code adopted.
- 12-302. Modifications.
- 12-303. Available in recorder's office.
- 12-304. Violations and penalty.
- 13-305.--12-306. Deleted.

12-301. Plumbing code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of establishing the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment, the International Plumbing Code,² 2018 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 plumbing code. (Ord. #140, Sept. 1987, as replaced by Ord. #271, April 2013, Ord. #298, July 2015, and Ord. #332, July 2020 *Ch9_08-11-20*)

12-302. Modifications. (1) Definitions. Whenever in the plumbing code reference is made to the duties of a certain official named therein, that designated official of the Town of Tazewell 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 the plumbing code are concerned.

(2) Permit fees. All permit fees will be determined by the board of mayor and aldermen on an annual basis. (Ord. #140, Sept. 1987, as replaced by Ord. #271, April 2013, Ord. #298, July 2015, and Ord. #332, July 2020 *Ch9_08-11-20*)

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) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

12-303. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502 one (1) copy of the 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. (Ord. #140, Sept. 1987, as replaced by Ord. #271, April 2013, Ord. #298, July 2015, and Ord. #332, July 2020 *Ch9_08-11-20*)

12-304. 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 fifty dollars (\$50.00). Each day a violation is allowed to continue shall constitute a separate offense. (Ord. #140, Sept. 1987, as replaced by Ord. #271, April 2013, Ord. #298, July 2015, and Ord. #332, July 2020 *Ch9_08-11-20*)

12-305.--12-306. Deleted. (Ord. #140, Sept. 1987, as deleted by Ord. #271, April 2013)

CHAPTER 4

MECHANICAL CODE

SECTION

- 12-401. Mechanical code adopted.
- 12-402. Modifications.
- 12-403. Available in recorder's office.
- 12-404. Violations and penalty.
- 12-405.--12-412. Deleted.

12-401. Mechanical code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of establishing the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment, the International Mechanical Code,¹ 2018 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 mechanical code. (Ord. #140, Sept. 1987, as replaced by Ord. #271, April 2013, Ord. #298, July 2015, and Ord. #332, July 2020 *Ch9_08-11-20*)

12-402. Modifications. (1) Definitions. Whenever in the mechanical code reference is made to the duties of a certain official named therein, that designated official of the Town of Tazewell 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 the mechanical code are concerned.

(2) Permit fees. All permit fees will be determined by the board of mayor and aldermen on an annual basis. (Ord. #140, Sept. 1987, as replaced by Ord. #271, April 2013, Ord. #298, July 2015, and Ord. #332, July 2020 *Ch9_08-11-20*)

12-403. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502 one (1) copy of the mechanical code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (Ord. #140, Sept. 1987, as replaced by Ord. #271, April 2013, Ord. #298, July 2015, and Ord. #332, July 2020 *Ch9_08-11-20*)

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

12-404. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the mechanical code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to fifty dollars (\$50.00). Each day a violation is allowed to continue shall constitute a separate offense. (Ord. #140, Sept. 1987, as replaced by Ord. #271, April 2013, Ord. #298, July 2015, and Ord. #332, July 2020 *Ch9_08-11-20*)

12-405.--12-412. Deleted. (Ord. #140, Sept. 1987, as deleted by Ord. #3271, April 2013)

CHAPTER 5

FUEL GAS CODE

SECTION

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

12-501. Fuel gas code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of establishing the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment, the International Fuel Gas Code,¹ 2018 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 fuel gas code. (Ord. #140, Sept. 1987, as replaced by Ord. #271, April 2013, Ord. #298, July 2015, and Ord. #332, July 2020 **Ch9_08-11-20**)

12-502. Modifications. (1) Definitions. Whenever in the fuel gas code reference is made to the duties of a certain official named therein, that designated official of the Town of Tazewell 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 the fuel gas code are concerned.

(2) Permit fees. All permit fees will be determined by the board of mayor and aldermen on an annual basis. (Ord. #140, Sept. 1987, as replaced by (Ord. #140, Sept. 1987, as replaced by Ord. #271, April 2013, Ord. #298, July 2015, and Ord. #332, July 2020 **Ch9_08-11-20**)

12-503. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502 one (1) copy of the fuel gas code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (Ord. #140, Sept. 1987, as replaced by Ord. #271, April 2013, Ord. #298, July 2015, and Ord. #332, July 2020 **Ch9_08-11-20**)

12-504. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the fuel gas code as herein adopted

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

by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to fifty dollars (\$50.00). Each day a violation is allowed to continue shall constitute a separate offense. (Ord. #140, Sept. 1987, as replaced by Ord. #271, April 2013, Ord. #298, July 2015, and Ord. #332, July 2020 *Ch9_08-11-20*)

CHAPTER 6**ENERGY CONSERVATION CODE****SECTION**

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

12-601. Energy conservation code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of establishing the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment, the International Energy Conservation Code,¹ 2018 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 energy conservation code. (Ord. #140, Sept. 1987, as replaced by Ord. #271, April 2013, Ord. #298, July 2015, and Ord. #332, July 2020 *Ch9_08-11-20*)

12-602. Modifications. (1) Definitions. Whenever in the energy conservation code reference is made to the duties of a certain official named therein, that designated official of the Town of Tazewell 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 the energy conservation code are concerned.

(2) Permit fees. All permit fees will be determined by the board of mayor and aldermen on an annual basis.

(3) Amendments to code adopted. International Energy Conservation Code (IECC), 2018 edition, published by the ICC, except that:

- (1) 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.
- (2) Section R403.3.3 Duct Testing (Mandatory) and Section R403.3.4 Duct Leakage (Prescriptive) are optional.

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

- (3) 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 2009 IECC. (Ord. #140, Sept. 1987, as replaced by Ord. #271, April 2013, Ord. #298, July 2015, and Ord. #332, July 2020 *Ch9_08-11-20*)

12-603. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502 one (1) copy of the energy conservation code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (Ord. #140, Sept. 1987, as replaced by Ord. #271, April 2013, Ord. #298, July 2015, and Ord. #332, July 2020 *Ch9_08-11-20*)

12-604. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the energy conservation 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 fifty dollars (\$50.00). Each day a violation is allowed to continue shall constitute a separate offense. (Ord. #140, Sept. 1987, as replaced by Ord. #271, April 2013, Ord. #298, July 2015, and Ord. #332, July 2020 *Ch9_08-11-20*)

CHAPTER 7

ELECTRICAL CODE

SECTION

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

12-701. Electrical code adopted. Pursuant to authority granted by Tennessee Code Annotated §§ 6-54-501 through 6-54-506, and for the purpose of establishing the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment, the National Electrical Code, 2008 edition, as prepared by the National Fire Protection Association, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the electrical code. (as replaced by Ord. #271, April 2013)

12-702. Modifications. (1) Definitions. Whenever in the electrical code reference is made to the duties of a certain official named therein, that designated official of the Town of Tazewell 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 the electrical code are concerned.

(2) Permit fees. All permit fees will be determined by the board of mayor and aldermen on an annual basis. (as replaced by Ord. #271, April 2013)

12-703. 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. (as replaced by Ord. #271, April 2013)

12-704. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the electrical 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 fifty dollars (\$50.00). Each day a violation is allowed to continue shall constitute a separate offense. (as replaced by Ord. #271, April 2013)

CHAPTER 8

EROSION CONTROL ORDINANCE

SECTION

- 12-801. Statutory authorization.
- 12-802. Short title.
- 12-803. Need.
- 12-804. Purpose.
- 12-805. Rules applying to text.
- 12-806. Definitions.
- 12-807. Requirements.
- 12-808. Permits.
- 12-809. Exclusions.
- 12-810. Inspection and enforcement.
- 12-811. Off-site damage.
- 12-812. Penalties.

12-801. Statutory authorization. The Legislature of the State of Tennessee has in Tennessee Code Annotated, § 6-2-201, delegated the authority to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. (as added by Ord. #202, July 2001)

12-802. Short title. This chapter shall be known as the Tazewell Erosion Control Ordinance. (as added by Ord. #202, July 2001)

12-803. Need. Significant problems may result from development which results in the displacement of large quantities of earth, specifically erosion and sedimentation. Erosion is a dangerous activity in that it is the cause of contamination of water supplies and water resources. A buildup of sedimentation impedes stormwater runoff in watercourses, storm sewers, road ditches, and sinkholes or natural drainageways, resulting in reduced drainage capacities and causing flooding which produces substantial damage to public and private lands. In addition, sediment is unsightly, expensive to remove, limits the use or disposition of water for most beneficial purposes and may slightly decrease land values. The result is a serious threat to the health, safety, and general welfare of the community. (as added by Ord. #202, July 2001)

12-804. Purpose. The general purpose of this chapter is to substantially reduce existing and future erosion and sedimentation damage in the town. This chapter is designed to safeguard the health, safety, and welfare of the citizens; to establish reasonable and flexible criteria for development to minimize

potential erosion and sedimentation damage; to minimize the pollution of streams, ponds, and other watercourses by sediments; to minimize the danger or flood damage; and to preserve the natural beauty and esthetics of the community. (as added by Ord. #202, July 2001)

12-805. Rules applying to text. For the purpose of this chapter, certain rules of construction apply herein as follows:

(1) Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary.

(2) The term "shall" is always mandatory and not discretionary, the word "may" and "will" are permissive.

(3) Except as specifically defined herein, all words used in this chapter have their common dictionary definitions. (as added by Ord. #202, July 2001)

12-806. Definitions. The following definitions shall apply in the interpretation and enforcement of these regulations, unless specifically stated:

(1) "Administrator." The town administrator or his/her designated representative.

(2) "Building." Any structure built for the support, shelter or enclosure of persons, animals, chattels, or moveable property of any kind.

(3) "Cut." Portion of land surface or area from which earth or rock has been removed or will be removed by excavation. The depth of cut is the vertical distance from the original ground surface to the proposed or subsequently excavated surface.

(4) "Developer." Any individual, firm, corporation, association, partnership, or other entity involved in commencing proceedings under this chapter to effect development of land for him/herself or another.

(5) "Embankment." A man-made structure of soil, rock, or other erodible materials.

(6) "Erosion." The wearing or washing away of land surface by the action of wind, water, ice or gravity.

(7) "Excavation." See cut.

(8) "Fill." See embankment.

(9) "Grading." Any operation or occurrence by which the existing site elevations are changed by cutting, filling, borrowing, stockpiling, or where any ground cover, natural or man-made, is removed, or any building or other structures are removed, or any watercourse or body of water, either natural or man-made, is relocated on any site, thereby creating unprotected area. "Grading" shall be interchangeable with "land-disturbing activity."

(10) "Grading permit." A permit issued to authorize excavation and/or fill to be performed under this chapter.

(11) "Mulching." The application of plant or other suitable materials on the soil surface to conserve moisture, hold soil in place, and aid in establishing plant cover.

(12) "Natural ground surface." The surface in its original state before grading, excavating or filling.

(13) "Off-site area." As used in this chapter, off-site shall refer to that area outside the site area that is or may be adversely affected by sedimentation and siltation because of construction or work activity which is being or has been conducted on the site. The off-site area may be adjacent property or property some distance away.

(14) "Permittee." Any person, firm, or entity to whom a permit is issued in accordance with these regulations.

(15) "Sediment." Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, ice, or gravity as a product of erosion.

(16) "Sediment barrier." Any artificial, temporary, low dike built to prevent sediment from entering a watercourse and consisting of straw bales, silt fence (fabric), gravel, rock, or earth.

(17) "Site." Any tract, lot or parcel of land or combination of tracts, lots or parcels of land which is or are in one ownership or are contiguous and in diverse ownership where grading, construction or development is to be or is being performed as part of a unit, subdivision or project.

(18) "Soil." All unconsolidated mineral and organic material of whatever origin that overlies bedrock and which can be readily excavated.

(19) "Stormwater runoff." Water that results from precipitation which is not absorbed by the soil, evaporated into the atmosphere, or entrapped by ground surface depressions and vegetation, and which flows over the ground surface.

(20) "Structure." Any object constructed above or below ground.

(21) "Watercourse." Any natural or artificial stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, street, roadway, or wash in which water flows in a definite direction or course, either continuously or intermittently, and which has a definite channel, bed or banks, and shall include any area adjacent thereto subject to inundation by reason of overflow of surface water. (as added by Ord. #202, July 2001)

12-807. Requirements. Any developer shall provide soil erosion and sedimentation control prior to any exposure or disturbance on the earth, such as grading or filling for all residential, commercial, and industrial properties. Erosion and sediment barriers may consist of rock, earthen material, straw bales, stakes, and silt fence. (as added by Ord. #202, July 2001)

12-808. Permits. Any developer or builder who exposes or disturbs the earth upon any site as defined herein, shall have a valid grading permit for that site issued by the town administrator or his/her designee. Said permit shall be processed in a manner consistent with the policies and procedures recommended by the town administrator or his/her designee and before commencement of any

site preparation work or grading. The land owner, developer or builder on any permitted site which is causing erosion or siltation problems off-site shall suspend all grading activities upon presentation of a written stop work order by the town administrator or his/her designee. The permit holder must take immediate action to stabilize the site, repaired any damage and cleaned any off-site siltation or debris, and upon the written permission from the town administrator or his/her designee, the permittee may gain proceed with grading. Any grading within the floodplain, regardless of the site size or location, shall be unlawful without a permit. (as added by Ord. #202, July 2001)

12-809. Exclusions. No grading permit shall be required for:

(1) Nursery operations, such as the removal and/or transplanting of cultivated sod, shrubs and trees.

(2) Garden plots, lawn preparation or landscaping activities on existing lots or parcels unless the possibility for erosion and sedimentation or alteration of drainage is such as to necessitate a grading permit as determines by the administrator.

(3) Agricultural land management practices such as plowing or cultivation.

(4) Strip and surface mining regulated by state statutes.

(5) Sanitary landfills operated and conducted in accordance with the requirements, rules, and ordinances adopted by the State of Tennessee. (as added by Ord. #202, July 2001)

12-810. Inspection and enforcement. The requirements of this chapter shall be enforced by the town administrator or his/her designee. If the town administrator finds any person engaged in land-disturbing activities in violation of this chapter, the town administrator may require compliance and/or issue a stop work order. (as added by Ord. #202, July 2001)

12-811. Off-site damage. If the town administrator determines that any substantial and injurious erosion, sedimentation or flooding and consequential harm are occurring or have occurred as a result of any land-disturbing activity by any person, including activity concluded prior to the effective date of this chapter, the town administrator shall require such person to take prompt corrective actions to abate such condition(s) and to provide a ground cover or other protective measures, structures or devices sufficient to restrain accelerated erosion and to control off-site sedimentation. (as added by Ord. #202, July 2001)

12-812. Penalties. Any person who violates any provision of this chapter, or rule or adopted or issued pursuant to this chapter, or who knowingly or willfully initiates or continues a land-disturbing activity, shall, upon conviction thereof in the appropriate court pursuant to action initiated by the

town, be subject to the penalties as prescribed in the adopting ordinance for this municipal code. Compliance therewith may also be enforced by injunctive process at the suit of the town or the owner or owners of property affected by failure to comply with the provisions of this chapter. (as added by Ord. #202, July 2001)

CHAPTER 9**FIRE HYDRANT ORDINANCE****SECTION**

12-901. Fire hydrants requirements adopted.

12-901. Fire hydrants requirements adopted. All property developers or sub-division developers are required to install the required water mains sized to maintain the necessary water flow to support fire hydrants within any new developments within the town. Developers are further required to install all the needed hydrants to maintain the proper fire protection for the development or sub-division to be determined by the Tazewell Municipal Planning Commission. (as added by Ord. #228, March 2007)