

**TITLE 12****BUILDING, UTILITY, ETC. CODES**<sup>1</sup>**CHAPTER**

1. BUILDING CODE.
2. ELECTRICAL CODE.
3. ACCESSIBILITY CODE.
4. [DELETED.]
5. [DELETED.]
6. PLUMBING CODE.
7. [DELETED].
8. GAS CODE.
9. UNSAFE BUILDING ABATEMENT CODE.
10. MECHANICAL CODE.
11. [DELETED.]
12. ENERGY CONSERVATION CODE.
13. MOBILE FOOD UNITS.
14. EXISTING BUILDING CODE.

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

- 12-101. Adopted.
- 12-102. Modifications.
- 12-103. Available in clerk's office.
- 12-104. Permit fee schedule.
- 12-105. Sprinkling of certain building required.
- 12-106. Temporary, mobile, factory-built or factory-assembled structures.
- 12-107. [Deleted.]

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<sup>1</sup>Any fire limits adopted by reference in this title shall mean those fire limits as described in § 7-101.

<sup>2</sup>Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

**12-101. Adopted.** (1) Pursuant to authority granted by Tennessee Code Annotated, § 6-54-502, the International Building Code, 2018 edition, and Appendices A, B, D, F, G, I, and J as prepared and adopted by the International Code Council, Inc., and as amended as follows:

(a) Section 101.1 Insert "City of Cleveland Tennessee" in (Name of Jurisdiction).

(b) Section 1612.3 Insert "City of Cleveland Tennessee" in (Name of Jurisdiction).

(c) Section 1612.3 Insert "February 2, 2007 or as revised and updated by FEMA, Army Corps of Engineers, or other approved licensed surveyor, whichever is the most current and accurate information as determined by the floodplain manager" in (Date of Issuance).

Is hereby adopted and incorporated by reference as fully as if set out verbatim herein, and the provisions thereof shall be controlling within the corporate limits of the city.

(2) Pursuant to authority granted by Tennessee Code Annotated, § 6-54-502, the International Residential Code, 2018 edition, and Appendix E, as prepared and adopted by the International Code Council, Inc., and as amended as follows:

(a) Section 101.1 Insert "City of Cleveland Tennessee" in (Name of Jurisdiction).

(b) Table R301.2(1) adding the following: Ground Snow Load "10", Wind Design Speed "90 mph", Wind Design Topographic Effects "No", Special wind region "No", Windborne debris zone "No", Seismic Design Category "C", Weathering "Moderate", Frost Line Depth "12 inches", Termite Protection "Yes", Winter Design Temperature "18 degrees Fahrenheit", Ice Barrier Underlayment Required "No", Flood Hazards "See FIRM current panel #", Air Freezing Index "1500 or less", Mean Annual Temperature "58.8"; and, Manual J Design Criteria: Elevation "797 feet", Latitude "35.22", Winter heating "18 degrees Fahrenheit", Summer cooling "92 degrees Fahrenheit", Indoor design temperature "70 degrees Fahrenheit", delete footnote n and revise to say "values not specified in the amendments to this code as adopted by the City of Cleveland to be determined in accordance with Tables 1a or 1b ACCA Manual J and as approved by the building official".

(c) Figure R301.2.2 Seismic Design Categories shall be deleted and replaced with Figure R301.2.2 Seismic Design Categories from the 2015 International Residential Code.

(d) Under R302.2 Townhouses, replace the current exception with the following language:

A common 1-hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263 is permitted for townhouses that are equipped throughout with an automatic residential fire sprinkler system, or a common 2-hour fire-resistance-rated wall assembly tested in

accordance with ASTM E 119 or UL 263 is also permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for the fire exposure from both sides and shall extend to and be tight against the exterior wall and the underside of the roof sheathing. Electrical installations shall be installed in accordance with Chapters 34 through 43. Penetrations of the electrical outlet boxes shall be in accordance with Section R302.4.

(e) Section R313 add words to R313.1 Townhouse automatic fire sprinkler systems. "An automatic residential fire sprinkler system shall be installed in townhouses with five (5) or more units connected together in accordance with Section 903.2.8 of the International Building Code, 2012 Edition."

(f) Section R313.2 One- and two-family dwellings automatic fire sprinkler systems is not mandatory.

(g) Section R314.6, Power Source, relating to Smoke Alarms, is amended to create Exception 3 that shall read:

Exception 3. Interconnection and hard-wiring 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.

(h) Tables N1102.1.2 Insulation and Fenestration Requirement by Component, and N1102.1.4 Equivalent U-Factors from 2018 International Residential Code shall be replaced with tables N1102.1 Insulation and Fenestration Requirement by Component and N1102.1.2 Equivalent UFactors from the 2009 International Residential Code.

(i) N1102.4.1.2 Replace "three air changes per hour in Climate Zones 3 through 8" with "five air changes per hour in Climate Zones 3 through 8."

(j) Section P2603.5.1 Insert "twelve (12) inches" (Number of inches in two locations).

(k) Chapters 34-43 are revised in accordance with the provisions of Chapter 0780-02-01 of the Rules of the Tennessee Department of Commerce and Insurance pertaining to electrical installations.

Is hereby adopted and incorporated by reference as fully as if set out verbatim herein, and the provisions thereof shall be controlling within the corporate limits of the city.

(3) Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, one (1) copy of these codes, with the referenced appendices, have been filed with the city clerk and are available for public use and inspection.

Any matters in said codes which are contrary to the existing ordinances of the City of Cleveland, Tennessee shall prevail, any existing ordinances to the contrary are hereby repealed in that respect only. (1981 Code, § 6-38, as amended by Ord. of Oct. 1995, Ord. of July 1998, Ord. of 8/27/2001, and Ord. #2009-71, Oct. 2009, replaced by Ord. #2014-28, June 2014, amended by

Ord. #2015-23, Sept. 2015, and replaced by Ord. #2020-03, Jan. 2020 *Ch18\_01-10-22*, and Ord. #2020-04, Jan. 2020 *Ch18\_01-10-22*)

**12-102. Modifications.** When reference is made to the duties of certain official named therein, that designated official of the City of Cleveland, Tennessee who has the 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. (1981 Code, § 6-39, as amended by Ord. of Jan. 1994, Ord. of Feb. 1995, Ord. of July 1998, Dec. 1998, and Ord. of 8/27/2001, repealed by Ord. #2009-71, Oct. 2009, and added by Ord. #2014-28, June 2014)

**12-103. Available in clerk'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 clerk's office and shall be kept there for the use and inspection of the public. (1981 Code, § 6-4, modified)

**12-104. Permit fee schedule.** The following building permit fee schedule, as contemplated by the 2018 International Building Code, § 109.2, is hereby adopted by the city council of the city as the building permit fee schedule for the city.

#### Building Permit Fees

For all new construction and addition projects, building valuation used to determine permit fees is to be calculated using the value as determined by the latest published ICC Building Valuation Data Table at a multiplier of 0.9.

All other building permit fees are based on estimated cost of construction and calculated using the table below.

Total Valuation	Fee
\$1,000.00 or less	\$20.00
\$1,001.00 to \$50,000.00	\$20.00 for the first \$1,000.00 plus \$5.00 for each additional thousand or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$300.00 for the first \$50,000.00 plus \$4.00 for each additional thousand or fraction thereof, to and including \$100,000.00

\$100,001.00 to \$500,000.00	\$500.00 for the first \$100,000.00 plus \$3.00 for each additional thousand or fraction thereof, to and including \$500,000.00
\$500,001.00 and up	\$1,800.00 for the first \$500,000.00 plus \$2.00 for each additional thousand or fraction thereof.
Moving of any building or structure	\$100.00
Demolition of One and Two-family homes	\$50.00
Demolition of Multi-family, Commercial & Accessory structures	\$100.00
Starting work before permit issued	B104 Penalties, where work for which a permit required is started prior to obtaining proper permit, the fees are herein specified shall be doubled. Payment of said fee shall not relieve any persons from fully complying with the requirements of the Codes.
Plans Review Fee	15% of the building permit fee and 15% of the grading permit if issued independently of the building permit
Re-inspection Fee	\$25.00
Certificate of Occupancy	\$25.00
Temporary Certificate of Occupancy	\$50.00 (and \$50.00 for each subsequent renewal)
Land Disturbance (1981 Code, § 6-40, as replaced by Ord. #2014-28, June 2014, and amended by Ord. #2020-04, Jan. 2020 <b>Ch18_01-10-22</b> and Ord. #2021-16, June 2021 <b>Ch18_01-10-22</b> )	\$20.00 for each residential lot

**12-105. Sprinkling of certain building required.** In addition to the requirements of the building code adopted by § 12-101, this additional requirement shall be in effect. Any building forty (40) feet from ground level or over four (4) stories in height shall have an approved sprinkler system exclusive of chimneys, elevators, poles, spires, tanks, towers and other projections not used for human habitation. In measuring the height of a building a habitated basement or attic shall be counted as one story. (1981 Code, § 6-41)

**12-106. Temporary, mobile, factory-built or factory-assembled structures.** (1) It shall be unlawful to place any temporary structure, trailer, mobile structure (including, but not limited to, cars, vans, trucks, or buses), tents, factory-built structures or factory-assembled structures designed for conveyance after fabrication, either on its own wheels, flatbed truck, or other trailers; on any lot either residential, commercial, or industrial, within the corporate limits of the city; used for assembly, business, educational, hazardous, factory, industrial, institutional, mercantile, residential or storage occupancies, except as noted herein.

(2) **Exceptions.** Structures exempted from provisions of this section shall include:

- (a) Mobile homes located in approved mobile home parks.
- (b) Prefabricated dwelling kits or structures specifically approved in the International Building Code<sup>1</sup> compliance listing.
- (c) Temporary office and storage buildings located on approved construction sites provided they are removed upon completion of construction.
- (d) Customary accessory storage buildings in approved residential locations.
- (e) A tent used by a person, firm, corporation, or group as an assembly occupance for the purpose of a meeting, festival, fair, circus, or carnival, or a tent used by a transient vendor for a limited time not to exceed ten (10) days with a permit and in conformity with adopted codes and further provided that the tent is located on commercial, office, or industrial property not otherwise occupied by the same person, firm, corporation, group, or transient vendor on a more-or-less continuous basis. The ten (10) day limit on this type of tent permit may be extended to a longer period if the temporary use of the tent for such longer period is determined to be a lawful pre-existing non-conforming use under the zoning ordinance. Tents installed under this section require a permit and that permit is valid for up to ten (10) days. A ten (10) day tent permit issued under this section shall not be issued for the same property until

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<sup>1</sup>The "Southern Building Code" was replaced with "International Building Code" to comply with the adopted building code.

six (6) months have elapsed after the expiration of the previous such permit.

(f) Replacement of existing mobile homes on single family residential lots, with another mobile home, in accordance with the city's zoning laws.

(g) A tent or temporary building used by a properly licensed person or business solely for the otherwise lawful selling of edible fresh produce such as fruits or vegetables, inedible or ornamental plants, agricultural and lawn care products and accessories, Christmas trees or other holiday plants in season either as an accessory activity to an existing business or as a licensed transient vendor.

(h) A person who sells his own property which was not acquired specifically for resale, barter, or exchange and who does not conduct such sales or act as a participant by furnishing goods in such a sale on a regular basis.

(i) "Vendor facilities" are defined for the purposes of this section as carts, trucks, booths, stands, and the like from which goods, services, or information are delivered over a counter or through a window to customers or recipients where no such customers or recipients enter the vendor facility. Vendor facilities do not include mobile food units which are regulated under other chapters of the Cleveland Municipal Code. Vendor facilities shall not be located indoors or outdoors except on a site containing a commercial development or shopping center or office development or industrial development with at least twenty thousand (20,000) square feet of finished floor area under roof, or on the campus of a school, college, church, or other institution. Vendor facilities must comply with all other applicable laws, policies, and procedures for the protection of public health, safety, and welfare, including any orders of the building official or fire inspector. Vendor facilities that are located outdoors shall not be located in any public right-of-way, or within twenty feet (20') of any roadway pavement edge. Vendor facilities shall not be located within one hundred feet (100') of any roadway edge of pavement on any urban interstate, freeway, expressway, urban principal arterial, or within fifty feet (50') of the roadway edge of pavement on any urban minor arterial, as classified in the subdivision regulations. Vendor facilities must have all applicable permits and licenses. Vendor facilities shall not be located except on an improved site that includes other principal structures and uses including paved parking and driveways. The number of vendor facilities operating outdoors on a given site at the same time shall not exceed two (2) unless part of an otherwise lawful outdoor festival, fair, athletic event, or the like with a duration of not more than ten (10) days. For purposes of this section, "site" shall mean one (1) or more lots or parcels that are developed in a connected fashion

with common features such as buildings, parking, driveways, sidewalks, open spaces, etc.

(j) A tent used by a person, firm, corporation, or group for the otherwise lawful purpose of display, storage, sales, or provision of goods or services on property where the same person, firm, corporation, or group also occupies a permanent structure used for these same purposes, provided that the size of the tent does not exceed thirty percent (30%) of the size of the permanent structure; and further provided that the tent shall not be located within one hundred feet (100') of any roadway edge of pavement on any urban interstate, freeway, or expressway, or within fifty feet (50') of the roadway edge of pavement of any other public roadway; and further provided that the use, location, and installation of the tent must comply with all other applicable laws, policies, and procedures for the protection of public health, safety, and welfare, including any orders of the building official or fire inspector. Tents installed under this section require a permit and that permit is valid for up to ninety (90) days and the permit is renewable.

(k) A tent used by a properly license insurance business solely for the otherwise lawful inspection of motor vehicles with potential hail damage and the resolution of claims relating to the same; and further provided that the size of the tent does not exceed thirty percent (30%) of the size of any permanent structure located on the same property; and further provided that the tent shall not be located within one hundred feet (100') of any roadway edge of pavement on any urban interstate, freeway, or expressway, or within fifty feet (50') of the roadway edge of pavement of any other public roadway; and further provided that the use, location, and installation of the tent must comply with all other applicable laws, policies, and procedures for the protection of public health, safety, and welfare, including any orders of the building official or fire inspector. Tents installed under this paragraph require a permit and that permit is valid for up to thirty (30) days.

(l) A tent or temporary structure used by a person, firm, corporation, or group that is located on the campus of a college, school, church, or other institution (not including storefront, office park, house locations, or other locations where the institutional campus is not the primary use) with property owner permission, and not within fifty feet (50') of a public roadway or within one hundred feet (100') of any roadway edge of pavement on any urban interstate, freeway, or expressway. The tent or temporary structure shall not exceed thirty percent (30%) of the size of the primary permanent structure. The use, location, and installation of the tent or temporary structure must comply with all other applicable laws, policies, and procedures for the protection of public health, safety, and welfare, including any orders of the building official or fire inspector. Tents or temporary structures installed subject to this



paragraph require a permit and that permit is valid for up to ninety (90) days and the permit is renewable. (1981 Code, § 6-42, as amended by Ord. of 7/14/97, Ord. of 5/12/03, Ord. #2004-08, April 2004, replaced by Ord. #2010-40, Dec. 2010, and amended by Ord. #2014-43, Nov. 2014, and Ord. #2017-11, April 2017)

**12-107. [Deleted.]** (as added by Ord. #2008-13, April 2008, and deleted by Ord. #2014-28, June 2014)

## CHAPTER 2

### ELECTRICAL CODE<sup>1</sup>

#### SECTION

- 12-201. Code adopted.
- 12-202. Electrical permit fees.
- 12-203. Available in clerk's office.
- 12-204. License required; exceptions.
- 12-205. Application for license.
- 12-206. Classes of licenses.
- 12-207. License fees.
- 12-208. License form and content; requirements as to supervisor.
- 12-209. Expiration and renewal of license.
- 12-210. License not transferable; may be suspended or revoked.
- 12-211. State license required.
- 12-212. Modifications.

**12-201. Code adopted.** Pursuant to authority granted by Tennessee Code Annotated, § 6-54-502, and for the purpose of providing a practical minimum standard 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, and for other purposes, the 2017 edition of the National Electrical Code as modified by the provisions of this article, and Chapter 0780-02-01 of the Rules of the Tennessee Department of Commerce and Insurance pertaining to electrical installations is hereby adopted and incorporated by reference as fully as if set out verbatim herein, and the provisions thereof shall be controlling within the corporate limits of the city. (1981 Code, § 6-61, as amended by Ord. of Oct. 1995, and replaced by Ord. #2003-39, Jan. 2004, Ord. #2014-28, June 2014, and Ord. #2020-04, Jan. 2020 *Ch18\_01-10-22*)

**12-202. Electrical permit fees.** Electrical permit fees are hereby established as follows:

<u>Size of Service</u>	<u>Fee Total</u>
Permit Fee	\$5.00
0 through 30 amperes	\$35.00
31 through 60 amperes	\$35.00

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<sup>1</sup>Municipal code reference

Fire protection, fireworks and explosives: title 7.

61 through 200 amperes	\$35.00
201 through 400 amperes	\$40.00
401 through 600 amperes	\$50.00
601 through 1,000 amperes	\$90.00
Rough-in-inspection	\$35.00
Dwelling Unit HVAC Inspection	\$35.00
Re-inspection 0 through 1,000 amperes	\$35.00
Temporary Pole	Based on svc size
Service Release	Based on svc size
Commercial HVAC	Based on svc size
1001 and above are non-standard permits	
Service entrance inspection	\$175.00
Rough-in-inspection	\$35.00
Re-Inspection	\$35.00
Occupancy Authorization	\$75.00
Occupancy Authorization	\$350.00

(1981 Code, § 6-63, as amended by Ord. of 11/13/2000, Ord. #2004-38, Oct. 2004, and Ord. #2005-22, June 2005, and replaced by Ord. #2014-28, June 2014, and Ord. #2020-04, Jan. 2020 *Ch18\_01-10-22*)

**12-203. Available in clerk'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 clerk's office and shall be kept there for the use and inspection of the public. (1981 Code, § 6-4, modified)

**12-204. License required; exceptions.** No person shall engage in the business of installing, maintaining, altering or repairing any electrical devices, appliances or equipment served or to be served by the Cleveland Utilities System unless such person has received an electrical license and a certificate therefor, nor shall any person except a person employed by and working under the direction of a holder of an electrical license in any manner undertake to execute any work of installing, maintaining, altering or repairing any electrical

devices, appliances or equipment; provided, however, that, no license shall be required in order to execute any of the following classes of work:

(1) Any work involved in the manufacture, test or repair of electrical materials, devices, appliances or apparatus.

(2) The assembly, erection and connection of electrical apparatus and equipment by the manufacturer of such apparatus and equipment, but not including any electrical apparatus and equipment other than that involved in making electrical connections on the apparatus or equipment itself or between two (2) or more parts of such apparatus or equipment.

(3) The maintenance and repair of its own electrical equipment by concerns through regular employees.

(4) After an electrician has reached sixty-two (62) years of age he may be issued a license at no cost upon proper application and approval by the electrical inspector. This license is to be limited to light repair work.

**12-205. Application for license.** Before any license or certificate is granted and before any expiring license is renewed the applicant shall fill out an application for such license, certificate or renewal of license. The fee required for the class of license to be granted or renewed shall accompany the application. Such application shall state the class of license applied for, the name and place of business of the applicant and the name of the representative of the applicant who will act as supervisor of the work to be done under the license. Additional information regarding training, apprenticeship and experience will be required with the initial application.

**12-206. Classes of licenses.** Two (2) classes of licenses and certificates therefor shall be issued, respectively "master electrician's license," and "limited license electrician license."

(1) A master electrician's license shall entitle the holder thereof to engage in the business of and to secure permits for the installation, alteration and repair of any electrical devices, appliances or equipment. Such a license must be prominently displayed at the holder's place of business.

(2) A limited license electrician's license shall entitle the holder to engage in the business of and to secure permits for the installation and repair of any electrical devices, appliances or equipment; provided that, the work to be performed can lawfully be performed by a limited licensed electrician under the Tennessee Contractors Licensing Act of 1994, as amended, Title 62, Chapter 6, Tennessee Code Annotated. Such a license must be prominently displayed at the holder's place of business. (as amended by Ord. of 1/8/2001)

**12-207. License fees.** Fees for licenses granted or renewed under this division shall be one hundred one dollars and no cents (\$101.00) for a master electrician and fifty dollars and no cents (\$50.00) for a limited licensed

electrician. Such fees shall be collected by the city clerk. (as amended by Ord. of 1/8/2001, and Ord. #2005-26, June 2005)

**12-208. License form and content; requirements as to supervisor.**

Each certificate for an electrical license issued in accordance with the provisions of this chapter shall specify the name of the person or firm licensed, who shall be known as the holder of the license, and shall specify the name of the person who has passed the examination, who shall be designated in the certificate as the supervisor of all work to be done under the license. The person designated in the certificate as the supervisor may be a person in the employ of the holder of the license; or, if the holder is an individual, may be the holder himself; or, if the holder is a firm, may be a member of the firm, or if the holder is a corporation, may be an official of the corporation. The same shall not be designated as the supervisor in two (2) or more such licenses issued to different persons or firms. If the business associates with, or employment of the supervisor by, the holder of a license terminates, such license shall become null and void sixty (60) days after such termination.

**12-209. Expiration and renewal of license.** Each license required by this chapter shall expire on the thirty-first day of December following the date of its issuance, and shall be renewed upon application of the holder and payment of the required fee at any time within thirty (30) days after the expiration date. If not renewed within this time, the city will require the applicant to show good and sufficient cause for his failure to make such application within thirty (30) days after the expiration date; provided that, if any licensee enters active service in the armed forces of the United States, he shall be granted a renewal license upon his application after discharge from such service if such application is presented within six (6) months following the date of his discharge and provided further, that, if any licensee discontinues business and allows his license to expire, but works continuously thereafter for a licensed electrical contractor or is continuously engaged thereafter in the installation of electrical equipment and appliances, such licensee shall be issued a renewal license or certificate upon his application therefor and payment of the required fee if such application is filed and such fee is paid within six (6) months from the date the licensee discontinued business.

**12-210. License not transferable; may be suspended or revoked.**

No license and certificate issued in accordance with the provisions of this chapter shall be assignable or transferable. Any such license shall, after a hearing, be suspended or revoked by the city if the person holding such license willfully, or by reason of incompetence, repeatedly violates any provision of the National Electrical Code, state laws applying to electricity, this chapter or any ordinance relating to the installation, maintenance, alteration or repair of electrical devices, appliances and equipment.

**12-211. State license required.** All persons now or hereafter desiring to engage in the business of installing, maintaining, altering or repairing any electrical devices, appliances or equipment served or to be served by the Cleveland Utilities System, except for those specifically excluded in § 12-204 of this chapter, shall provide evidence of their State of Tennessee Electrical License to the city clerk along with payment of the license fee. Persons receiving a master electrician's license from the City of Cleveland must have a Class E or CE electrical contractor's license from the State of Tennessee. Persons receiving a limited license electrician's license from the City of Cleveland must have a Limited License Electrician's (LLE) license from the State of Tennessee. Before issuing a city license to a person who has no previous city license and whose previous experience in electrical work is unknown by the building official, the city will require proof of having passed a competency exam or proof of two years experience in electrical work. (as amended by Ord. of 1/8/2001)

**12-212. Modifications.** When reference is made to the duties of certain official named therein, that designated official of the City of Cleveland, Tennessee who has the 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. (as added by Ord. #2014-28, June 2014)

**CHAPTER 3****ACCESSIBILITY CODE****SECTION**

12-301. Adopted.

**12-301. Adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 to 6-54-506, the ICC A117.1-2017, as prepared and adopted by the International Code Council, Inc., is hereby adopted and incorporated by reference as fully as if set out verbatim herein, and the provisions thereof shall be controlling within the corporate limits of the city.

Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, one (1) copy of this code, has been filed with the city clerk and are available for public use and inspection.

Any matters in said code which are contrary to the existing ordinances of the City of Cleveland, Tennessee shall prevail, any existing ordinances to the contrary are hereby repealed in that respect only. (as deleted by Ord. #2014-28, June 2014, and added by Ord. #2020-04, Jan. 2020 ***Ch18\_01-10-22***)

**CHAPTER 4**

**[DELETED.]**

(as deleted by Ord. #2009-71, Oct. 2009)



**CHAPTER 5**

**[DELETED.]**

(as deleted by Ord. #2009-71, Oct. 2009)

## CHAPTER 6

### PLUMBING CODE<sup>1</sup>

#### SECTION

- 12-601. Plumbing code adopted.
- 12-602. Modifications.
- 12-603. Available in clerk's office.
- 12-604. Owner, installer, etc., not relieved of any liability.
- 12-605. License required; exceptions.
- 12-606. Application for license.
- 12-607. Classes of licenses.
- 12-608. Fees for licenses, examinations, permits, and inspections.
- 12-609. License form and content; requirements as to supervisor.
- 12-610. Expiration and renewal of license.
- 12-611. License not transferable; may be suspended or revoked.
- 12-612. [Deleted.]
- 12-613. [Deleted.]
- 12-614. [Deleted.]
- 12-615. Passing grade; issuance of license.
- 12-616. Deleted.

**12-601. Plumbing code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 to 6-54-506, the International Plumbing Code, 2018 edition as prepared and adopted by the International Code Council, Inc., and as amended as follows:

- (1) Section 101.1 Insert "City of Cleveland Tennessee" in (Name of Jurisdiction).
- (2) Section 106.6.2 Insert "City of Cleveland Fee Schedule" in (Appropriate Schedule).
- (3) Section 106.6.3 Insert "50% of fee" in (Percentages in Two Locations).
- (4) Section 108.4 Insert "Code Violation, \$50.00, 30 days" in (Offense, Dollar Amount, Number of Days).
- (5) Section 108.5 Insert "\$50.00 and \$500.00" in (Dollar amounts in Two Locations).

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<sup>1</sup>Municipal code references

Cross connections: title 18.

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

(6) Section 305.4.1 Insert "Twelve (12) inches" (Number of inches in Two Locations).

(7) Section 903.1 Insert "Six (6) inches" (Number of Inches).

Is hereby adopted and incorporated by reference as fully as if set out verbatim herein, and the provisions thereof shall be controlling within the corporate limits of the city.

Any matters in said code which are contrary to the existing ordinances of the City of Cleveland, Tennessee shall prevail; any existing ordinances to the contrary are hereby repealed in that respect only. (1981 Code, § 6-171, as amended by Ord. of Oct. 1995, Ord. of July 1998, Ord. of 8/27/2001, and Ord. #2009-71, Oct. 2009, and replaced by Ord. #2014-28, June 2014, and Ord. #2020-04, Jan. 2020 *Ch18\_01-10-22*)

**12-602. Modifications.** (1) Definitions. Wherever the plumbing code refers to the "Chief Appointing Authority," and "Administrative Authority," it shall mean the city manager. Whenever the plumbing code refers to 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 manager to administer and enforce the provisions of the plumbing code.

(2) Permit fees. The schedule of permit fees shall be established by city council.

(3) Within said plumbing code, when reference is made to the duties of a certain official named therein, that designated official of the City of Cleveland, Tennessee who has duties corresponding to those of the named official in said plumbing code shall be deemed to be the responsible official insofar as enforcing the provisions of said plumbing code are concerned. (1981 Code, § 6-171, modified, as amended by Ord. of 7/27/98, and Ord. of 8/27/2001)

**12-603. Available in clerk'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 clerk's office and shall be kept there for the use and inspection of the public. (1981 Code, § 6-4, modified)

**12-604. Owner, installer, etc., not relieved of any liability.** This chapter shall not be construed to relieve or lessen the responsibility or liability of any party owning, operating, controlling or installing any plumbing devices, appliances or equipment for damage to persons or property caused by any defect therein, nor shall the city be held as assuming any liability for reason of the examination authorized herein or the license and certificate issued as herein provided. (1981 Code, § 6-172)

**12-605. License required; exceptions.** No person shall engage in the business of installing, maintaining, altering or repairing any plumbing devices, appliances or equipment served or to be served by the Cleveland Utility System unless such person has received a plumbing contractor's license and a certificate therefor, nor shall any person except a person employed by and working under the direction of a holder of a plumbing contractor's license in any manner undertake to execute any work of installing, maintaining, altering or repairing any plumbing devices, appliances or equipment; provided, however, that, no license shall be required in order to execute any of the following classes of work:

(1) Any work involved in the manufacture, test or repair of plumbing materials, devices, appliances or apparatus.

(2) The assembly, erection and connection of plumbing apparatus and equipment by the manufacturer of such apparatus and equipment, but not including any plumbing other than that involved in making plumbing connections on the apparatus or equipment itself or between two (2) or more parts of such apparatus or equipment.

(3) The maintenance and repair of its own plumbing equipment by concerns through regular employees. (1981 Code, § 6-201, modified, as amended by Ord. #2009-72, Oct. 2009)

**12-606. Application for license.** Before any license or certificate is granted and before any expiring license is renewed the applicant shall fill out an application for such license, certificate or renewal of license. The fee required for the class of license to be granted or renewed shall accompany the application. Such application shall state the class of license applied for, the name and place of business of the applicant and the name of the representative of the applicant who will act as supervisor of the work to be done under the license. Additional information regarding training, apprenticeship and experience will be required with the initial application. The applicant for any category of plumbing license described in this chapter shall demonstrate that he or she has any qualifications required by the State of Tennessee for carrying out such plumbing work as demonstrated by the appropriate and valid Tennessee license and any other such documentation as the State of Tennessee may require. (1981 Code, § 6-202, modified, as amended by Ord. #2009-72, Oct. 2009)

**12-607. Classes of licenses.** Three (3) classes of licenses and certificates therefor shall be issued, respectively: master plumbing contractor's license; limited liability plumbing contractor's license (LLP); and water and sewer line contractor's license.

(1) A master plumbing contractor's license shall entitle the holder thereof to engage in the business of and to secure permits for the installations, alteration, and repair of any plumbing devices, appliances, or equipment. Such license must be prominently displayed at the holder's place of business.

(2) A limited liability plumbing contractor's (LLP) license shall entitle the holder thereof to engage in the business of and to secure permits for the installations, alteration, and repair of any plumbing devices, appliances, or equipment where the value of the plumbing work to be performed does not exceed twenty-five thousand dollars (\$25,000.00). Such license must be prominently displayed at the holder's place of business.

(3) A water and sewer line contractor's license shall entitle the holder thereof to engage in the business of and to secure permits for the installation of water and sewer lines within five feet (5') of the exterior of a building or structure. This license shall not entitle the holder thereof to engage in any plumbing except the water and sewer line installation as described herein. (1981 Code, § 6-203, modified, as amended by Ord. #2009-72, Oct. 2009)

**12-608. Fees for licenses, permits, and inspections.** (1) The city council, in order to cover costs incurred by the city, hereby establishes fees for the granting and renewal of licenses under this chapter. Such fees shall be collected by the city clerk and shall be due upon application for such license. The licenses fees shall be as follows:

Master plumber's license fee	Seventy-five dollars (\$75.00)
Limited liability plumber's (LLP) license fee	Fifty dollars (\$50.00)
Water and sewer contractor's license fee	Fifty dollars (\$50.00).

(2) The city council, in order to cover costs incurred by the city, hereby establishes fees for plumbing permits and inspections as follows:

Plumbing permit	Twenty dollars (\$20.00) for every permit plus four dollars (\$4.00) for every plumbing fixture
Sewer permit	Four dollars (\$4.00) for permit plus five dollars (\$5.00)
Water meter (extra or irrigation meter)	Four dollars (\$4.00) for permit plus four dollars (\$4.00)
Re-inspection fee	Twenty-five dollars (\$25.00)

For purposes of this section, a fixture shall mean any plumbing fixture as defined by the adopted plumbing code. (1981 Code, § 6-204, replaced by Ord. of 10/9/2000, amended by Ord. #2005-27, June 2005, and Ord. #2009-72, Oct. 2009, and replaced by Ord. #2014-28, June 2014)

**12-609. License form and content; requirements as to supervisor.** Each certificate for a plumbing contractor's license issued in accordance with the provisions of this chapter shall specify the name of the person or firm licensed, who shall be known as the holder of the license, and shall specify the name of the person who has passed the examination, who shall be designated in the certificate as the supervisor of all work to be done under the license. The person designated in the certificate as the supervisor may be a person in the employ of the holder of the license; or, if the holder is an individual, may be the holder

himself; or, if the holder is a firm, may be a member of the firm, or if the holder is a corporation, may be an official of the corporation. The same shall not be designated as the supervisor in two (2) or more such licenses issued to different persons or firms. If the business associates with, or employment of the supervisor by, the holder of a license terminates, such license shall become null and void sixty (60) days after such termination. (1981 Code, § 6-205, modified)

**12-610. Expiration and renewal of license.** Each license required by this chapter shall expire on the thirty-first day of December following the date of its issuance, and shall be renewed upon application of the holder and payment of the required fee at any time within thirty (30) days after the expiration date. If not renewed within two years of the expiration date, the city may require the applicant to take another examination unless such applicant shows good and sufficient cause for his failure to make such application within thirty (30) days after the expiration date. Such good and sufficient cause for a failure to renew within thirty (30) days after the expiration date would include, but not necessarily be limited to, active duty in the armed forces of the United States or discontinuance of business by the licensee after which time the license works continuously as an employee in the plumbing trade. In the case of military service, application for renewal must be made within six (6) months of the date of discharge from active duty; and in the case of a discontinuance of business, application must be made within six (6) months of the discontinuance of business. License renewal at a time beyond thirty (30) days from the expiration date, where there is no good and sufficient cause, shall require the normal license fee, plus an additional license fee for each year since the expiration not to exceed two years (partial years to be pro-rated to the nearest month), plus a fifty (50) dollar penalty. Nothing herein is intended to prohibit the renewal of a license near but preceding its expiration date. (1981 Code, § 6-206, as amended by Ord. of 10/9/2000)

**12-611. License not transferable; may be suspended or revoked.** No license and certificate issued in accordance with the provisions of this chapter shall be assignable or transferable. Any such license shall, after a hearing, be suspended or revoked by the city if the person holding such license willfully, or by reason of incompetence, repeatedly violates any provision of the adopted plumbing code, state laws applying to plumbing, this chapter or any ordinance relating to the installation, maintenance, alteration or repair of plumbing devices, appliances and equipment. (1981 Code, § 6-207, modified, as amended by Ord. #2009-72, Oct. 2009)

**12-612. [Deleted.]** (1981 Code, § 6-208, modified, as deleted by Ord. #2009-72, Oct. 2009)

**12-613. [Deleted.]** (1981 Code, § 6-209, modified, as deleted by Ord. #2009-72, Oct. 2009)

**12-614. [Deleted.]** (1981 Code, 6-210, modified, as deleted by Ord. #2009-72, Oct. 2009)

**12-615. Passing grade; issuance of license.** Any applicant for a license required by this chapter making a grade of seventy (70) per cent or more on the written examination shall be considered qualified for and the city shall issue to the applicant the particular license which was applied for upon payment of the required fees and the furnishing of any information required in the regulations. All licenses shall be signed by the plumbing inspector and city clerk. (1981 Code, § 6-212, modified)

**12-616. Fee.** Deleted. (1981 Code, § 6-213, as deleted by Ord. of 10/9/2000)

**CHAPTER 7**

**DELETED**

(This chapter was deleted by Ord. #2004-41, Nov. 2004)



**CHAPTER 8****GAS CODE<sup>1</sup>****SECTION**

- 12-801. Title and definitions.
- 12-802. Purpose and scope.
- 12-803. Use of existing piping and appliances.
- 12-804. Bond and license.
- 12-805. Gas inspector and assistants.
- 12-806. Powers and duties of inspector.
- 12-807. Permits.
- 12-808. Inspections.
- 12-809. Certificates.
- 12-810. Fees.
- 12-811. Violations and penalties.
- 12-812. Nonliability.
- 12-813. Modifications.

**12-801. 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.

**12-802. 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

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<sup>1</sup>Municipal code reference

Gas system administration: title 19, chapter 2.

installed, replaced, maintained, or repaired within the corporate limits of the city shall conform to the requirements of this chapter and to the International Fuel Gas Code, 2018 edition, as prepared and adopted by the International Code Council, Inc., and as amended as follows:

(1) Section 101.1 Insert "City of Cleveland Tennessee" in (Name of Jurisdiction).

(2) Section 106.6.2 Insert "City of Cleveland Fee Schedule" in (Appropriate Schedule).

(3) Section 106.6.3 Insert "50% of fee" in (Percentages in Two Locations).

(4) Section 108.4 Insert "Code Violation, \$50.00, 30 days" in (Offense, Dollar Amount, Number of Days).

(5) Section 108.5 Insert "\$50.00 and \$500.00" in (Dollar amounts in Two Locations).

Said code is hereby adopted and incorporated by reference as fully as if set out verbatim herein, and the provisions thereof shall be controlling within the corporate limits of the city.

Any matters in said code which are contrary to the existing ordinances of the City of Cleveland, Tennessee shall prevail, any existing ordinances to the contrary are hereby repealed in that respect only. (Ord. of Oct. 1995, as amended by Ord. of July 1998, Ord. of 8/27/2001, and Ord. #2009-71, Oct. 2009, and replaced by Ord. #2014-28, June 2014, and Ord. #2020-04, Jan. 2020 *Ch18\_01-10-22*)

**12-803. 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.

**12-804. 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 mayor 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 clerk, 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 clerk 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 clerk.

(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.

**12-805. 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.

**12-806. 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.

**12-807. 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 mayor; 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 clerk 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.

**12-808. 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.

**12-809. 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.

**12-810. Fees.** The city council, in order to cover costs incurred by the city, hereby establishes the following fees for permits and inspections as follows:

Fuel gas permit	Twenty dollars (\$20.00) for every permit plus five dollars (\$5.00) per fixture
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For purposes of this section, a fixture shall mean any fixture as defined by the adopted fuel gas code. (as replaced by Ord. #2014-28, June 2014)

**12-811. Violations and penalties.** Any person who shall violate or fail to comply with any of the provisions of the gas code shall be guilty of a misdemeanor, and upon conviction thereof shall be fined under the general

penalty clause for this code of ordinances, or the license of such person may be revoked, or both fine and revocation of license may be imposed.

**12-812. Nonliability.** This chapter shall not be construed as imposing upon the municipality any liability or responsibility for damages to any person injured by any defect in any gas piping or appliance mentioned herein, or by installation thereof, nor shall the municipality, or any official or employee thereof, be held as assuming any such liability or responsibility by reason of the inspection authorized hereunder or the certificate of approval issued by the inspector.

**12-813. Modifications.** Within said gas code, when reference is made to the duties of a certain official named therein, that designated official of the City of Cleveland, Tennessee who has duties corresponding to those of the named official in said gas code shall be deemed to be the responsible official insofar as enforcing the provisions of said gas code are concerned. (as added by Ord. of 7/27/98, and amended by Ord. of 8/27/2001)

**CHAPTER 9****UNSAFE BUILDING ABATEMENT CODE****SECTION**

- 12-901. Unsafe building abatement code adopted.
- 12-902. Modifications.
- 12-903. Available in clerk's office.
- 12-904. Violations.

**12-901. Unsafe building abatement code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 to 6-54-506, and for the purpose of regulating buildings and structures to ensure structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use and occupancy of buildings, structures or premises, within or without the city, the International Property Maintenance Code, 2018 edition and Appendix A as prepared and adopted by the International Code Council, Inc., and as amended as follows:

- (1) Section 101.1 Insert "City of Cleveland Tennessee" in (Name of Jurisdiction).
- (2) Section 103.5 Insert "City of Cleveland Fee Schedule" in (Appropriate Schedule).
- (3) Section 112.4 Insert "\$50.00 and \$500.00" in (Dollar amount in Two Locations).
- (4) Section 302.4 Insert "Twelve (12) Inches" in (Height in Inches).
- (5) 304.14 Insert "Labor Day to Memorial Day" in (Date in Two Locations).
- (6) Section 602.3 Insert "Labor Day to Memorial Day" in (Date in Two Locations).
- (7) Section 602.4 Insert "Labor Day to Memorial Day" in (Date in Two Locations).

Is hereby adopted and incorporated by reference as fully as if set out verbatim herein, and is hereinafter referred to as the unsafe building abatement code, and the provisions thereof shall be controlling within the corporate limits of the city.

Any matters in said code which are contrary to the existing ordinances of the City of Cleveland, Tennessee shall prevail, any existing ordinances to the contrary are hereby repealed in that respect only. (Ord. of Oct. 1995, as amended by Ord. of 7/27/98, Ord. of 8/27/2001, and Ord. #2009-71, Oct. 2009, and replaced by Ord. #2014-28, June 2014, and Ord. #2020-04, Jan. 2020 *Ch18\_01-10-22*)

**12-902. Modifications. Definitions.** Whenever the unsafe building abatement 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 unsafe building abatement code, mean such person as the city council has appointed or designated to administer and enforce the provisions of the unsafe building abatement code.

Within said unsafe building abatement code when reference is made to the duties of a certain official named therein, that designated official of the City of Cleveland, Tennessee who has duties corresponding to those of the named official in said unsafe building abatement code shall be deemed to be the responsible official insofar as enforcing the provisions of said unsafe building abatement code are concerned. The property maintenance officer is hereby designated as the official responsible for administering and enforcing title 12, chapter 9 of the Cleveland Municipal Code entitled "Building Maintenance Code", and the property maintenance official shall be responsible for enforcing the International Property Maintenance Code, 2006 edition, adopted under § 12-901 of the Cleveland Municipal Code. (as amended by Ord. of 7/27/98, Ord. of 8/27/2001, and Ord. #2013-53, Nov. 2013)

**12-903. Available in clerk's office.** Pursuant to the requirements of Tennessee Code Annotated § 6-54-502 one (1) copy of the unsafe building abatement code has been placed on file in the clerk's office and shall be kept there for the use and inspection of the public.

**12-904. Violations.** It shall be unlawful for any person to violate or fail to comply with any provision of the unsafe building abatement code as herein adopted by reference and modified.

## CHAPTER 10

### MECHANICAL CODE<sup>1</sup>

#### SECTION

- 12-1001. Mechanical code adopted.
- 12-1002. Modifications.
- 12-1003. Available in clerk's office.
- 12-1004. Violations.
- 12-1005.--12-1013. [Deleted.]
- 12-1014. Licenses and certificates--required.
- 12-1015. Classes of licenses; limitations.
- 12-1016. City of Cleveland electrical license required.
- 12-1017. Appropriate license and certificate prerequisite to doing work; exceptions.
- 12-1018. Not transferable.
- 12-1019. Suspension; revocation; denial of renewal.
- 12-1020. Review of renewal applications; statement required.
- 12-1021.--12-1024. [Deleted.]
- 12-1025. Temporary license.
- 12-1026. [Deleted.]
- 12-1027. License fees.
- 12-1028. Disposition of fees.
- 12-1029. Notices.
- 12-1030. Licensee to supervise work under license; duties specified.
- 12-1031. Violations; penalty.
- 12-1032. Permit fees.

**12-1001. Mechanical code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 to 6-54-516, and for the purpose of regulating the installation and replacement of mechanical systems, including ventilating, heating, cooling, air conditioning, and refrigeration systems, incinerators, and other energy-related systems, the International Mechanical Code, 2018 edition as prepared and adopted by the International Code Council, Inc., and as amended as follows:

(1) Section 101.1 Insert "City of Cleveland Tennessee" in (Name of Jurisdiction).

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<sup>1</sup>Municipal code references

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.



(2) Section 106.5.2 Insert "City of Cleveland Fee Schedule" in (Appropriate Schedule).

(3) Section 106.5.3 Insert "50% of fee" in (Percentages in Two Locations).

(4) Section 108.4 Insert "Code Violation, \$50.00, 30 days" in (Offense, Dollar Amount, Number of Days).

(5) Section 108.5 Insert "\$50.00 and \$500.00" in (Dollar amounts in Two Locations).

Is hereby adopted and incorporated by reference as fully as if set out verbatim herein, and is hereinafter referred to as the mechanical code, and the provisions thereof shall be controlling within the corporate limits of the city.

Any matters in said code which are contrary to the existing ordinances of the City of Cleveland, Tennessee shall prevail, any existing ordinances to the contrary are hereby repealed in that respect only. (Ord. of Oct. 1995, as amended by Ord. of July 1998, Ord. of 8/14/2000, Ord. of 8/27/2001, and Ord. #2009-71, Oct. 2009, and replaced by Ord. #2014-28, June 2014, and Ord. #2020-04, Jan. 2020 *Ch18\_01-10-22*)

**12-1002. Modifications. Definitions.** Wherever the mechanical code refers to the "Building Department," "Mechanical Official," or "Building Official," or "Inspector" it shall mean the person appointed or designated by the city council to administer and enforce the provisions of the mechanical code.

Within said mechanical code, when reference is made to the duties of a certain official named therein, that designated official of the City of Cleveland, Tennessee who has duties corresponding to those of the named official in said mechanical code shall be deemed to the responsible official insofar as enforcing the provisions of said mechanical code are concerned. (as amended by Ord. of July 1998, and Ord. of 8/27/2001)

**12-1003. Available in clerk'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 city clerk's office and shall be kept there for the use and inspection of the public.

**12-1004. Violations.** 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.

**12-1005.--12-1013. [Deleted.]** (Ord. of Sept. 1998, as deleted by Ord. #2019-44, Nov. 2019 *Ch18\_01-10-22*)

**12-1014. Licenses and certificates--required.** No person shall engage in or hold himself out as being in the business of installing, or replacing any mechanical equipment in the city or on premises to be served by the Cleveland

Utilities, Electrical Division or Chattanooga Gas, Cleveland Service Center, unless such person has received a mechanical contractor's license of the appropriate class and a certificate therefor, or in the case of a firm or corporation, unless it is owned or operated by, or has in its regular employment, a person who has received a mechanical contractor's license of the appropriate class and a certificate thereof. (Ord. of Sept. 1998, as amended by Ord. of 8/14/2000)

**12-1015. Classes of licenses; limitations.** Projects twenty-five thousand dollars (\$25,000.00) or more must obtain a contractor's license with the CMC or CMC-C classification, as a prime or subcontractor. (Ord. of Sept. 1998, as amended by Ord. of 8/14/2000, and replaced by Ord. #2014-28, June 2014)

**12-1016. City of Cleveland electrical license required.** In order to obtain an electrical permit for HVAC, the mechanical contractor shall have a City of Cleveland Electrical License. To obtain a City of Cleveland Electrical License the applicant shall be a State of Tennessee licensed electrical contractor with a classification of "E" or "EC" or the applicant shall be a State of Tennessee license electrician (LLE) and show required proof thereof. (Ord. of Sept. 1998, as amended by Ord. of 1/8/2001)

**12-1017. Appropriate license and certificate prerequisite to doing work; exceptions.** (1) For work that exceeds twenty-five thousand dollars (\$25,000.00). Any mechanical work done for compensation shall be done under the supervision of a licensed contractor, and no person shall in any manner engage in the business of installing or replacing mechanical equipment unless such person has received or is working under the supervision of someone who has received a mechanical contractor's license and certificate thereof, provided that no license shall be required in order to execute any of the following classes or work:

- (a) Minor repair work such as replacement of fuses, or sockets, replacement of lamps, and the connection of portable devices to suitable receptacles which have been permanently installed.
- (b) Any work involved in the manufacture, test or repair of mechanical materials, devices, appliances or apparatus.
- (c) The maintenance and repair of mechanical equipment by manufacturing concerns through regular employees. (Ord. of Sept. 1998, as amended by Ord. of 8/14/2000, and Ord. #2014-28, June 2014)

**12-1018. Not transferable.** No license and certificate issued in accordance with the provisions of this division shall be assignable or transferable. (Ord. of Sept. 1998)

**12-1019. Suspension; revocation; denial of renewal.** (1) The building board of adjustment and appeals shall revoke or suspend a license issued to any mechanical contractor upon positive proof that such person:

(a) Knowingly violated the provisions of this article or the rules and regulations of the board;

(b) Practices fraud or deception in making application for or obtaining a mechanical license;

(c) Is incompetent to perform a service to the public as certified;

(d) Permitted his license of registration to be used, directly or indirectly, by another to obtain or perform mechanical work or services;

(e) Is guilty of such other unprofessional or dishonorable conduct of such nature as to deceive or defraud the public;

(f) Has done mechanical work in excess of that permitted by the license held;

(g) Failed to comply with this code, the requirements of the Standard Mechanical Code, repeatedly failed to obtain permits required before commencing work; or fails to obtain required permits at all;

(h) Obtained a permit directly or indirectly for another, unless the license holder shall have been the supervisor of all work covered by the permit:

(i) Received from another any compensation wherein the sole consideration thereof was the obtaining of a permit.

(i) The board may disapprove any renewal of a license when the applicant has misused their license, has made any intentional misstatement on such application, or has been guilty of any act or conduct which would constitute grounds for revocation or suspension of a license as herein provided; provided however, the board shall not disapprove any renewal until after the applicant has been afforded an opportunity to be heard after (5) day's notice by registered mail or personal service of such a notice.

(ii) No action of the board to suspend or revoke a mechanical license shall become final until the alleged offender has been given an opportunity to appear before the board to show cause as to why such action should not be taken.

(iii) Notice, in writing, of the proposed action of the board to revoke or suspend a license shall be given to the holder of such license, stating the specific charges upon which such action is based. The notice shall stipulate that a hearing will be scheduled at a time and place set by the board for the party to show cause why such action should not be made final. Such hearing shall not be held less than five (5) days following notice to the party. Failure to appear before the board to answer the specific charges

set forth in the notice shall be deemed just cause for final revocation or suspension of a license.

(j) Expiration; renewal.

(i) Mechanical contractor license under this division shall expire on the 31st day of March, following the date of its issuance. All licenses shall be renewable upon application of the holder within (30) days prior to the expiration date of the license upon the payment of the annual fee set out in this division and compliance with the statements required by the mechanical board.

(ii) Should a licensee allow their license to expire they shall be required to pay fifty (\$50.00) dollar fine plus their renewal license fee for each year or portion there of that the license has expired. No license shall be renewed that has expired longer than two years. Any licensee who's license has expired longer than two years shall appeal to the board for reinstatement; provided that, if any licensee enters active service in the armed forces of the United States, he shall be granted a renewal license upon his application after discharge from such service if such application is presented to the board within six (6) months following the date of his discharge. (Ord. of Sept. 1998, as amended by Ord. of 8/14/2000, and Ord. #2019-44, Nov. 2019 *Ch18\_01-10-22*)

**12-1020. Review of renewal applications; statement required.**

(1) Each applicant for renewal shall file a statement signed by the applicant that he has not misused his license and that he has abided by this code and the ordinances of the city pertaining to mechanical contractors and the installing of any mechanical equipment.

(2) Each applicant shall show proof of having a current City of Cleveland Business License.

(3) Examination--Application required, contents, qualifications.

(a) Generally. All persons now or hereafter desiring to engage in mechanical contracting in the City of Cleveland, Tennessee, as a mechanical contractor shall have a City of Cleveland mechanical license.

(b) Qualifications for a mechanical contractors license. Any person shall be eligible for a mechanical contractor's license who:

(i) Has a professional license to practice mechanical contracting in the State of Tennessee; or

(ii) Has proof of taking and passing the State of Tennessee Mechanical Contractor's License Test as required by the State of Tennessee.

(c) Proof of qualifications. The board may require written proof of any of the above qualifacaitons and it shall be the responsibility of the applicant to provide such definite proof with their applications. (Ord. of Sept. 1998, as amended by Ord. of 8/14/2000, and Ord. of 3/24/03)

**12-1021. [Deleted.]** (Ord. of Sept. 1998, as amended by Ord. of 8/14/2000, as deleted by Ord. #2019-44, Nov. 2019 *Ch18\_01-10-22*)

**12-1022.--12-1024. [Deleted.]** (Ord. of Sept. 1998, as amended by Ord. of 8/14/2000, and deleted by Ord. of 3/24/03)

**12-1025. Temporary license.** Deleted. (Ord. of Sept. 1998, as deleted by Ord. of 8/14/2000)

**12-1026. [Deleted.]** (Ord. of Sept. 1998, as amended by Ord. of 8/14/2000, and deleted by Ord. of 3/24/03)

**12-1027. License fees.** (1) Fees for licenses granted or renewed under this division for each year, or part thereof shall be seventy-five dollars and no cents (\$75.00) for a mechanical contractor. Such fees shall be collected by the city clerk. (Ord. of Sept. 1998, as amended by Ord. of 8/14/2000, and Ord. #2005-25, June 2005)

**12-1028. Disposition of fees.** Fees required by this division shall be collected by the planning and inspections department and paid over to the city clerk. (Ord. of Sept. 1998)

**12-1029. Notices.** Notice shall be considered sufficient when either delivered personally to the person to whom said notice is directed or when mailed to the last known address of the applicant as shown in the records of the board. (Ord. of Sept. 1998)

**12-1030. Licensee to supervise work under license; duties specified.** (1) Mechanical contractor license issued in accordance with the provisions of this division shall specify the name of the holder of the license, who shall be the supervisor of all work done under the license.

(2) The board of mechanical examiners and the mechanical inspector shall be notified in writing of the name of the firm with whom the holder of the license is associated.

(3) In case of a license holder who is the qualifying agent of a corporation, firm or association, when the license holder ceases to be a representative of such corporation, firm or association, the board shall contact the corporation, firm or association to ascertain the status of the bids, contracts, permits covering work being or to be performed in the city. In such cases the board may at its discretion relieve any hardship and permit such work on a temporary basis as it deems advisable. (Ord. of Sept. 1998, as amended by Ord. of 8/14/2000)

**12-1031. Violations; penalty.** Any person who violates any of the provisions of this division shall upon conviction be guilty of a misdemeanor for each offense. (Ord. of Sept. 1998)

**12-1032. Permit fees.** Fees for the issuance of permits shall be set by the city council. The city council, in order to cover costs incurred by the city, hereby establishes the following fees for permits and inspections as follows:

**Mechanical Permit**

New Construction	\$12.00 for first \$1,000.00 plus \$2.00 for each additional \$1,000.00 or fraction thereof.
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Replacements, Alterations, Additions to existing	\$6.00 for first \$1,000.00 plus \$2.00 for each additional \$1,000.00 or fraction thereof.
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Re-inspection fee (Ord. of Sept. 1998, as replaced by Ord. #2014-28, June 2014)	\$25.00
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**CHAPTER 11**

**[DELETED.]**

(as deleted by Ord. #2009-71, Oct. 2009)

**CHAPTER 12****ENERGY CONSERVATION CODE****SECTION**

12-1201. Energy conservation code adopted.

12-1202. Modifications.

**12-1201. Energy conservation code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 to 6-54-506, the International Energy Conservation Code, 2018 edition, as prepared and adopted by the International Code Council, Inc., and amended as follows:

(1) Tables R402.1.2 Insulation and Fenestration Requirement by Component, and R402.1.4 Equivalent U-Factors shall be replaced with Tables 402.1.1 Insulation and Fenestration Requirements by Component and 402.1.3 Equivalent U-Factors from the 2009 International Energy Conservation Code.

(2) Section R402.4.1 Replace "three air changes per hour in Climate Zones 3 through 8" with "five air changes per hour in Climate Zones 3 through 8."

Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, one (1) copy of this code, has been filed with the city clerk and are available for public use and inspection.

Any matters in said code which are contrary to the existing ordinances of the City of Cleveland, Tennessee shall prevail, any existing ordinances to the contrary are hereby repealed in that respect only. (as added by Ord. #2014-28, June 2014, and replaced by Ord. #2020-04, Jan. 2020 *Ch18\_01-10-22*)

**12-1202. Modifications.** When reference is made to the duties of certain official named therein, that designated official of the City of Cleveland, Tennessee who has the 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. (as added by Ord. #2014-28, June 2014)



## CHAPTER 13

### MOBILE FOOD UNITS

#### SECTION

- 12-1301. Definitions.
- 12-1302. Mobile food units.
- 12-1303. Permit requirements.
- 12-1304. Operational requirements.
- 12-1305. Compliance with health regulations.

**12-1301. Definitions.** For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(1) "Commissary" means any State of Tennessee licensed stationary food establishment that serves mobile food dispensers, mobile food facilities, vending machines or other food dispensing operations where

- (a) Food, containers, or supplies are stored;
- (b) Food is prepared or prepackaged for sale or service at other locations;
- (c) Utensils are cleaned; or
- (d) Liquid and solid wastes are disposed of or potable water is obtained.

(2) "Mobile food unit" means any motorized vehicle or trailer attached to a motorized vehicle that includes a self-contained kitchen in which food is prepared or processed and from which food is sold or dispensed to the ultimate consumer. Mobile food units must be mobile and on wheels at all times during operation. Mobile food units must be independent with respect to water, waste water, and power utilities. A trailer shall remain attached to its towing vehicle at all times.

This definition does not include pushcarts as regulated by city codes nor vehicles from which only ice cream and other frozen food products are sold.

(3) "Operator" means any person holding a mobile food unit permit or any person who is engaged in the selling or offering for sale, of food, beverages, fruit or like consumable products from a mobile food unit. (as added by Ord. #2014-44, Nov. 2014)

**12-1302. Mobile food units.** Mobile food units shall meet all applicable requirements of this chapter in addition to the following requirements:

(1) No person shall engage in the business of a mobile food preparation vehicle within the City of Cleveland without first having obtained all required business licenses, a mobile food unit permit as required by § 12-1303(5) of the Cleveland Municipal Code, and any permits, licenses and/or certifications

required by Bradley County, the Bradley County Department of Health, and/or the State of Tennessee.

(2) A mobile food unit permit, as authorized by the State of Tennessee and the Cleveland Municipal Code, will not be issued to a person unless the following conditions are met:

(a) The vehicle must be specially designed as a mobile food unit and be in compliance with all applicable health regulations for Bradley County and the State of Tennessee.

(b) The driver of the vehicle must have a current Tennessee Driver's License, current automobile insurance (including liability insurance) and current vehicle registration as required by Tennessee law and enforced by law enforcement authorities.

(c) The vehicle may only operate in locations where the operation of mobile food units are permitted under this chapter.

(d) All current permits must be posted in a conspicuous manner, in compliance with Tennessee Code Annotated, § 68-14-305.

(3) The provisions of this chapter shall not apply to festivals, community-wide projects, and other community-sponsored sales which may occur on a periodic basis and which are submitted to and approved by the city. (as added by Ord. #2014-44, Nov. 2014)

**12-1303. Permit requirements.** (1) The title of this permit shall be the "Mobile Food Unit Permit."

(2) No person shall sell, or offer for sale, any food, beverage, fruit, or like consumable product from any mobile food unit unless:

(a) Such person obtains a mobile food unit permit from the city in accordance with the provisions of this chapter;

(b) Such sales are made from a mobile food unit under the control of a mobile food unit operator; and

(c) The mobile food unit operator has obtained written permission from the owner or lessee of the premises on which the mobile food unit is located to operate on mobile food unit from the property.

(3) Any person desiring a mobile food unit permit shall make written application to the city stating:

(a) Name, home address, business address, and telephone number of the applicant and the name, address, and telephone number of the owner of the mobile food unit, if other than the applicant, to be used in the operator's business;

(b) A description of the type of food, beverage, fruit, or like consumable product to be sold; and

(c) The VIN#, a brief description including make and model, and at least two (2) photographs of the mobile food unit.

(4) Before any permit is issued by the city under this chapter, the applicant must submit satisfactory evidence that the applicant has complied

with the state business tax act and all state statutes and regulations controlling health and dispensing of food. Nothing herein shall excuse any applicant/operator from complying with all applicable state statutes and city ordinances controlling health standards and requirements and the operation of businesses.

(5) Upon compliance with the provisions of this chapter, the city shall issue to the applicant a mobile food unit permit authorizing the operator to do business upon payment of a permit fee of fifty dollars (\$50.00); provided, the applicant complies with the other provisions of this chapter. The permit fee shall be used to help defray the cost of administering and enforcing the provisions of this chapter.

(6) A permit issued under this chapter shall be valid for one (1) year from the date of issuance and shall be renewed on an annual basis (concurrent with the renewal and issuance of business licenses) upon proper application and payment of the permit fee. Each permit shall be valid for only one (1) mobile food unit. Each operator and/or applicant shall file an additional application and pay an additional permit fee for each additional mobile food unit.

(7) All permits issued under this chapter shall be displayed inside the mobile food unit at all times during the operation of the mobile food unit. The permit shall be displayed in such a manner that it can be viewed from the outside.

(8) The mobile food unit permit number shall be prominently displayed on the outside of the mobile food unit.

(9) The operator shall have posted the current price per unit or measure for each type of item sold. (as added by Ord. #2014-44, Nov. 2014)

**12-1304. Operational requirements.** (1) Mobile food units are prohibited from operating upon city streets, sidewalks or public property within the city limits.

(2) Mobile food units are prohibited from operating on private property, except with prior written permission from the owner or lessee on which the mobile food unit is located.

(3) Mobile food units may only operate in certain zoning districts in allowed areas. Mobile food units may only operate on privately owned properties which are zoned either CBD, CH, CG, IH, IL, MU, or PI.

(4) Mobile food units must not be parked within ten feet (10') of a city right-of-way.

(5) No mobile food unit shall be equipped with any external electronic sound-amplifying device. No operator shall shout, make any noise or use any device for the purpose of attracting attention to the mobile food unit or the items it offers for sale.

(6) Mobile food units shall be limited to the sale of food and non-alcoholic drinks. The sale of other merchandise or services will not be permitted.

(7) Cooking must not be conducted while the vehicle is in motion.

(8) When not in use as allowed by § 12-1304(5), a mobile food unit shall be en route to or parked at its commissary or other location approved by the Bradley County Health Department that does not violate the provisions of this chapter or any other applicable city ordinance.

(9) Signs which are permanently affixed to the mobile food unit shall extend no more than six inches (6") from the vehicle. All signs shall be attached to or painted on the mobile food unit. Electronic signs are prohibited, as are signs that flash, cause interference with radio, telephone, television or other communication transmissions; produce or reflect motion pictures; emit visible smoke, vapor, particles, or odor; are animated or produce any rotation, motion or movement. Signs may be indirectly illuminated, but no sign shall utilize any exposed incandescent lamp with wattage of more than forty (40) watts.

(10) The operator must provide for the sanitary collection of all refuse, litter and garbage within twenty-five feet (25') of the mobile food unit which is generated by the mobile food unit operation or the patrons using that service and shall remove all such waste materials from the location before the vehicle departs. The operator is responsible to physically inspect the general area for such items prior to the vehicle's departure.

(11) The operation of the mobile food unit is limited to the interior of the unit. There shall be no outside seating implements in the form of benches, tables, chairs or other furniture which may be used for eating or sitting, or any other accessory structure other than containers for collection of refuse, litter and garbage.

(12) Mobile food units shall not use stakes, rods, or any method of support that must be drilled, driven, or otherwise fixed, into or onto asphalt, pavement, curbs, sidewalks, or buildings. (as added by Ord. #2014-44, Nov. 2014)

**12-1305. Compliance with health regulations.** (1) Operators of mobile food units shall comply with all regulations and laws governing mobile food service establishments and food service establishments adopted by the department of public health for Bradley County and enacted by the State of Tennessee.

(2) Operators of mobile food units shall obtain all necessary health certificates and permits.

(3) Operators of mobile food units shall comply with the requirements for the examination of employees as required by this chapter. (as added by Ord. #2014-44, Nov. 2014)

## CHAPTER 14

### EXISTING BUILDING CODE

#### SECTION

12-1401. Adopted.

12-1402. Available in clerk's office.

**12-1401. Adopted.** Pursuant to the authority granted by Tennessee Code Annotated, § 6-54-502, a certain document, a copy of which is on file in the office of the city clerk, being marked and designated as the International Existing Building Code,<sup>1</sup> 2012 edition, as published by the International Code Council, be and is hereby adopted as the existing building code of the City of Cleveland, Tennessee for regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings, including historic buildings, as provided in said code; 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 existing building code on file in the office of the city clerk are hereby referred to, adopted, and made a part hereof, as is fully set out in this legislation, with the additions, insertions, deletions and changes prescribed below.

The following sections are hereby revised:

1. Section 101.1 Insert "City of Cleveland Tennessee" in (Name of Jurisdiction)
2. Section 1401.2 Insert "November 13, 2017" in (Date in One Location). (as added by Ord. #2017-55, Nov. 2017)

**12-1402. Available in clerk's office.** Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the International Existing Building Code, 2012 edition, has been placed on file in the city clerk's office and shall be kept there for the use and inspection of the public. (as added by Ord. #2017-55, Nov. 2017)

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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.