

TITLE 12

BUILDING, UTILITY, ETC. CODES

CHAPTER

1. BUILDING CODE.
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CHAPTER 1

BUILDING CODE¹

SECTION

- 12-101. Building code adopted.
- 12-102. Modifications.
- 12-103. Available in the recorder's office.
- 12-104. Violations.
- 12-105. Certificate of occupancy.
- 12-106. Deleted.
- 12-107. Permit fees.

12-101. Building code adopted. Pursuant to authority granted by § 6-54-501 et seq. of the Tennessee Code Annotated, and for the purpose of regulating the construction, alteration, repair, use and occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenances connected or attached to any building or structure, the International Building Code, 2018 edition, and the appendices specified in § 12-102, as hereinafter amended, as prepared and adopted by the International

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.

Code Council, Inc. are hereby adopted and incorporated by reference, as part of this code, and is hereinafter referred to as the building code.

Furthermore, the City of Columbia hereby adopts the 2018 editions of the Fuel Gas Code, International Mechanical Code, International Plumbing Code, International Property Maintenance Code, International Energy Code, International Existing Buildings Code, and the International Residential Code; including the appendices specified in § 12-102. (Ord. #3469, July 2002, as replaced by Ord. #3657, April 2007, Ord. #3973, April 2014, and Ord. #4269, Dec. 2019 **Ch8_3-12-20**)

12-102. Modifications. All Appendices to the International Residential Code, 2018 edition, are adopted without amendment except for Appendix L (fees).

The following sections of the International Building Code 2018 edition are amended as follows:

Section 101.1 Insert "City of Columbia, Tennessee"

Section 1612.3 Insert "City of Columbia, Tennessee"

Section 1612.3 Insert "most recent F.I.R.M. map or letter of map revision for that area"

The following sections of the International Residential Code, 2018 edition, are amended as follows:

Section R101.1 Insert "City of Columbia, Tennessee"

Section R313 Automatic Fire Sprinkler Systems is not mandatory, pursuant to T.C.A. § 68-120-101(a)(8).

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

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

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

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

Table N1102.1 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 CT-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."

Table N1102.1 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 AFCTE Boiler is used, and a 9.0 HSPF Heat Pump (heating) and 15 SEER (cooling) are used."

The following sections of the International Energy Conservation Code (IECC), 2018 edition, published by the ICC, are amended as follows:

Section R402.4.1.2 Testing is deleted and replaced with Section 402.4.2.1 Testing Option and Section 402.4.2.2 Visual Inspection Option from 2009 IECC. Section R403.3.3 Duct Testing (Mandatory) and Section R403.3.4 Duct Leakage (Prescriptive) are optional.

Table 402.1.2 Insulation and Fenestration Requirements by Component and Table R402.1.4 Equivalent CT-Factors are deleted and replaced with Table 402.1.1 Insulation and Fenestration Requirements by Component and Table 402.1.3 Equivalent CT-Factors 2009 IECC. (Ord. #3469, July 2002, as replaced by Ord. #3657, April 2007, Ord. #3817, Aug. 2009, and Ord. #3973, April 2014, amended by Ord. #4180, Feb. 2018, and replaced by Ord. #4269, Dec. 2019 *Ch8_3-12-20*, and Ord. #4469, July 2023 *Ch10_06-13-24*)

12-103. Available in the recorder's office. Pursuant to the requirements of 6-54-502 of the Tennessee Code Annotated, a copy of the International Business Code, 2018 edition, with the above modifications, will be made available in the city recorder's office and shall be kept there for use and inspection of the public. (Ord. #3469, July 2002, as replaced by Ord. #3657, April 2007, Ord. #3973, April 2014, Ord. #4269, Dec. 2019 *Ch8_3-12-20*, and Ord. #4469, July 2023 *Ch10_06-13-24*)

12-104. Violations. 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. (Ord. #3469, July 2002)

12-105. Certificate of occupancy. The City of Columbia Building Official is hereby authorized to withhold issuance of a certificate of occupancy for violation of any city ordinances, whether said applicant customer is within or outside the corporate limits of the City of Columbia, or for violation of any requirement of the Columbia Regional Planning Commission, or for violation of any regulations of the Maury County Health Department, or the State of Tennessee. The City of Columbia Building Official shall, as required in Ordinance No. 650, the same being the Zoning Ordinance of the City of Columbia, as amended, within three (3) days after the receipt of any application for a certificate of occupancy, either issue said certificate of occupancy or state

the grounds for refusal to issue said certificate of occupancy in writing. (1968 Code, § 4-105, as amended by Ord. #1887, July 1992)

12-106. Deleted. (1968 Code, § 4-106, as deleted by Ord. #3973, April 2014)

12-107. Permit fees. The fees for residential, building, plumbing, mechanical and gas permits shall be calculated according to the schedule of residential building permit fees, building permit fees, schedule of plumbing permit fees, schedule of mechanical permit fees, and schedule of gas permit fees which are incorporated herein by reference.¹ (1968 Code, § 4-107, as amended by Ord. #3118, Feb. 1997, replaced by Ord. #3657, April 2007, and Ord. #3817, Aug. 2009, and amended by Ord. #4244, June 2019 *Ch8_3-12-20*)

¹The above-referenced fee schedules are available in the office of the city recorder.

CHAPTER 2

PLUMBING CODE¹

SECTION

- 12-201. Plumbing code adopted.
- 12-202. Available in recorder's office.
- 12-203. Violations.
- 12-204. Sanitary sewage plumbing outside the external confines of a building.
- 12-205. Permit fees.

12-201. Plumbing code adopted. Pursuant to authority granted by Tennessee Code Annotated, § 6-54-502 and for the purpose of regulating plumbing installations, including alterations, repairs, equipment, appliances, fixtures, fittings and the appurtenances thereto, within or without the city, when such plumbing is or is to be connected with the city water or sewerage system, the Standard Plumbing Code,² 2000 edition, as prepared and adopted by the Southern Building Code Congress, and the attached appendices, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the plumbing code. (Ord. #3093, Sept. 1996, modified)

12-202. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the plumbing code with the above modifications has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (Ord. #3093, Sept. 1996, modified)

12-203. Violations. 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. (Ord. #3093, Sept. 1996)

¹Municipal code references

Cross connections: title 18.

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

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

12-204. Sanitary sewage plumbing outside the external confines of a building. No building permit shall be issued before the Wastewater Department Director has signed the Sewer Connection Permit or the Private Wastewater Disposal Permit for the proposed building. ((Ord. #3093, Sept. 1996)

12-205. Permit fees. Permit fees shall be as follows:

For issuing each permit. \$10.00

Plus the following when provided:

For each Plumbing Fixture, Floor Drain or Trap
(including Water and Drainage Piping) \$ 2.50

For each House Sewer \$20.00

For each House Sewer having to be replaced or repaired
or reinspected \$20.00

For each Septic Tank and Seepage Pit or Drainfield. \$10.00

For each Water Heater and/or Vent \$ 2.50

For installation, alteration or repair of water piping
and/or water treating equipment \$ 5.00

For repair or alteration of Drainage or Vent Piping \$ 5.00

For Vacuum Breakers or backflow protective devices installed
subsequent to the installation of the piping or equipment served-

One to Five. \$ 2.50

Over Five, each \$ 1.50

(Ord. #3093, Sept. 1996, modified)

CHAPTER 3

ELECTRICAL CODE¹

SECTION

- 12-301. Electrical code adopted.
- 12-302. Available in recorder's office.
- 12-303. Permit required for doing electrical work.
- 12-304. Violations.

12-301. Electrical code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506 and for the purpose of providing practical minimum standards for the safeguarding of persons and of buildings and their contents from hazards arising from the use of electricity for light, heat, power, radio, signaling, or for other purposes, rules and regulations of the Columbia Power System, based in part on the National Electrical Code,² are hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the electrical code. (1968 Code, § 4-301)

12-302. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the electrical code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1968 Code, § 4-302)

12-303. Permit required for doing electrical work. No electrical work shall be done within the City of Columbia until a permit therefor has been issued by the electrical inspector. The term "electrical work" shall not be deemed to include minor repairs that do not involve the installation of new wire, conduits, machinery, apparatus or other electrical devices generally requiring the services of an electrician. (1968 Code, § 4-303)

12-304. Violations. It shall be unlawful for any person to do or authorize any electrical work or to use any electricity in such manner or under such circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the electrical code. (1968 Code, § 4-304)

¹Municipal code references

Fire protection, fireworks and explosives: title 7.

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

CHAPTER 4

HOUSING CODE AND SLUM CLEARANCE

SECTION

12-401. Definitions.

12-402. Finding that conditions set forth in Tennessee Code Annotated, § 13-21-102 exist.

12-403. Procedural provisions.

12-404. Powers given public officer by ordinance.

12-405. Housing code adopted.

12-406. Conditions rendering structure unfit for human occupation or use.

12-407. Service of complaints or orders.

12-408. Enjoining enforcement of order.

12-409. Chapter confers supplementary powers.

12-410. Available in the recorder's office.

12-401. Definitions. The following terms whenever used or referred to in this chapter shall have the following respective meanings for the purposes of this chapter, unless a different meaning clearly appears from the context:

(1) "Dwelling" means any building or structure, or part thereof, used and occupied for human occupation or use or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith;

(2) "Governing body" means the City Council of the City of Columbia, Tennessee;

(3) "Municipality" means the City of Columbia, Tennessee;

(4) "Owner" means the holder of the title in fee simple and every mortgagee of record;

(5) "Parties in interest" means all individuals, associations, corporations and others who have interests of record in a structure and any who are in possession thereof;

(6) "Place of public accommodation" means any building or structure in which goods are supplied or services performed, or in which the trade of the general public is solicited;

(7) "Public authority" means any housing authority or any officer who is in charge of any department or branch of the government of the municipality or state relating to health, fire, building regulations, or other activities concerning structures in the municipality;

(8) "Public officer" means the officer or officers who are authorized by ordinances adopted hereunder to exercise the powers prescribed by such ordinances and by this chapter; and

(9) "Structures" means any dwelling or place of public accommodation. (Ord. #1896, Nov. 1992)

12-402. Finding that conditions set forth in Tennessee Code Annotated, § 13-21-102 exist. Pursuant to Tennessee Code Annotated, § 13-21-102, the City Council of the City of Columbia, hereby finds that there exists within the City of Columbia, structures which are unfit for human occupation or use due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such structures unsafe or insanitary, or dangerous or detrimental to the health, safety or morals, or otherwise inimical to the welfare of the residents of such municipality.

The Standard Housing Code, 2000 edition, is hereby adopted and incorporated by reference as a part of this code. (Ord. #1896, Nov. 1992, as amended by Ord. #2089, July 1995, modified)

12-403. Procedural provisions. (1) A public officer shall be designated or appointed to exercise the powers prescribed by this chapter.

(2) Whenever a petition is filed with the public officer by a public authority, by the City of Columbia Housing Board of Adjustments and Appeals or by at least five (5) residents of the municipality charging that any structure is unfit for human occupation or use, or whenever it appears to the public officer, on the public officer's own motion, that any structure is unfit for occupation or use, the public officer shall, if the public officer's preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest of such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the City of Columbia Housing Board of Adjustments and Appeals at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the serving of the complaint.

(a) The owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and

(b) The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the City of Columbia Housing Board of Adjustments and Appeals.

(3) If, after such notice and hearing, the housing board of adjustments and appeals determines that the structure under consideration is unfit for human habitation, the housing board of adjustments and appeals shall state, in writing, their findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order:

(a) If the repair, alteration or improvement of the said structure can be made at a reasonable cost in relation to the value of the structure (under 75% of the value of the structure as stated in the City of Columbia property tax record), requiring the owner, within the time specified in the order, to repair, alter, or improve such structure to render it fit for human habitation or to vacate and close the structure as a human habitation; or

(b) If the repair, alteration or improvement of the said structure cannot be made at a reasonable cost in relation to the value of the structure (under 75% of the value of the structure as stated in the City of Columbia property tax records), requiring the owner, within the time specified in the order, to remove or demolish such structure.

If the individual property owner desires to repair, alter or improve said structure, it shall be such owner's responsibility to present reliable cost estimates to the housing board of adjustments and appeals verifying that such repairs, alterations or improvements can be made at a reasonable cost in relation to the value of the structure (under 75% of the value of the structure as stated in the City of Columbia property tax records).

(4) If the owner fails to comply with an order to repair, alter, or improve or to vacate and close the structure, the public officer may cause such structure to be repaired, altered, or improved, or to be vacated and closed. The public officer may also cause to be posted on the main entrance of any structure so closed, a placard with the following words: "This building is unfit for human occupation or use; the use or occupation of this building for human occupation or use is prohibited and unlawful."

(5) If the owner fails to comply with an order to remove or demolish the structure, the public officer may cause such structure to be removed or demolished.

(6) The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer shall, upon the filing of the notice with the office of the register of deeds of the county in which the property lies, be a lien against the real property in favor of the municipality, second only to liens of the state, county and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right or interest in such property duly recorded or duly perfected by filing prior to the filing of such notice. These costs shall be collected by the municipal tax collector or county trustee at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes. If the structure is removed or demolished by the public officer, the public officer shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the chancery court by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the person found to be entitled thereto by final order or decree of such court; provided, however, that nothing in this section shall be construed to impair or limit in any way the power of the municipality to define and declare nuisances and to cause their removal or

abatement, by summary proceedings or otherwise. (Ord. #1896, Nov. 1992, as amended by Ord. #3083, Aug. 1996, and Ord. #3389, Jan. 2001)

12-404. Powers given public officer by ordinance. The public officer is hereby authorized and empowered to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the following powers in addition to others herein granted:

- (1) To investigate conditions in the municipality in order to determine which structures therein are unfit for human occupation or use;
- (2) To administer oaths, affirmations, examine witnesses and receive evidence;
- (3) To enter upon premises for the purpose of making examinations, provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession;
- (4) To appoint and fix the duties of such officers, agents and employees as he or she deems necessary to carry out the purposes of this chapter; and
- (5) To delegate any of his or her functions and powers under this chapter to such officers and agents as he or she may designate. (Ord. #1896, Nov. 1992)

12-405. Housing code adopted. Pursuant to the authority granted by Tennessee Code Annotated, § 6-54-502, and for the purpose of providing additional standards to guide the public officer and/or the City of Columbia Board of Housing Adjustments and Appeals in determining the fitness of a dwelling for human occupation or use, the Standard Housing Code¹ 2000 edition, as prepared and adopted by the Southern Building Code Congress International, Inc. is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the housing code. (Ord. #1896, Nov. 1992, modified)

12-406. Conditions rendering structure unfit for human occupation or use. The City of Columbia Housing Board of Adjustments and Appeals may determine that a structure is unfit for human occupation or use, if it finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants of such structure, the occupants of neighboring structures or other residents of such municipality; such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; uncleanness. (Ord. #1896, Nov. 1992)

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

12-407. Service of complaints or orders. Complaints or orders issued by a public officer or the City of Columbia Housing Board of Adjustments and Appeals pursuant to this chapter shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons are unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the municipality, or in the absence of such newspaper, in one printed and published in the county and circulating in the municipality in which the structures are located. A copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. If personal service or service by registered mail is unattained, such complaint or order shall also be filed for record in the register's office of the county in which the structure is located, and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law. (Ord. #1896, Nov. 1992)

12-408. Enjoining enforcement of order. (1) Any person affected by an order issued by the public officer or City of Columbia Housing Board of Adjustments and Appeals may file a bill in the chancery court for an injunction restraining the public officer or City of Columbia Housing Board of Adjustments and Appeals from carrying out the provisions of the order and the court may, upon the filing of such bill, issue a temporary injunction restraining the public officer pending the final disposition of the cause; provided, however, that within sixty (60) days after the posting and service of the order of the public officer or City of Columbia Housing Board of Adjustments and Appeals, such person shall file such bill in the court. Hearings shall be had by the court on such bills within twenty (20) days, or as soon thereafter as possible, and shall be given preference over other matters on the court's calendar.

(2) The court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require. In all such proceedings, the findings of the public officer or the City of Columbia Housing Board of Adjustments and Appeals as to facts, if supported by evidence shall be conclusive. Costs shall be in the discretion of the court. The remedies herein provided shall be exclusive remedies and no person affected by an order of the public officer or the City of Columbia Housing Board of Adjustments and Appeals shall be entitled to recover any damages for action taken pursuant to any order of the public officer or the City of Columbia Housing Board of Adjustments and Appeals or because of noncompliance by such person with any order of the public officer or the City of Columbia Housing Board of Adjustments and Appeals. (Ord. #1896, Nov. 1992)

12-409. Chapter confers supplementary powers. Nothing in this chapter shall be construed to abrogate or impair the powers of the courts or of any department of the City of Columbia, Tennessee, to enforce any provisions of its charter or its ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by any other law. (Ord. #1896, Nov. 1992)

12-410. Available in the recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the housing code has been placed on file in the recorder's office and shall be kept there for use and inspection by the public. (Ord. #1896, Nov. 1993, modified)

CHAPTER 5

SWIMMING POOL CODE¹

SECTION

12-501. Swimming pool code adopted.

12-502. Available in recorder's office.

12-503. Permit required for doing swimming pool work.

12-501. Swimming pool code adopted. Pursuant to authority granted by Tennessee Code Annotated §§ 6-54-501 through 6-54-516, the Standard Swimming Pool Code², 1999 edition, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted which regulates the location, construction and safeguarding of swimming pools constructed within the city limits of the City of Columbia, Tennessee. (1968 Code, § 4-501, as amended by Ord. #2090, July 1995, modified)

12-502. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated § 6-54-502 one (1) copy of the swimming pool code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1968 Code, § 4-502, modified)

12-503. Permit required for doing swimming pool work. No swimming pool work shall be done within the City of Columbia until a permit therefor has been issued by the building inspector. (1968 Code, § 4-503)

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) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

CHAPTER 6

ONE AND TWO FAMILY DWELLING CODE

SECTION

12-601. One and two family dwelling code adopted.

12-602. Standard building code, appendix N adopted.

12-601. One and two family dwelling code adopted. The City of Columbia, Tennessee does hereby adopt the Counsel of American Building Officials (CABO) One and Two Family Dwelling Code,¹ 2000 edition, to be used in relating the fabrication, erection, construction, enlargement, alteration, repair, location and use of detached one and two family dwellings and their appurtenances and accessory structures in the City of Columbia, Tennessee, and to provide for the issuance of permits therefor and penalties for the violation thereof; provided, however, Part IV relating to mechanical systems and equipment, Part VI relating to electrical requirements, and Part VII relating to energy conservation requirements are excluded from this adoption and shall be inapplicable in the City of Columbia, Tennessee, unless later adopted. (Ord. #1936, May 1993, modified)

12-602. Standard building code, appendix N adopted. The City of Columbia, Tennessee does hereby adopt Standard Building Code, 1994 edition, Appendix N, of Southern Building Code Congress International, Inc., which in turn adopts the CABO One and Two Family Dwelling Code for the design and construction of one and two family dwellings. (Ord. #1936, May 1993)

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

CHAPTER 7

MECHANICAL CODE

SECTION

12-701. Mechanical code adopted.

12-702. Available in recorder's office.

12-703. Violations.

12-701. Mechanical code adopted. Pursuant to the authority granted by Tennessee Code Annotated, § 6-54-502, the Southern Building Code Congress International Standard Mechanical Code, 2000 edition, is hereby adopted and incorporated by reference as a part of this code. (Ord. #3206, June 1998, modified)

12-702. 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. #3206, June 1998, modified)

12-703. 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. (Ord. #3206, June 1998)

CHAPTER 8

GAS CODE

SECTION

12-801. Gas code adopted.

12-802. Available in recorder's office.

12-803. Violations.

12-801. Gas code adopted. Pursuant to the authority granted by Tennessee Code Annotated, § 6-54-502, the Southern Building Code Congress International Standard Gas Code, 1997 edition, and subsequent revisions thereto, is hereby adopted and incorporated by reference as a part of this code. (Ord. #3207, June 1998)

12-802. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, three (3) copies of the gas code have been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (Ord. #3207, June 1998)

12-803. Violations. It shall be unlawful for any person to violate or fail to comply with any provisions of the gas code as herein adopted by reference. (Ord. #3207, June 1998)

CHAPTER 9

ENERGY CODE¹

SECTION

- 12-901. Model energy code adopted.
- 12-902. Modifications.
- 12-903. Available in recorder's office.
- 12-904. Violation and penalty.

12-901. Model energy code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 *et seq.* and for the purpose of regulating the design of buildings for adequate thermal resistance and low air leakage and the design and selection of mechanical, electrical, water-heating and illumination systems and equipment which will enable the effective use of energy in new building construction, the International Energy Conservation Code,² 2009 edition, as prepared and maintained by the Council of American Building Officials, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the energy code. (as replaced by Ord. #3979, April 2014)

12-902. Modifications. Whenever the energy code refers to the "responsible government agency," it shall be deemed to be a reference to the City of Columbia. When the "building official" is named it shall, for the purposes of the energy code, mean such person as the board of mayor and aldermen shall have appointed or designated to administer and enforce the provisions of the energy code.

¹State law reference

Tennessee Code Annotated, § 13-19-106 requires Tennessee cities either to adopt the Model Energy Code, 1992 edition, or to adopt local standards equal to or stricter than the standards in the energy code.

Municipal code references

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

²Copies of this code (and any amendments) may be purchased from The Council of American Building Officials, 5203 Leesburg Pike, Falls Church, Virginia 22041.

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

12-904. Violations and penalty. It shall be a civil offense for any person to violate or fail to comply with any provision of the energy code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

CHAPTER 10

OFFICE OF ADMINISTRATIVE HEARING OFFICER

SECTION

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12-1001. Municipal administrative hearing officer. (1) In accordance with Tennessee Code Annotated, title 6, chapter 54, part 10, there is hereby created the office of administrative hearing officer to hear violations of any of the provisions codified in the Columbia Municipal Code relating to building and property maintenance including:

- (a) Building codes found at title 12, chapter 1 and title 12 chapter 6;
- (b) Residential codes found at title 12, chapter 5;
- (c) Plumbing codes found at title 12, chapter 2;
- (d) Electrical codes found at title 12, chapter 3;
- (e) Gas codes found at title 12, chapter 8;
- (f) Mechanical codes found at title 12, chapter 7;
- (g) Energy codes found at title 12, chapter 9;
- (h) Property maintenance codes found at title 12, chapter 4; and
- (i) All ordinances regulating any subject matter commonly found in the above-described codes.

The administrative hearing officer is not authorized to hear violation codes adopted by the state fire marshal pursuant to Tennessee Code Annotated,

§ 68-120-101(a) enforced by deputy building inspector pursuant to Tennessee Code Annotated, § 68-120-101(f).

The utilization of the administrative hearing officer shall be an alternative to the enforcement in the City of Columbia Municipal Court.

(2) There is hereby created one (1) administrative hearing officer position to be appointed pursuant to § 12-1005 below.

(3) The amount of compensation for the administrative hearing officer shall be approved by the city council.

(4) Clerical and administrative support for this office of administrative hearing officer shall be provided as determined by the city manager.

(5) The administrative hearing officer shall perform all of the duties and abide by all of the requirements provided in title 6, chapter 54, section 1001, et seq., of the Tennessee Code Annotated. (as added by Ord. #3956, Oct. 2013)

12-1002. Communication by administrative hearing officer and parties. (1) Unless required for the disposition of ex parte matters specifically authorized by statute, an administrative hearing officer presiding over a contested case proceeding may not communicate, directly or indirectly, regarding any issue in the proceedings, while the proceeding is pending, with any person without notice and opportunity for all parties to participate in the communication.

(2) Notwithstanding subsection (1), an administrative hearing officer may communicate with municipal employees or officials regarding a matter pending before the administrative body or may receive aid from staff assistants, members of the staff of the city attorney or city prosecutor, or a licensed attorney, if such persons do not receive ex parte communications of a type that the administrative hearing officer would be prohibited from receiving, and do not furnish, augment, diminish or modify the evidence in the record.

(3) Unless required for the disposition of ex parte matters specifically authorized by statute, no party to a contested case, and no other person may communicate, directly or indirectly, in connection with any issue in that proceeding, while the proceeding is pending, with any person serving as all administrative hearing officer without notice and opportunity for all parties to participate in the communication.

(4) If, before serving as an administrative hearing officer in a contested case, a person receives an ex parte communication of a type that may not properly be received while serving, the person, promptly after starting to serve, shall disclose the communication in the manner prescribed in subsection (5).

(5) An administrative hearing officer who receives an ex parte communication in violation of this section shall place on the record of the pending matter all written communications received, all written responses to the communications, and a memorandum stating the substance of all oral communications received, all responses made, and the identity of each person from whom the person received an ex parte communication, and shall advise all

parties that these matters have been placed on the record. Any party desiring to rebut the ex parte communication shall be allowed to do so, upon requesting the opportunity for rebuttal within ten (10) business days after notice of the communication. (as added by Ord. #3956, Oct. 2013)

12-1003. Appearance by parties and/or counsel. (1) Any party may participate in the hearing in person or, if the party is a corporation or other artificial person, by a duly authorized representative.

(2) Whether or not participating in person, any party may be advised and represented at the party's own expense by counsel or, unless prohibited by any provision of law, other representative. (as added by Ord. #3956, Oct. 2013)

12-1004. Pre-hearing conference and orders. (1) (a) In any action set for hearing, the administrative hearing officer, upon the administrative hearing officer's own motion, or upon motion of one (1) of the parties or such party's qualified representatives, may direct the parties or the attorneys for the parties, or both, to appear before the administrative hearing officer for a conference to consider:

- (i) The simplification of issues;
- (ii) The possibility of obtaining admissions of fact and of documents that will avoid unnecessary proof.
- (iii) The limitation of the number of witnesses; and
- (iv) Such other matters as may aid in the disposition of the action.

(b) The administrative hearing officer shall make an order that recites the action taken at the conference, and the agreements made by the parties as to any of the matters considered, and that limits the issues for hearing to those not disposed of by admissions or agreements of the parties. Such order when entered controls the subsequent course of the action, unless modified at the hearing to prevent manifest injustice.

(2) Upon reasonable notice to all parties, the administrative hearing officer may convene a hearing or convert a pre-hearing conference to a hearing, to be conducted by the administrative hearing officer sitting alone, to consider argument or evidence, or both, on any question of law.

(3) In the discretion of the administrative hearing officer, all or part of the pre-hearing conference may be conducted by telephone, television or other electronic means, if each participant in the conference has an opportunity to participate in, to hear, and, if technically feasible, to see the entire proceeding while it is taking place.

(4) If a pre-hearing conference is not held, the administrative hearing officer may issue a pre-hearing order, based on the pleadings, to regulate the conduct of the proceedings. (as added by Ord. #3956, Oct. 2013)

12-1005. Appointment of administrative hearing officer/administrative law judge. (1) The administrative hearing officer shall be appointed by the city manager and serve at the pleasure of the city manager. Such administrative hearing officer may be hired on a part-time basis, by contract or by interlocal agreement with one (1) or more eligible municipalities.

- (2) An administrative hearing officer shall be one (1) of the following:
- (a) Licensed building inspector;
 - (b) Licensed plumbing inspector;
 - (c) Licensed electrical inspector;
 - (d) Licensed attorney;
 - (e) Licensed architect; or
 - (f) Licensed engineer.

(3) The city may also contract with the administrative procedures division, office of the Tennessee Secretary of State to employ an administrative law judge on a temporary basis to serve as an administrative hearing officer. Such administrative law judge shall not be subject to the training or continuing education requirements of Tennessee Code Annotated subsections 6-54-1007(a) and (b). (as added by Ord. #3956, Oct. 2013)

12-1006. Training and continuing education. (1) Each person appointed to serve as an administrative hearing officer shall, within the six (6) month period immediately following the date of such appointment, participate in a program of training conducted by the University of Tennessee's Municipal Technical Advisory Service, (MTAS) or its designee(s). MTAS shall issue a certificate of participation to each person whose attendance is satisfactory.

(2) Each person actively serving as an administrative hearing officer shall complete six (6) hours of continuing education every calendar year. The education required by this section shall be in addition to any other continuing education requirements required for other professional licenses held by the administrative hearing officer(s). No continuing education hours from one (1) calendar year may be carried over to a subsequent calendar year. (as added by Ord. #3956, Oct. 2013)

12-1007. Jurisdiction not exclusive. The power and authority vested in the office of administrative hearing officer is not exclusive and does not terminate or diminish any other existing municipal power or authority. The city council may direct a municipal officer or employee to develop criteria for determining when to exercise administrative enforcement. (as added by Ord. #3956, Oct. 2013)

12-1008. Citations for violations - written notice. (1) Upon the issuance of a citation for violation of a municipal ordinance referenced in the city's administrative hearing ordinance, the issuing officer shall provide written notice of:

(a) A short and plain statement of the matters asserted. If the issuing officer is unable to state the matters in detail at the time the citation is served, the initial notice may be limited to a statement of the issues involved and the ordinance violations alleged. Thereafter, upon timely, written application a more definite and detailed statement shall be furnished ten (10) business days prior to the time set for the hearing;

(b) A short and plain description of the city's administrative hearing process including references to state and local statutory authority;

(c) Contact information for the city's administrative hearing office; and

(d) Time frame in which the hearing officer will review the citation and determine the fine and remedial period, if any.

(2) Citations issued for violations of ordinances referenced in the city's administrative hearing ordinance shall be signed by the alleged violator at the time of issuance. If an alleged violator refuses to sign, the issuing officer shall note the refusal and attest to the alleged violator's receipt of the citation. An alleged violator's signature on a citation is not admission of guilt.

(3) Citations issued upon absentee property owners may be served via certified mail sent to the last known address of the recorded owner of the property.

(4) Citations issued for violations of ordinances referenced in the city's administrative hearing ordinance shall be transmitted to an administrative hearing officer within two (2) business days of issuance. (as added by Ord. #3956, Oct. 2013)

12-1009. Review of citation - levy of fine - setting of hearing.

(1) Upon receipt of a citation issued pursuant to § 12-1008, the administrative hearing officer shall, within seven (7) business days of receipt, review the appropriateness of an alleged violation. Upon determining that a violation does exist, the hearing officer has the authority to levy a fine upon the alleged violator in accordance with this section. Any fine levied by a hearing officer must be reasonable based upon the totality of the circumstances.

(a) For violations occurring upon residential property a hearing officer has the authority to levy a fine upon the violator not to exceed five hundred dollars (\$500.00) per violation. For purposes of the administrative hearing officer program, "residential property" means a single family dwelling principally used as the property owner's primary residence and the real property upon which it sits.

(b) For violations occurring upon non-residential property a hearing officer has the authority to levy a fine upon the violator not to exceed five hundred dollars (\$500.00) per violation per day. For purposes of the administrative hearing officer program, "non-residential property"

means all real property, structures, buildings and dwellings that are not residential property.

(2) If a fine is levied pursuant to subsection (1), the hearing officer shall set a reasonable period of time to allow the alleged violator to remedy the violation alleged in the citation before the fine is imposed. The remedial period shall be no less than ten (10) or greater than one hundred twenty (120) calendar days, except where failure to remedy the alleged violation in less than ten (10) calendar days would pose an imminent threat to the health, safety or welfare of persons or property in the adjacent area.

(3) Upon the levy of a fine pursuant to subsection (1), the hearing officer shall within seven (7) business days, provide via certified mail notice to the alleged violator of:

(a) The fine and remedial period established pursuant to subsections (1) and (2);

(b) A statement of the time, place, nature of the hearing, and the right to be represented by counsel; and

(c) A statement of the legal authority and jurisdiction under which the hearing is to be held, including a reference to the particular sections of the statutes and rules involved.

(4) The date of the hearing shall be no less than thirty (30) calendar days following the issuance of the citation. To confirm the hearing, the alleged violator must make a written request for the hearing to the hearing officer within seven (7) business days of receipt of the notice required in subsection (3).

(5) If an alleged violator demonstrates to the issuing officer's satisfaction that the allegations contained in the citation have been remedied to the issuing officer's satisfaction, the fine levied pursuant to subsection (1) shall not be imposed or if already imposed cease; and the hearing date, if the hearing has not yet occurred, shall be cancelled. (as added by Ord. #3956, Oct. 2013)

12-1010. Party in default. (1) If a party fails to attend or participate in a pre-hearing conference, hearing or other stage of a contested case, the administrative hearing officer may hold the party in default and either adjourn the proceedings or conduct them without the participation of that party, having due regard for the interest of justice and the orderly and prompt conduct of the proceedings.

(2) If the proceedings are conducted without the participation of the party in default, the administrative hearing officer shall include in the final order a written notice of default and a written statement of the grounds for the default. (as added by Ord. #3956, Oct. 2013)

12-1011. Petition for intervention. (1) The administrative hearing officer shall grant one (1) or more petitions for intervention if:

(a) The petition is submitted in writing to the administrative hearing officer, with copies mailed to all parties named in the notice of the hearing, at least seven (7) business days before the hearing;

(b) The petition states facts demonstrating that the petitioner's legal rights, duties, privileges, immunities or other legal interest may be determined in the proceeding or that the petitioner qualifies as an intervenor under any provision of law; and

(c) The administrative hearing officer determines that the interests of justice and the orderly and prompt conduct of the proceedings shall not be impaired by allowing the intervention.

(2) If a petitioner qualifies for intervention, the administrative hearing officer may impose conditions upon the intervenor's participation in the proceedings, either at the time that intervention is granted or at any subsequent time. Conditions may include:

(a) Limiting the intervenor's participation to designated issues in which the intervenor has a particular interest demonstrated by the petition;

(b) Limiting the intervenor's participation so as to promote the orderly and prompt conduct of the proceedings; and

(c) Requiring two (2) or more intervenors to combine their participation in the proceedings.

(3) The administrative hearing officer, at least twenty-four (24) hours before the hearing, shall render an order granting or denying each pending petition for intervention, specifying any conditions, and briefly stating the reasons for the order. The administrative hearing officer may modify the order at any time, stating the reasons for the modification. The administrative hearing officer shall promptly give notice of an order granting, denying or modifying intervention to the petitioner for intervention and to all parties. (as added by Ord. #3956, Oct. 2013)

12-1012. Regulating course of proceedings--hearing open to public. (1) The administrative hearing officer shall regulate the course of the proceedings, in conformity with the pre-hearing order, if any.

(2) To the extent necessary for full disclosure of all relevant facts and issues, the administrative hearing officer shall afford to all parties the opportunity to respond, present evidence and argument, conduct cross-examination, and submit rebuttal evidence, except as restricted by a limited grant of intervention or by the pre-hearing order.

(3) In the discretion of the administrative hearing officer and by agreement of the parties, all or part of the hearing may be conducted by telephone, television or other electronic means, if each participant in the hearing has an opportunity to participate in, to hear, and, if technically feasible, to see the entire proceedings while taking place.

(4) The hearing shall be open to public observation pursuant to title 8, chapter 44 of the Tennessee Code Annotated, unless otherwise provided by state or federal law. To the extent that a hearing is conducted by telephone, television or other electronic means, the availability of public observation shall be satisfied by giving members of the public an opportunity, at reasonable time, to hear the tape recording and to inspect any transcript produced, if any. (as added by Ord. #3956, Oct. 2013)

12-1013. Evidence and affidavits; notice. (1) In an administrative hearing:

(a) The administrative hearing officer shall admit and give probative effect to evidence admissible in a court, and when necessary to ascertain facts not reasonably susceptible to proof under the rules of court. Evidence not admissible thereunder may be admitted if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs. The administrative hearing officer shall give effect to the rules of privilege recognized by law and to statutes protecting the confidentiality of certain records, and shall exclude evidence which in his or her judgment is irrelevant, immaterial or unduly repetitious;

(b) At any time not less than ten (10) business days prior to a hearing or a continued hearing, any party shall deliver to the opposing party a copy of any affidavit such party proposes to introduce in evidence, together with a notice in the form provided in subsection (2). Unless the opposing party, within seven (7) business days after delivery, delivers to the proponent a request to cross-examine an affiant, the opposing party's right to cross-examination of such affiant is waived and the affidavit, if introduced in evidence, shall be given the same effect as if the affiant had testified orally. If an opportunity to cross-examine an affiant is not afforded after a proper request is made as provided in this subdivision (b), the affidavit shall not be admitted into evidence. "Delivery," for purposes of this section, means actual receipt;

(c) The administrative hearing officer may admit affidavits not submitted in accordance with this section where necessary to prevent injustice;

(d) Documentary evidence otherwise admissible may be received in the form of copies or excerpts, or by incorporation by reference to material already on file with the municipality. Upon request, parties shall be given an opportunity to compare the copy with the original, if reasonably available; and

(e) (i) Official notice may be taken of:

(A) Any fact that could be judicially noticed in the courts of this state;

(B) The record of other proceedings before the agency; or

(C) Technical or scientific matters within the administrative hearing officer's specialized knowledge; and

(ii) Parties must be notified before or during the hearing, or before the issuance of any final order that is based in whole or in part on facts or material notice, of the specific facts or material noticed and the source thereof, including any staff memoranda and data, and be afforded an opportunity to contest and rebut the facts or material so noticed.

(2) The notice referred to in subdivision (b) shall contain the following information and be substantially in the following form:

The accompanying affidavit of _____ (here insert name of affiant) will be introduced as evidence at the hearing in _____ (here insert title of proceeding), _____ (here insert name of affiant) will not be called to testify orally and you will not be entitled to question such affiant unless you notify _____ (here insert name of the proponent or the proponent's attorney) at _____ (here insert address) that you wish to cross-examine such affiant. To be effective, your request must be mailed or delivered to _____ (here insert name of proponent or the proponent's attorney) on or before _____ (here insert a date seven (7) business days, after the date of mailing or delivering the affidavit to the opposing party). (as added by Ord. #3956, Oct. 2013)

12-1014. Final orders. (1) An administrative hearing officer shall render a final order in all cases brought before his or her body.

(2) A final order shall include conclusions of law, the policy reasons therefor, and findings of fact for all aspects of the order, including the remedy prescribed. Findings of fact, if set forth in language that is no more than mere repetition or paraphrase of the relevant provision of law, shall be accompanied by a concise and explicit statement of the underlying facts of record to support the findings. The final order must also include a statement of the available procedures and time limits for seeking reconsideration or other administrative relief and the time limits for seeking judicial review of the final order.

(3) Findings of fact shall be based exclusively upon the evidence of record in the adjudicative proceeding and on matters officially noticed in that proceeding. The administrative hearing officer's experience, technical competence and specialized knowledge may be utilized in the evaluation of evidence.

(4) If an individual serving or designated to serve as an administrative hearing officer becomes unavailable, for any reason, before rendition of the final order, a qualified substitute shall be appointed. The substitute shall use any

existing record and may conduct any further proceedings as is appropriate in the interest of justice.

(5) The administrative hearing officer may allow the parties a designated amount of time after conclusion of the hearing for the submission of proposed findings.

(6) A final order rendered pursuant to subsection (1) shall be rendered in writing within seven (7) business days after conclusion of the hearing or after submission of proposed findings unless such period is waived or extended with the written consent of all parties or for good cause shown.

(7) The administrative hearing officer shall cause copies of the final order under subsection (1) to be delivered to each party. (as added by Ord. #3956, Oct. 2013)

12-1015. Final order effective date. (1) All final orders shall state when the order is entered and effective.

(2) A party may not be required to comply with a final order unless the final order has been mailed to the last known address of the party or unless the party has actual knowledge of the final order. (as added by Ord. #3956, Oct. 2013)

12-1016. Collection of fines, judgments and debts. The city may collect a fine levied pursuant to this section by any legal means available to a municipality to collect any other fine, judgment or debt. (as added by Ord. #3956, Oct. 2013)

12-1017. Judicial review of final order. (1) A person who is aggrieved by a final decision in a contested case is entitled to judicial review pursuant to Tennessee Code Annotated, title 6, chapter 54, part 10, which shall be the only available method of judicial review.

(2) Proceedings for judicial review of a final order are instituted by filing a petition for review in the chancery court in the county where the municipality lies. Such petition must be filed within sixty (60) calendar days after the entry of the final order that is the subject of the review.

(3) The filing of the petition for review does not itself stay enforcement of the final order. The reviewing court may order a stay on appropriate terms, but if it is shown to the satisfaction of the reviewing court, in a hearing that shall be held within ten (10) business days of a request for hearing by either party, that any party or the public at large may suffer injury by reason of the granting of a stay, then no stay shall be granted until a good and sufficient bond, in an amount fixed and approved by the court, shall be given by the petitioner conditioned to indemnify the other persons who might be so injured and if no bond amount is sufficient, the stay shall be denied.

(4) Within forty-five (45) calendar days after service of the petition, or within further time allowed by the court, the administrative hearing officer shall

transmit to the reviewing court the original or a certified copy of the entire record of the proceeding under review. By stipulation of all the parties of the review proceedings, the record may be shollened. A party unreasonably refusing to stipulate to limit the record may be taxed by the court for the additional cost. The court may require or permit subsequent corrections or additions to the record.

(5) If, before the date set for hearing, application is made to the court for leave to present additional evidence, and it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for failure to present it in the administrative proceeding, the court may order that the additional evidence be taken before the administrative hearing officer upon conditions determined by the court. The administrative hearing officer may modify its findings and decision by reason of the additional evidence and shall file that evidence and any modifications, new findings or decisions with the reviewing court.

(6) The procedure ordinarily followed in the reviewing court will be followed in the review of contested cases decided by the administrative hearing officer, except as otherwise provided in this chapter. The administrative hearing officer that issued the decision to be reviewed is not required to file a responsive pleading.

(7) The review shall be conducted by the court without a jury and shall be confined to the record. In cases of alleged irregularities in procedure before the administrative hearing officer, not shown in the record, proof thereon may be taken in the court.

(8) The court may affirm the decision of the administrative hearing officer or remand the case for further proceedings. The court may reverse or modify the decision if the rights of the petitioner have been prejudiced because the administrative findings, inferences, conclusions or decisions are:

- (a) In violation of constitutional or statutory provisions;
- (b) In excess of the statutory authority of the administrative hearing officer;
- (c) Made upon unlawful procedure;
- (d) Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion; or
- (e) Unsupported by evidence that is both substantial and material in the light of the entire record. In determining the substantiality of evidence, the court shall take into account whatever in the record fairly detracts from its weight, but the court shall not substitute its judgment for that of the administrative hearing officer as to the weight of the evidence on questions of fact.

(9) No administrative hearing decision pursuant to a hearing shall be reversed, remanded or modified by the reviewing court unless for errors that affect the merits of such decision.

(10) The reviewing court shall reduce its findings of fact and conclusions of law to writing and make them parts of the record. (as added by Ord. #3956, Oct. 2013)

12-1018. Appeal to court of appeals. (1) An aggrieved party may obtain a review of any final judgment of the chancery court under this chapter by appeal to the Court of Appeals of Tennessee.

(2) The record certified to the chancery court and the record in the chancery court shall constitute the record in an appeal. Evidence taken in court pursuant to title 24 shall become a part of the record.

(3) The procedure on appeal shall be governed by the Tennessee Rules of Appellate Procedure. (as added by Ord. #3956, Oct. 2013)