

TITLE 12

BUILDING, UTILITY, ETC. CODES

CHAPTER

1. BUILDING CODES.
2. SECURITY GATE REGULATION.

CHAPTER 1

BUILDING CODES¹

SECTION

- 12-101. Building and utility codes adopted.
 12-102. Enforcement.
 12-103. Available in recorder's office.
 12-104. Hours for construction work.
 12-105. Violations and penalty.

12-101. Building and utility codes adopted.² (1) For the purpose of establishing the minimum requirements to safeguard the public health, safety, and general welfare through structural strength, means of egress, facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards, the following codes are adopted by reference:

- (a) *International Residential Code*, 2018, edition, chapters 1 through 11, chapter 33 and appendices F, G, H, and J only with the exception of Tables N1102.1.2 and Table N1102.1.4;
- (b) *International Residential Code*, 2009, edition Table N1102.1 and Table N1102.1.2;
- (c) *International Building Code*, 2018, edition, chapters 1 through 26, 31, 32, 33, 34, and appendices A, E, F, G, H, I, and J only; and
- (d) *International Property Maintenance Code*, 2018, edition; and
- (e) *International Energy Conservation Code*, 2018, edition; and
- (f) 2009 *ICC/ANSI A117.1 Handicap Code*.

¹Municipal code references

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

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

(2) Pursuant to *Tennessee Code Annotated*, § 6-54-202(b), the city elects to adopt § 6-54-202(b) with the exception of section R313 (automatic fire sprinkler systems) of the *International Residential Code*.

(3) Whenever in the building codes reference is made to the duties of a certain official named therein, that designated official of the City of Oak Hill who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of the *International Building Code* are concerned. (2011 Code, § 12-101, as amended by Ord. #12-10, Sept. 2012, modified, and replaced by Ord. #O-19-11-01-10, Nov. 2019 *Ch1_11-10-20*)

12-102. Enforcement.¹ Such codes shall be interpreted and enforced in cooperation with the Department of Codes Administration of the Metropolitan Government of Davidson County, Tennessee with regard to all plumbing, mechanical, and electrical permits, inspections and restrictions, and with the office of the State Fire Marshal of Tennessee. (2011 Code, § 12-102)

12-103. Available in recorder's office. Pursuant to the requirements of the *Tennessee Code Annotated*, § 6-54-502, one (1) copy of the building and residential codes have been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (2011 Code, § 12-103)

12-104. Hours for construction work. (1) All construction work, including site preparation, demolition, excavation, grading, assembly, erection, paving, exterior repair, and the use of heavy equipment shall be conducted within the hours of 7:00 A.M. and 6:00 P.M. Monday through Friday, and 9:00 A.M. and 6:00 P.M. on Saturdays. No construction work shall be conducted on Sundays or the following holidays: January 1, Memorial Day, July 4th, Labor Day, Thanksgiving, day after Thanksgiving, Christmas Eve, and Christmas Day. This provision shall not apply to minor interior or exterior repairs or alterations performed by the homeowner or occupant, provided the work is done without creating any noise disturbance to other properties.

(2) Any and all of the following persons or entities may be held responsible and cited for violation of this section, taking into consideration the circumstances involved in the violation:

(a) Any person(s) performing construction work in violation of the section;

(b) Any contractor, subcontractor, or other entity employing any person(s) performing construction work in violation of this section; and

¹The fee schedule for inspections and permits (and amendments thereto) is available in the office of the city recorder.

(c) The owner or resident of the property on which construction work is conducted in violation of this section.

All persons or entities determined to have violated this section may be cited and separate penalties may be issued for each person or entity. Each day a violation occurs shall constitute a separate violation subject to the penalties set forth below.

(3) Any person or entity violating the provisions of this section shall be subject to a penalty of fifty dollars (\$50.00) for a first offense and if such penalty is paid within ten (10) days, the person or entity violating the ordinance shall not be required to attend court and pay court costs. All subsequent offenses of this section by the same person or entity within a twelve (12) month period shall be subject to a fifty dollar (\$50.00) fine and shall require a mandatory court appearance. In addition to the above penalties, the building official may issue a stop-work order for any offense, and shall issue a stop-work order for all third and subsequent offenses occurring at the same property.

(4) The building official is not required to wait until a violation of this section has been adjudicated prior to issuing a stop-work order, but may issue such after the issuance of the initial citation to a person or entity. Nothing herein shall be construed to limit the city from seeking other remedies or injunctive relief to obtain compliance with this section. (2011 Code, § 12-104, as amended by Ord. #14-2, June 2014, modified)

12-105. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the building codes as herein adopted by reference and modified. (2011 Code, § 12-105)

CHAPTER 2

SECURITY GATE REGULATION

SECTION

12-201. Definitions.

12-202. Issuance of permit and inspections.

12-203. Policies and equipment required as security gates or barriers.

12-204. Maintenance and upkeep of security gates or barriers.

12-205. Liability.

12-201. Definitions. As used in this chapter, unless the context otherwise requires:

(1) "Driveway" means a vehicular ingress/egress of less than twenty-four feet (24') in width and serving no more than one (1) single family dwelling.

(2) "Gated community" means a multi-family residential property, development or compound that has a security gate or barrier to block the entrance to the community from a public street to a private street, parking lot, or driveway of the community.

(3) "Planning commission" means a governing body identified in § 14-204 herein below.

(4) "Private street" means a vehicular access roadway greater than or equal to twenty-four feet (24') in width.

(5) "Radio operated controller" means a device used to operate a security gate or barrier that is equipped with a radio receiver capable of receiving signals from a police department, sheriff's department (if the gated community is in the county), fire department, utility and emergency medical services, radio transceivers that allow emergency responders and other necessary on-duty employees to open the security gate or barrier or blocking device by use of the equipment.

(6) "Security gate or barrier" means a gate or barrier, electrically operated that controls the passage of authorized vehicles and persons from a public street to the private street of the gated community, driveways or parking lots of the gated community. (2011 Code, § 12-201)

12-202. Issuance of permit and inspections. Prior to the installation or replacement of a security gate or barrier at a gated community, the developer or owner shall obtain a security gate or barrier permit from the City of Oak Hill. A permit shall only be issued for a security gate or barrier meeting the requirements of this chapter. Prior to any changes, alteration, or blocking of private streets, plans detailing the change accompanied by drawings, shall be submitted to the authority having jurisdiction over the gated community for approval. The city building official shall inspect all such installations. The

inspections of security gates or barriers shall be conducted at the same time as other inspections of the gated community are performed by the city building official. A permit fee, as established by the City of Oak Hill, shall be charged to the developer or owner of the proposed gate. (2011 Code, § 12-202)

12-203. Policies and equipment required for security gates or barriers. (1) All security gates or barriers shall be equipped with a radio-operated receiver/controller capable of receiving signals from a police department, fire department, utility and emergency medical services' radio transceivers serving the gated community that allow emergency responders and other necessary on-duty employees to open the security gate or barrier by use of the equipment.

(2) All security gates or barriers must meet policies deemed necessary by the City of Oak Hill over the gated community for rapid, reliable, and mutual aid access.

(3) The equipment shall be furnished, installed, and maintained by the developer, owner, or any duly incorporated and active association having jurisdiction. (2011 Code, § 12-203)

12-204. Maintenance and upkeep of security gates or barriers.

(1) The maintenance and upkeep of any security gate or barrier shall be the sole responsibility of the developer, owner, or any duly incorporated and active association having jurisdiction of the gated facility or community.

(2) Inoperative security gates or barriers shall be repaired immediately. Inoperative gates shall be locked in the open position until repairs are made. Abandoned gates shall be permanently locked in open position. (2011 Code, § 12-204)

12-205. Liability. The party or parties controlling the operation and maintenance of the security gate or barrier shall be liable for any damages caused by the improper operation of the security gate or barrier. (2011 Code, § 12-205)