

TITLE 12

BUILDING, UTILITY, ETC. CODES

CHAPTER

1. BUILDING CODE.
2. PLUMBING CODE.
3. ELECTRICAL CODE.
4. FUEL GAS CODE.
5. RESIDENTIAL CODE.
6. ENERGY CONSERVATION CODE.
7. MECHANICAL CODE.
8. PROPERTY MAINTENANCE CODE.
9. SWIMMING POOL AND SPA CODE.
10. ADMINISTRATIVE HEARING OFFICER.

CHAPTER 1

BUILDING CODE¹

SECTION

- 12-101. International Building Code adopted.
- 12-102. Modifications.
- 12-103. Permit fees.
- 12-104. Available in recorder's office.
- 12-105. Violations and penalty.

12-101. International Building Code adopted. That a certain document, one (1) copy of which is on file in the office of the Ripley City Recorder, being marked and designated as the *International Building Code*,² 2018 edition including Appendix B, as published by the International Code Council, be and is hereby adopted as the Building Code of the City of Ripley, Tennessee, for regulating and governing the conditions and maintenance of all property, buildings, and structures; by providing the standards for supplied

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.

utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions, and terms of said building code on file in the office of the Ripley City Recorder are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions, and changes, if any, prescribed in § 12-102 of this chapter.

12-102. Modifications, fees, additions, insertions, deletions and changes to the International Code including and the International Building Code the International Residential Code. Whenever the building code refers to the "chief appointing authority," the "chief administrator," the "codes enforcement officer" or "director of public works" it shall, for the purposes of the building code, mean the designated official of the City of Ripley who has duties corresponding to those of the named official.

(1) All residential structures in the City of Ripley Tennessee shall be built on sixteen inch (16") centers, including floor-framing members, roof members, and wall-framing members, however, wall-framing members may be constructed on twenty-four inch (24") centers only if using two inches by six inches (2" x 6") studs or larger.

(2) Any structure converted to a residential structure in the City of Ripley Tennessee shall meet the requirements of sixteen inch (16") centers as listed in (1) above.

(3) All structures located in a flood zone shall have at least one foot (1') of freeboard.

(4) Complete deletion of chapter 11 (Accessibility), chapter 27 Electrical and Appendix K (Electrical Code).

(5) The following letter visibility chart for address numbers on structures shall be adopted:

MEASUREMENT FROM THE CENTER OF THE STREET:

Viewing Distance	Min. Required Letter Height
100 ft	4 in
150 ft	6 in
200 ft	8 in
250 ft	10 in
360 ft (city block)	16 in

Viewing Distance	Min. Required Letter Height
500 ft	22 in
750 ft	33 in
1,000 ft	43 in
1,320 ft (1/4 mile)	57 in

(6) On all buildings, structures, electrical, plumbing, and mechanical and gas systems or alterations requiring a building permit, a fee for each permit shall be paid as required at the time of filing the application. The codes enforcement officer shall collect building permit fees in accordance with the following schedule:

SCHEDULE OF PERMIT FEES

Total valuation shall include the total value of the work for which a permit is being issued.

\$0 to \$50,000: \$15.00 for the first \$1,000.00 plus \$5.00 for each additional thousand or fraction thereof, to and including \$50,000.00.

\$50,000 to \$100,000: \$260.00 for the first \$50,000.00 plus \$4.00 for each additional thousand or fraction thereof, to and including \$100,000.00.

\$100,000 to \$500,000: \$460.00 for the first \$100,000.00 plus \$3.00 for each additional thousand or fraction thereof, to and including \$500,000.00.

\$500,000 and up: \$1,660.00 for the first \$500,000.00 plus \$2.00 for each additional thousand or fraction thereof.

MOVING FEE

For the moving of any building or structure, the fee shall be \$100.00.

DEMOLITION FEE

For the demolition of any building or structures, the fee shall be:

0 up to 100,000 cu ft	\$50.00
100,000 cu ft and over	\$0.50/1,000 cu ft

WORK COMMENCING BEFORE PERMIT ISSUANCE

Where work for which a permit is required by this code is started or proceeded prior to obtaining said permit, the fees herein specified shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this code in the execution of the work nor from any other penalties prescribed herein.

12-103. Permit fees. All building permit fees are set forth in a "schedule of fees" as authorized and approved from time to time by ordinance of the board of mayor and aldermen.

12-104. Available in recorder's office. Pursuant to the requirements of § 6-54-502 *Tennessee Code Annotated*, one (1) copy of the *International Building Code*, 2018 edition, has been placed on file in the office of the Ripley City Recorder and shall be kept there for the use and inspection of the public during normal business hours.

12-105. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the building code as herein adopted by reference and modified.

CHAPTER 2

PLUMBING CODE¹

SECTION

- 12-201. International Plumbing Code adopted.
- 12-202. Modifications.
- 12-203. Permit fees.
- 12-204. Available in recorder's office.
- 12-205. Violations and penalty.

12-201. International Plumbing Code adopted. That a certain document, one (1) copy of which is on file in the office of the Ripley City Recorder, being marked and designated as the *International Plumbing Code*,² 2018 edition, including Appendix B, as published by the International Code Council, be and is hereby adopted as the Plumbing Code of the City of Ripley, Tennessee, regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said plumbing code on file in the office of the Ripley City Recorder are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, deletions, and changes, if any, prescribed in § 12-202 of this chapter.

12-202. Modifications. The following sections of the *International Plumbing Code*, 2018 edition, are hereby revised as follows:

- (1) The City of Ripley shall be inserted in the blanks referring to the name of the jurisdiction.
- (2) Add the following text to Section 106.5.3: "Any work which has not had an inspection within 180 days from issuance of the permit or has not had any subsequent required inspections within 180 days from previous inspections

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.

will be deemed that the work has been suspended or abandoned and the permit shall become invalid."

(3) In Section 106.6.3, exceptions #2 and #3 are deleted with no substitution.

(4) In Section 108.4, the blanks referring to violations shall be inserted with "misdemeanor" and "fifty dollars" (\$50.00) as appropriate; and all references to imprisonment shall be deleted.

(5) In Section 305.4 .1, "18 inches" shall be inserted into the blanks referring to minimum depths for underground sanitary water and sewer installations.

12-203. Permit fees. All fees are set forth in a "schedule of fees" as authorized and approved from time to time by ordinance of the board of mayor and aldermen.

12-204. Available in recorder's office. Pursuant to the requirements of § 6-54-502 *Tennessee Code Annotated*, one (1) copy of the *International Plumbing Code*, 2018 edition, has been placed on file in the office of the Ripley City Recorder and shall be kept there for the use and inspection of the public during normal business hours.

12-205. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the plumbing code as herein adopted by reference and modified.

CHAPTER 3

ELECTRICAL CODE¹

SECTION

12-301. Electrical code adopted.

12-302. Available in building inspector's office.

12-303. Permit required for doing electrical work.

12-304. Violations and penalty

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, the *National Electrical Code*,² 2018 edition, as prepared by the National Fire Protection Association, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the electrical code.

12-302. Available in building inspector'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 building inspector's office and shall be kept there for the use and inspection of the public.

12-303. Permit required for doing electrical work. No electrical work shall be done within the City of Ripley until a permit therefor has been issued by the city. 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.

12-304. Violations and penalty. 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.

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

FUEL GAS CODE¹

SECTION

12-401. International Fuel Gas Code adopted.

12-402. Modifications.

12-403. Use of existing piping and appliances.

12-404. Available in recorder's office.

12-405. Violations and penalty.

12-401. International Fuel Gas Code adopted. That a certain document, one (1) copy of which is on file in the office of the Ripley City Recorder, being marked and designated as the *International Fuel Gas Code*,² 2018 edition, as published by the International Code Council, be and is hereby adopted as the Fuel Gas Code of the City of Ripley, Tennessee, regulating and governing fuel gas systems and gas-fired appliances as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said fuel gas code on file in the office of the Ripley City Recorder are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, deletions, and changes, if any, prescribed in § 12-402 of this chapter.

12-402. Modifications. The following sections of the *International Fuel Gas Code*, 2018 edition, are hereby revised as follows:

(1) The City of Ripley shall be inserted in the blanks referring to the name of the jurisdiction.

(2) Add the following text to Section 106.5.3: "Any work which has not had an inspection within 180 days from issuance of the permit or has not had any subsequent required inspections within 180 days from previous inspections will be deemed that the work has been suspended or abandoned and the permit shall become invalid."

(3) The fee schedule specified in Section 106.6 and 106.6.2 shall be as periodically set by ordinance of the board of mayor and aldermen.

(4) In Section 106.6.3 paragraphs #2 and #3 are deleted.

¹Municipal code reference

Gas system administration: title 19, chapter 2.

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

(5) In Section 108.4, the word "misdemeanor" shall be inserted in the appropriate blanks, and a maximum fine of fifty dollars (\$50.00) shall be specified; all references to imprisonment are deleted.

(6) In Section 108.5, "\$50.00" shall be inserted into the blanks specifying the maximum fine for violation of the code.

12-403. 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.

12-404. Available in recorder's office. Pursuant to the requirements of § 6-54-501 *Tennessee Code Annotated*, one (1) copy of the *International Fuel Gas Code*, 2018 edition, has been placed on file in the office of the Ripley City Recorder and shall be kept there for the use and inspection of the public during normal business hours.

12-205. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the fuel gas code as herein adopted by reference and modified.

CHAPTER 5

RESIDENTIAL CODE

SECTION

12-501. International Residential Code adopted.

12-502. Modifications.

12-503. Permit fees.

12-504. Nonconforming premises not to be rented or leased or furnished with utilities.

12-505. Available in recorder's office.

12-506. Violations and penalty.

12-501. International Residential Code adopted. That a certain document, one (1) copy of which is on file in the office of the Ripley City Recorder, being marked and designated as the *International Residential Code*,¹ 2018 edition, including Appendices M and N, as published by the International Code Council, be and is hereby adopted as the Residential Code of the City of Ripley, Tennessee, regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal, and demolition of detached one- and two-family dwellings and multiple single family dwellings (townhouses) not more than three (3) stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said residential code on file in the office of the Ripley City Recorder are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, deletions, and changes, if any, prescribed in § 12-502 this chapter.

12-502. Modifications. The following sections of the *International Residential Code*, 2018 edition, are hereby revised as follows:

(1) The City of Ripley shall be inserted in the blanks referring to the name of the jurisdiction.

(2) Add the following text to Section R105.5: "Any work which has not had an inspection within 180 days from issuance of the permit or has not had any subsequent required inspections within 180 days from previous inspections will be deemed that the work has been suspended or abandoned and the permit shall become invalid."

(3) The following design criteria will be inserted in the blanks for design criteria of Table R301.2 (1).

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

- a. Ground Snow Load- 15
 - b. Wind Speed-115
 - c. No Topographic wind effects
 - d. No special wind region
 - e. No windborne debris zone
 - f. Seismic Design Category- D1
 - g. Weathering Index for Concrete- Moderate
 - h. Frost Line Depth- 12"
 - I. Termite Infestation probability- Heavy (Local amendment)
 - j. Winter design temperature- Zone 3 IECC
 - k. Ice Barrier Underlayment requirement-No
 - l. Flood Hazard- Per most recent FEMA Map
 - m. Air Freeze Index- Not applicable
 - n. Mean Annual Temp- Not applicable
- (4) Delete Section R313 with no substitutions.
- (5) Delete Table N1102.1.2 "Insulation and Fenestration Requirements by Component" and insert Table 402.1.1 2009 International Energy Code "Insulation and Fenestration Requirements by Component," which may be found at the end of this chapter.*
- (6) Delete Section N1102.4.1.2 "Testing" with no substitutions.
- (7) Add the following to Section N1103.3.3 with no substitutions.
3. Visual Inspection.

12-503. Permit fees. All building permit fees are set forth in a "schedule of fees"¹ as authorized and approved from time to time by ordinance of the board of mayor and aldermen.

12-504. Nonconforming premises not to be rented or leased or furnished with utilities. It is a misdemeanor for any owner or his agent to rent or lease to another any dwelling unit in the City of Ripley, Tennessee, until and unless such dwelling unit conforms to the building code and the building code enforcement officer issues a certificate to that effect.

It is also a misdemeanor for any person to lease, or rent from another, or occupy, any dwelling unit unless said dwelling conforms to the building code and the building code enforcement officer issues a certificate to that effect.

It is also a misdemeanor for any person, firm or corporation to furnish or connect or turn on any utilities such as gas, water, or electricity to the occupant of any dwelling which has been vacated just prior to the occupancy by such occupant unless said dwelling conforms to the building code and the building code enforcement officer has issued a certificate that said dwelling conforms to

¹The schedule of fees for building permits, and any amendments thereto, may be found in the recorder's office.

said code. The building code enforcement officer is hereby authorized and directed to inspect all vacated buildings and if same comply with the provisions of the building code they are to execute a certificate to that effect and to notify the various utility purveyors. If said dwelling does not conform to the building code then they shall notify the owner thereof, or his agent, of such deficiencies.

Any person, firm, or corporation violating the provisions of this section shall be guilty of a misdemeanor and fined under the general penalty clause for the Ripley Municipal Code. In addition, the building code enforcement officer is hereby authorized and directed to file suit for an injunction to require compliance with this chapter. (modified)

12-505. Available in recorder's office. Pursuant to the requirements of § 6-54-502 Tennessee Code Annotated, one (1) copy of the *International Residential Code*, 2018 edition, has been placed on file in the office of the Ripley City Recorder and shall be kept there for the use and inspection of the public during normal business hours.

12-506. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the residential code as herein adopted by reference and modified.

TABLE 402.1.1*

INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT

CHAPTER 4
RESIDENTIAL ENERGY EFFICIENCY

SECTION 401
GENERAL

401.1 Scope. This chapter applies to residential buildings.
401.2 Compliance. Projects shall comply with Sections 401, 402.4, 402.5, and 403.1, 403.2.2, 403.2.3, and 403.3 through 403.9 (referred to as the mandatory provisions) and either:

1. Sections 402.1 through 402.3, 403.2.1 and 404.1 (prescriptive); or
2. Section 405 (performance).

401.3 Certificate. A permanent certificate shall be posted on or in the electrical distribution panel. The certificate shall not cover or obstruct the visibility of the circuit directory label, service disconnect label or other required labels. The certificate shall be completed by the builder or registered design professional. The certificate shall list the predominant R-values of insulation installed in or on ceiling/roof, walls, foundation (slab, basement wall, crawlspace wall and/or floor) and ducts outside conditioned spaces; U-factors for fenestration and the solar heat gain coefficient (SHGC) of fenestration. Where there is more than one value for each component, the certificate shall list the value covering the largest area. The certificate shall list the types and efficiencies of heating, cooling and service water heating equipment.

Where a gas-fired unvented room heater, electric furnace, or baseboard electric heater is installed in the residence, the certificate shall list "gas-fired unvented room heater," "electric furnace" or "baseboard electric heater," as appropriate. An efficiency shall not be listed for gas-fired unvented room heaters, electric furnaces or electric baseboard heaters.

SECTION 402
BUILDING THERMAL ENVELOPE

402.1 General (Prescriptive).

402.1.1 Insulation and fenestration criteria. The building thermal envelope shall meet the requirements of Table 402.1.1 based on the climate zone specified in Chapter 3.

402.1.2 R-value computation. Insulation material used in layers, such as framing cavity insulation and insulating sheathing, shall be summed to compute the component R-value. The manufacturer's settled R-value shall be used for blown insulation. Computed R-values shall not include an R-value for other building materials or air films.

TABLE 402.1.1
INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT*

CLIMATE ZONE	FENESTRATION U-FACTOR ^a	SKYLIGHT ^b U-FACTOR	GLAZED FENESTRATION SHGC ^{c, d}	CEILING R-VALUE	WOOD FRAME WALL R-VALUE	MASS WALL R-VALUE ^e	FLOOR R-VALUE	BASEMENT ^f WALL R-VALUE	SLAB ^g R-VALUE & DEPTH	CRAWL SPACE ^h WALL R-VALUE
1	1.2	0.75	0.30	30	13	3/4	13	0	0	0
2	0.65 ⁱ	0.75	0.30	30	13	4/6	13	0	0	0
3	0.50 ^j	0.65	0.30	30	13	5/8	19	5/13 ^k	0	5/13
4 except Marine	0.35	0.60	NR	38	13	5/10	19	10/13	10, 2 ft	10/13
5 and Marine 4	0.35	0.60	NR	38	20 or 13+5 ^l	13/17	30 ^m	10/13	10, 2 ft	10/13
6	0.35	0.60	NR	49	20 or 13+5 ^l	15/19	30 ^m	15/19	10, 4 ft	10/13
7 and 8	0.35	0.60	NR	49	21	19/21	38 ⁿ	15/19	10, 4 ft	10/13

- For SI: 1 foot = 304.8 mm.
- a. R-values are minimums. U-factors and SHGC are maximums. R-19 bats compressed into a nominal 2 x 6 framing cavity such that the R-value is reduced by R-1 or more shall be marked with the compressed bat R-value in addition to the full thickness R-value.
 - b. The fenestration U-factor column excludes skylights. The SHGC column applies in all glazed fenestration.
 - c. "15/19" means R-15 continuous insulated sheathing on the interior or exterior of the home or R-19 cavity insulation at the interior of the basement wall. "15/13" shall be permitted to be met with R-13 cavity insulation on the interior of the basement wall plus R-5 continuous insulated sheathing on the interior or exterior of the home. "10/13" means R-10 continuous insulated sheathing on the interior or exterior of the home or R-13 cavity insulation at the interior of the basement wall.
 - d. R-5 shall be added to the required slab edge R-values for heated slabs. Insulation depth shall be the depth of the footing or 2 feet, whichever is less in Zones 1 through 3 for heated slabs.
 - e. There are no SHGC requirements in the Marine Zone.
 - f. Basement wall insulation is not required in warm-humid locations as defined by Figure 301.1 and Table 301.1.
 - g. Or insulation sufficient to fill the framing cavity, R-19 minimum.
 - h. "13+5" means R-13 cavity insulation plus R-5 insulated sheathing. If structural sheathing covers 25 percent or less of the exterior, insulating sheathing is not required where structural sheathing is used. If structural sheathing covers more than 25 percent of exterior, structural sheathing shall be supplemented with insulated sheathing of at least R-2.
 - i. The second R-value applies when more than half the insulation is on the interior of the mass wall.
 - j. For impact rated fenestration complying with Section R301.2.1.2 of the *International Residential Code* or Section 1608.1.2 of the *International Building Code*, the maximum U-factor shall be 0.75 in Zone 2 and 0.65 in Zone 3.

CHAPTER 6

ENERGY CONSERVATION CODE¹

SECTION

- 12-601. International Energy Conservation Code adopted.
- 12-602. Modifications.
- 12-603. Available in recorder's office.
- 12-604. Violations and penalty.

12-601. International Energy Conservation Code adopted. That a certain document, one (1) of which is on file in the office of the City Recorder of City of Ripley, being marked and designated as the *International Energy Conservation Code*,² 2018 edition, and is hereby adopted as the Energy Conservation Code of the City of Ripley, in the State of Tennessee for regulating and governing energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said energy conservation code on file in the office of the City of Ripley are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in § 12-602 of this chapter.

12-602. Modifications. The following sections of the *International Energy Conservation Code*, 2018 edition, are hereby revised as follows:

- (1) The City of Ripley shall be inserted in the blanks referring to the name of the jurisdiction.
- (2) Add the following text to Section 403.2.2.
- (3) Visual inspection.

12-603. Available in recorder's office. Pursuant to the requirements of § 6-54-502 *Tennessee Code Annotated*, one (1) copy of the *International Energy Conservation Code*, 2018 edition, has been placed on file in the office of the

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.

Ripley City Recorder and shall be kept there for the use and inspection of the public during normal business hours.

12-604. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the energy conservation code as herein adopted by reference and modified.

CHAPTER 7

MECHANICAL CODE

SECTION

- 12-701. International Mechanical Code adopted.
- 12-702. Modifications.
- 12-703. Available in recorder's office.
- 12-704. Violations and penalty.

12-701. International Mechanical Code adopted. That a certain document, one (1) copy of which is on file in the office of the Ripley City Recorder, being marked and designated as the *International Mechanical Code*,¹ 2018 edition, including Appendix A, as published by the International Code Council, be and is hereby adopted as the Mechanical Code of the City of Ripley, Tennessee, regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said mechanical code on file in the office of the Ripley City Recorder are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, deletions, and changes, if any, prescribed in § 12-702 of this chapter.

12-702. Modifications. The following sections of the *International Mechanical Code*, 2018 edition, are hereby revised as follows:

- (1) The City of Ripley shall be inserted in the blanks referring to the name of the jurisdiction.
- (2) Add the following text to Section 106.4.3: "Any work which has not had an inspection within 180 days from issuance of the permit or has not had any subsequent required inspections within 180 days from previous inspections will be deemed that the work has been suspended or abandoned and the permit shall become invalid."
- (3) The fee schedule specified in Sections 106.6 and 106.5.2 shall be as periodically set by the Ripley Board of Mayor and Aldermen.
- (4) Delete Section 106.5.3 with no substitution
- (5) In Section 108.5, "\$50.00" shall be inserted into the blanks specifying the maximum fine for violation of the code.

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

12-703. Available in recorder's office. Pursuant to the requirements of § 6-54-502 *Tennessee Code Annotated*, one (1) copy of the *International Mechanical Code*, 2018 edition, has been placed on file in the office of the Ripley City Recorder and shall be kept there for the use and inspection of the public during normal business hours.

12-704. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the mechanical code as herein adopted by reference and modified.

CHAPTER 8

PROPERTY MAINTENANCE CODE

SECTION

- 12-801. International Property Maintenance Code adopted.
- 12-802. Modifications.
- 12-803. Violations and penalty.

12-801. International Property Maintenance Code adopted. The *International Property Maintenance Code*, 2018 edition, as published by the International Code Council, is hereby adopted as the Property Maintenance Code of the City of Ripley, Tennessee, and made a part hereof as if fully set out herein verbatim, for regulating premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance, and to regulate the responsibilities of owners, operators and occupants, the occupancy of existing structures and premises, and for administration, enforcement and penalties.

12-802. Modifications. The official code of the City of Ripley be and is hereby amended by inserting the wording eight (8) inches to the allowable height in inches, section of 302.4 Weeds of the *International Property Maintenance Code*, 2018.

12-803. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the property maintenance code as herein adopted.

CHAPTER 9

SWIMMING POOL AND SPA CODE

SECTION

- 12-901. International Swimming Pool and Spa Code adopted.
- 12-902. Modifications.
- 12-903. Available in recorder's office.
- 12-904. Violations and penalty.

12-901. International Swimming Pool and Spa Code adopted.

Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 6-54-516, and for the purpose of regulating the minimum requirements for the design, construction, alteration, repair and maintenance of swimming pools, spas, hot tubs and aquatic facilities, the *International Swimming Pool and Spa Code*,¹ 2018 edition, or any subsequent edition, as prepared by the International Code Council, is hereby adopted and incorporated by reference as part of this code except as otherwise specifically stated in the chapter and is hereinafter referred to as the swimming pool code.

12-902. Modifications. Whenever the swimming pool and spa code refers to the "chief appointing authority," the "chief administrator" or the "codes enforcement officer" it shall mean the designated official in the City of Ripley who has duties corresponding to those of the named official.

12-903. 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.

12-904. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the swimming pool and spa 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.

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

CHAPTER 10

ADMINISTRATIVE HEARING OFFICER

SECTION

- 12-1001. Administrative hearing officer.
- 12-1002. Communication by administrative hearing officer and parties.
- 12-1003. Appearance by parties and/or counsel.
- 12-1004. Pre-hearing conference and orders.
- 12-1005. Appointment of administrative hearing officer/administrative law judge.
- 12-1006. Training and continuing education.
- 12-1007. Jurisdiction not exclusive.
- 12-1008. Citations for violations--written notice.
- 12-1009. Review of citation--levy of fines.
- 12-1010. Party in default.
- 12-1011. Petitions for intervention.
- 12-1012. Regulating course of proceedings--hearing open to public.
- 12-1013. Evidence and affidavits; notice.
- 12-1014. Final orders.
- 12-1015. Final order effective date.
- 12-1016. Collection of fines, judgments and debts.
- 12-1017. Judicial review of final order.
- 12-1018. Appeal to court of appeals.

12-1001. 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 Ripley Municipal Code relating to building and property maintenance including:

- (a) Locally adopted building codes;
- (b) Locally adopted residential codes;
- (c) Locally adopted plumbing codes;
- (d) Locally adopted electrical codes;
- (e) Locally adopted gas codes;
- (f) Locally adopted mechanical codes;
- (g) Locally adopted energy codes;
- (h) Locally adopted property maintenance codes;
- (I) Locally adopted zoning codes; and
- (j) All ordinances regulating any subject matter commonly found in the above-described codes.

The administrative hearing officer is not authorized to hear violation of 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 at the discretion of the city recorder and shall be an alternative to the enforcement in the City of Ripley Municipal Court.

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

(3) The amount of compensation for the administrative hearing officer shall be approved by the Board of Mayor and Aldermen of the City of Ripley, Tennessee.

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

(5) The administrative hearing officer shall perform all of the duties and abide by all of the requirements provided in *Tennessee Code Annotated*, title 6, chapter 54, section 1001, *et seq.* (Ord. #548, May 2022)

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 proceeding, 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 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 an 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. (Ord. #548, May 2022)

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. (Ord. #548, May 2022)

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 prehearing order, based on the pleadings, to regulate the conduct of the proceedings. (Ord. #548, May 2022)

12-1005. Appointment of administrative hearing officer/administrative law judge. (1) The administrative hearing officer shall be appointed by the board of mayor and aldermen and shall serve at the pleasure of the board of mayor and aldermen. Such administrative hearing officer may be hired on a part-time or full-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;
 - (f) Licensed engineer; or

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 subsections 6-54-1007(a) and (b). (Ord. #548, May 2022)

12-1006. Training and continuing education. The administrative hearing officer shall comply with the training and education requirements as set forth in *Tennessee Code Annotated*, § 6-54-1007, and as may be amended. (Ord. #548, May 2022)

12-1007. Jurisdiction not exclusive. The power and authority vested in the office of administrative hearing is not exclusive and does not terminate or diminish any other existing municipal power or authority. The board of mayor and aldermen may direct a municipal officer or employee to develop criteria for determining when to exercise administrative enforcement. (Ord. #548, May 2022)

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. (Ord. #548, May 2022)

12-1009. Review of citation–levy of fines. (1) Upon receipt of a citation issued pursuant to §§ 12-1007 and 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. (Ord. #548, May 2022)

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. (Ord. #548, May 2022)

12-1011. Petitions 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. (Ord. #548, May 2022)

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 *Tennessee Code Annotated*, title 8, chapter 44, 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 times, to hear the tape recording and to inspect any transcript produced, if any. (Ord. #548, May 2022)

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 (2) 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). (Ord. #548, May 2022)

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. (Ord. #548, May 2022)

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. (Ord. #548, May 2022)

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. (Ord. #548, May 2022)

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 shortened. 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. (Ord. #548, May 2022)

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. (Ord. #548, May 2022)