

TITLE 12

BUILDING, UTILITY, ETC. CODES

CHAPTER

1. CODES ADOPTED BY REFERENCE.
2. DELETED.
3. BUILDING PERMITS.
4. IMPACT FEES.

CHAPTER 1

CODES ADOPTED BY REFERENCE¹

SECTION

- 12-101. Codes adopted.
 12-102. Definitions.
 12-103. Available in recorder's office.
 12-104. Penalties.

12-101. Codes adopted. (1) Adoption of 2015 International Building Code. That the 2015 International Building Code and its appendices is hereby adopted by reference with one (1) amendment to section 105.5, and that all conflicting codes and ordinances are hereby repealed. A complete copy of the 2015 International Building Code is available for inspection and review at town hall.

Amendment to section 105.5. Insert: In order to obtain approval of an extension, the applicant shall diligently pursue completion of the project within one hundred eighty (180) days as determined by the building official. Additional fees will apply. Upon approval of the extension, work shall be conducted continuously and will be subject to review by the building official.

(2) Adoption of the 2015 International Residential Code. That the 2015 International Residential Code and its appendices is hereby adopted by reference and that all conflicting codes and ordinances are hereby repealed, with one (1) exception; the town opts out of section P, the requirement to install a sprinkler system in single-family residential units. A complete copy of the 2015

¹Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Wastewater: title 18.

International Residential Code is available for inspection and review at town hall.

(3) Adoption of the 2015 International Plumbing Code. That the 2015 International Plumbing Code and its appendices is hereby adopted by reference and that all conflicting codes and ordinances are hereby repealed. A complete copy of the 2015 International Plumbing Code is available for inspection and review at town hall.

(4) Adoption of the 2015 International Mechanical Code. That the 2015 International Mechanical Code and its appendices is hereby adopted by reference and that all conflicting codes and ordinances are hereby repealed. A complete copy of the 2015 International Mechanical Code is available for inspection and review at town hall.

(5) Adoption of the 2015 International Fuel Gas Code. That the 2015 International Fuel Gas Code and its appendices is hereby adopted by reference and that all conflicting codes and ordinances are hereby repealed. A complete copy of the 2015 International Fuel Gas Code is available for inspection and review at town hall.

(6) Adoption of the 2015 International Energy Conservation Code. That the 2015 International Energy Conservation Code and its appendices is hereby adopted by reference and that all conflicting codes and ordinances are hereby repealed. A complete copy of the 2015 International Energy Conservation Code is available for inspection and review at town hall.

(7) Adoption of the 2015 International Swimming Pool and Spa Code. That the 2015 International Swimming Pool and Spa Code and its appendices is hereby adopted by reference and that all conflicting codes and ordinances are hereby repealed. A complete copy of the 2015 International Swimming Pool and Spa Code is available for inspection and review at town hall.

(8) Adoption of the 2015 International Existing Building Code. That the 2015 International Existing Building Code and its appendices is hereby adopted by reference and that all conflicting codes and ordinances are hereby repealed. A complete copy of the 2015 International Existing Building Code is available for inspection and review at town hall.

(9) Adoption of the 2015 International Property Maintenance Code. That the 2015 International Property Maintenance Code and its appendices is hereby adopted by reference and that all conflicting codes and ordinances are hereby repealed. A complete copy of the 2015 International Property Maintenance Code is available for inspection and review at town hall.

The following sections are hereby revised.

Section 101.1. Insert: Town of Thompson's Station

Section 103.5. Insert: Schedule of fees.

Section 111.2. Delete and substitute the following: The board of appeals shall consist of three (3) members of the town's planning commission appointed by mayor.

Section 111.2.1 Delete and substitute the following: The mayor shall appoint two (2) members of the planning commission to serve as an alternate member who shall be called by the board chairman to hear appeals during the absence or disqualification of a member.

Section 112.4, Insert: Fifty dollars (\$50.00) and one thousand dollars (\$1,000.00).

Section 302.2. Delete.

Section 302.4. Delete.

Section 302.5. Delete.

Section 302.8. Delete.

Section 302.9. Delete.

Section 303. Delete.

Section 304.3. Delete.

Section 304.12. Delete.

Section 304.13. Delete.

Section 304.13.2. Delete.

Section 304.14. Delete.

Section 304.15. Delete.

Section 702.3. Insert: International Building Code.

Section 305. Delete.

Section 307. Delete.

Chapter 4. Delete.

Chapter 5. Delete.

Chapter 6. Delete.

Chapter 7. Delete. (Ord. #04-008, Nov. 2004, modified, as replaced by Ord. #374-008, Dec. 2014 **Ch2_8-2-21** and Ord. #2017-016, Jan. 2018 **Ch2_8-2-21** and amended by Ord. #2019-010, Jan. 2020 **Ch2_8-2-21**)

12-102. Definitions. Whenever the building code refers to the "Building Official" or "Director of Public Works," it shall, for the purposes of the building code, mean the building official or building inspector of the Town of Thompson's Station, appointed or designated to administer and enforce the provisions of the building code, or his designee. (Ord. #04-008, modified)

12-103. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the building code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (Ord. #04-008, Nov. 2004, modified)

12-104. Penalties. Any person who shall violate a provision of the building and property maintenance code of the city, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Such fines shall be fifty dollars (\$50.00) per day of violation, and shall hereafter be cited as the Town of Thompson Station's

general penalty clause. Each day of violation after due notice shall be deemed as a separate offense. (as replaced by Ord. #2019-010, Jan 2020)

CHAPTER 2

DELETED

(This chapter was deleted by Ord. #14-008, Dec. 2014 *Ch2_8-2-21*)

CHAPTER 3

BUILDING PERMITS

SECTION

12-301. Fee schedule.

12-302. Building official to issue permits.

12-303. Failure to obtain permit.

12-304. Calculation of permit fees; reinspection fees.

12-301. Fee schedule. All permit fees and collection of fees shall be established by resolution or ordinance adopted by the mayor and board of aldermen and shall be payable to the Town of Thompson's Station, Tennessee. The fee schedule shall be available for viewing in the office of the recorder. (Ord. #04-008, Nov. 2004, modified)

12-302. Building official to issue permits. The building official, upon payment of sums according to the town's fee schedule, will issue a permit for all new structures erected, either built on site or off site, or to be constructed or placed, as well as structures or buildings to be altered, repaired, remodeled, used and occupied or any appurtenance connected or attached to any building or structure, or construction requiring improvements for which an inspection is required, or for construction or placement of accessory structures, demolition of structures, connection of driveways to a structure connecting to a public street, installation of swimming pools, retaining walls, certain fences, temporary use structures, moving of structures, site preparation requiring grading, excavation or blasting. (Ord. #04-008, Nov. 2004, modified)

12-303. Failure to obtain permit. In the event that work has commenced for which a permit is required, prior to obtaining a requisite permit, all fees shall double, but payment of double fees shall not relieve any persons from fully complying with the requirements of all building codes in the execution if the work or prevent the levy of a civil penalty.

The building official is authorized to issue any necessary stop work orders for failure to secure a permit and for failure to comply with any and all building codes. (Ord. #04-008, Nov. 2004, modified)

12-304. Calculation of permit fees; reinspection fees. For purposes of definition, "built space," as to be calculated on a per square foot basis for issuance of a permit, shall mean all space under roof, enclosed or not, basement and garage areas, but shall not include attic area not intended for use as a living area or capable of being converted to a future use living area by plan or design submitted by an applicant for permit issuance.

Reinspection fees are authorized for failure of an applicant to perform work in accordance with the building code for any scheduled inspection required and said reinspection fee must be paid prior to requesting reinspection. (Ord. #04-008, Nov. 2004, modified)

CHAPTER 4

IMPACT FEES

SECTION

- 12-401. Title, authority, applicability.
- 12-402. Definitions.
- 12-403. Intent and purposes.
- 12-404. Basis for fees.
- 12-405. Use of fees.
- 12-406. Fee calculations.
- 12-407. Payment of fee; appeals.
- 12-408. Credits.

12-401. Title, authority, applicability. (1) This chapter shall be known and may be cited as the "impact fee ordinance."

(2) Authority to implement this chapter is granted under the general law mayor-aldermanic charter, and such other additional powers granted to municipalities by the state legislature. The enumeration of particular powers in this chapter is not exclusive of others, not restrictive of general words or phrases granting powers and all powers shall be construed so as to permit the town to exercise freely any one (1) or more such powers.

(3) Except as provided herein, this chapter shall be applicable to all new buildings constructed or additions to existing buildings constructed after the effective date of this chapter.

(4) This chapter is intended to impose an impact fee at the time of building permit or certificate of occupancy issuance, in an amount based upon the demand generated by new development. The town will meet, to the extent finances permit through the use of general revenues, all capital improvement needs associated with existing development. This chapter shall be uniformly applicable to development that occurs within the town limits and the urban growth boundary. (as added by Ord. #13-016, Sept. 2013, and replaced with Ord. #2020-003, Feb. 2020 *Ch2_8-2-21*)

12-402. Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) "Board" or "BOMA." The duly constituted governing body of the town, or the board of mayor and aldermen.

(2) "Building permit." The permit required for new construction and additions pursuant to the International Building Code heretofore adopted. The term "building permit," as used herein, shall not be deemed to include permits required for remodeling, rehabilitation or other improvements to an existing

structure or rebuilding a damaged or destroyed structure; provided, there is no increase in gross floor area or number of dwelling units resulting therefrom.

(3) "Building." Any permanent structure having a roof and used or built for the enclosure or shelter of persons, animals, vehicles, goods, merchandise, equipment, materials or property of any kind.

(4) "Capital improvements."

(a) Public facilities that are treated as capitalized expenses according to generally accepted accounting principles and does not include costs associated with the operation, administration, maintenance or replacement of capital improvements.

(b) Any and/or all of the following, and including acquisition of land, construction, improvements, equipping and installing of same and which facilities are identified in the capital improvements plan to be financed by the imposition of an impact fee:

(i) Parks and recreational facilities;

(ii) Road systems; and/or

(iii) Other facilities the costs of which may be substantially attributed to new development.

(5) "Development." Any human-made change to improved or unimproved real property, the use of any principal structure or land or any other activity that requires issuance of a building permit.

(6) "Gross floor area." The total square feet of enclosed space on the floor or floors comprising the structure. The total of the gross horizontal area of all floors that will be heated or cooled, including usable basements, cellars and attics, below the roof and within the outer surface of the main walls of principal or accessory buildings or the centerlines of a party wall separating such buildings or portions thereof, or within lines drawn parallel to and two feet (2') within the roof line of any building or portions thereof without walls, but excluding enclosed parking areas, farm buildings, and arcades, porticoes and similar open areas that are accessible to the general public and are not designed or used as sales, display, storage, service or production areas.

(7) "Impact fee." Any construction privilege tax charge, fee or assessment levied as a condition of issuance of a building permit or development approval for the purpose of funding any portion of the costs of capital improvements or any public facilities attributable to accommodating the additional demands created by new development.

(8) "Site." The land on which development takes place.

(9) "Town." The Town of Thompson's Station, a duly constituted political subdivision of the State of Tennessee. (as added by Ord. #13-016, Sept. 2013, and replaced with Ord. #2020-003, Feb. 2020 *Ch2_8-2-21*)

12-403. Intent and purposes. (1) The board of mayor and aldermen has determined that the rapid growth rate which the town has experienced and is expected to experience in the foreseeable future necessitates capital

improvements and makes it necessary to regulate land development and building activity that generates increased traffic and other impacts within the town. It is the intent of the town that the capacity of the road network in the community should handle the traffic demands generated by new development, thus maintaining a satisfactory quality of life in Thompson's Station. Additionally, the demands on the public parks and recreational facilities caused by new development must be addressed to maintain a satisfactory quality of life in Thompson's Station.

(2) In order to finance the necessary capital improvements required to meet the traffic demands, park demands, and recreational facility demands, as well as other capital improvement projects, created by growth in population and business activity, a variety of financial sources shall be used to fund the planning, engineering, and construction of future capital improvement projects.

(3) It shall be the purpose of this chapter to establish a regulatory system and method by which the town calculates, collects, and obligates a regulatory fee hereinafter referred to as the impact fee. Except as otherwise provided for in this chapter, this fee shall be assessed on each new building or addition to an existing structure constructed within the town. The fee shall provide a portion of the revenues required to complete infrastructure and public works projects necessary to service this new development.

(4) The public health, safety, and general welfare is protected when adequate financial resources are available to fund the public works projects needed to handle traffic demand generated from land development activities and the construction of new buildings in the town.

(5) The intent of this chapter is to allow for continued land development and new building construction in accordance with orderly fulfillment of appropriate capital improvement projects.

(6) The impact fee shall be assessed to each new land development and building based on a reasonably estimated proportionate share of the anticipated cost of future public works projects attributable to new development. (as added by Ord. #13-016, Sept. 2013, and replaced with Ord. #2020-003, Feb. 2020 *Ch2_8-2-21*)

12-404. Basis for fees. The impact fee schedule shall be based upon use of available land use planning data related to the town, other transportation studies in the vicinity and other available transportation related studies and traffic general analysis and basic assumptions as updated by the Institute of Transportation Engineers (ITE), as well as any other information relevant to traffic, roadways, public parks, and recreational facilities, including census data and other reliable metrics. (as added by Ord. #13-016, Sept. 2013, and replaced with Ord. #2020-003, Feb. 2020 *Ch2_8-2-21*)

12-405. Use of fees. The impact fees generated by this chapter shall be used to pay for the public infrastructure required by new development, to

include roadways, public parks, and recreational facilities. Upon the recommendation of the town administrator, the board shall approve all impact fee fund expenditures as related to the costs of capital improvements. The impact fees shall be segregated into trust funds for each type of impact fee. Road impact fee funds shall be used only for capacity-expanding improvements to arterial and collector roads. Park impact fee funds shall be used only for new or expanded parks and recreational facilities. (as added by Ord. #13-016, Sept. 2013, and replaced with Ord. #2020-003, Feb. 2020 *Ch2_8-2-21*)

12-406. Fee calculations. (1) A schedule of impact fees, based on the method of calculation promulgated by this chapter, shall be adopted herewith.

(2) For each land use, a demand factor shall be determined for use in calculating the appropriate impact fee. Such demand factors shall be based on the average travel demand generated by new development, with regard to roads, and based on the applicable service unit or equivalent dwelling unit used at the time by the town, with regard to public parks and recreation facilities.

(3) The impact fee schedule shall be based upon a written analysis that demonstrates that the adopted fees do not exceed the proportionate share of the costs required to accommodate the increased demands on public facilities likely to be generated by new development.

(4) The following fees are the maximum amounts calculated in the Road and Park Impact Fee Study prepared by Duncan Associates in 2019. These fees are hereby adopted at one hundred percent (100%) of the maximum amounts.

Impact Fee per Development Unit

<u>Land Use</u>	<u>Unit</u>	<u>Roads</u>	<u>Parks</u>	<u>Total</u>
Single-Family Detached	Dwelling	\$3,593.00	\$488.00	\$4,081.00
Multi-Family	Dwelling	\$2,786.00	\$327.00	\$3,113.00
Mobile Home Park	Pad	\$1,093.00	\$488.00	\$2,109.00
Senior Adult Housing, Detached	Dwelling	\$1,621.00	\$488.00	\$2,109.00
Senior Adult Housing, Attached	Dwelling	\$1,408.00	\$327.00	\$1,735.00
Golf Course	Acre	\$1,028.00	\$0.00	\$1,028.00

<u>Land Use</u>	<u>Unit</u>	<u>Roads</u>	<u>Parks</u>	<u>Total</u>
Hotel/Motel	Room	\$2,230.00	\$0.00	\$2,230.00
Retail/ Commercial/ Shopping Center	1,000 square feet	\$5,601.00	\$0.00	\$5,601.00
Restaurant, Standard	1,000 square feet	\$10,744.00	\$0.00	\$10,744.00
Restaurant, Drive- Through	1,000 square feet	\$23,904.00	\$0.00	\$23,904.00
Gas Station with Convenience Market	Pump	\$9,274.00	\$0.00	\$9,274.00
Office/ Institutional	1,000 square feet	\$4,238.00	\$0.00	\$4,238.00
Elementary/ Secondary School	1,000 square feet	\$1,312.00	\$0.00	\$1,312.00
Community College	1,000 square feet	\$2,963.00	\$0.00	\$2,963.00
Day Care Center	1,000 square feet	\$3,487.00	\$0.00	\$3,487.00
Hospital	1,000 square feet	\$3,275.00	\$0.00	\$3,275.00
Nursing Home	1,000 square feet	\$1,997.00	\$0.00	\$1,997.00
Place of Worship	1,000 square feet	\$2,119.00	\$0.00	\$2,119.00
Industrial	1,000 square feet	\$1,590.00	\$0.00	\$1,590.00
Warehouse	1,000 square feet	\$823.00	\$0.00	\$823.00

<u>Land Use</u>	<u>Unit</u>	<u>Roads</u>	<u>Parks</u>	<u>Total</u>
Mini-Warehouse	1,000 square feet	\$711.00	\$0.00	\$711.00

Note: square feet based on gross floor area; definitions of land uses are provided in the impact fee study, which is attached hereto and incorporated herein as Exhibit "A."

(5) The fee schedule shown above in subsection (4) above shall be adjusted on January 1 of each year by the percentage change in the Engineering News-Record Construction Cost Index for the most recent available twelve (12) month period; provided that updated fees have not been adopted based upon a new impact fee study within the preceding eight (8) months. If the aforementioned index becomes unavailable, an alternative and reasonably comparable cost index shall be used as determined by the BOMA by resolution. The town recorder shall ensure that:

(a) A notice of the adjusted impact fee schedule is posted on the town's website at least two (2) weeks prior to the January 1 effective date of the adjusted fees; and

(b) The current fees are at all times available to the public on the town's website and by request.

(6) Within sixty (60) days of January 1 in odd-numbered years, beginning in 2023, the BOMA shall review the then effective impact fee schedule under this chapter and determine if said schedule should be adjusted in the best interests of the town.

(7) In the event of redevelopment or change of use, each type of fee shall be assessed based on the net impact of the proposed development compared to the previously-existing development. This will be determined as the total potential road or park fee for the proposed development less the total fee under the current fee schedule for the previous development. No road fee will be due and no refund will be provided if the net impact on roads is negative. Similarly, no park fee will be due and no refund will be provided if the net impact on parks is negative. (as added by Ord. #13-016, Sept. 2013, and replaced with Ord. #2020-003, Feb. 2020 **Ch2_8-2-21**)

12-407. Payment of fee; appeals. (1) Payment of the impact fee shall be made at the time that a building permit is issued by the town. No building permit shall be issued for a development unless the impact fee is imposed and calculated pursuant to this chapter.

(2) Appeals. (a) A person may challenge the calculation or application of a fee imposed pursuant to this chapter by filing with the town administrator a written notice of appeal with a full statement of the grounds and an appeal fee of two hundred fifty dollars (\$250.00) or such other amount as may be fixed from time to time by resolution of the

board. Notwithstanding the appeal, the building permit for the land use may be issued if the notice of appeal is accompanied by a bond, cashier's check or other security acceptable to the town administrator in an amount equal to the fee. Appeals filed pursuant to this section must be submitted prior to issuance of the building permit or within ten (10) days thereafter.

(b) The appellant bears the burden of demonstrating that the amount of the fee was not calculated or applied according to the procedures established in this chapter.

(c) The board of zoning appeals shall hear the appeal at a regularly scheduled meeting or special called meeting which falls within thirty (30) days following receipt of the notice of appeal by the town administrator. The determination of the board of zoning appeals shall be announced at the conclusion of the hearing or at the next regular meeting of the board of zoning appeals. The determination of the board of zoning appeals shall be final. (as added by Ord. #13-016, Sept. 2013, and replaced with Ord. #2020-003, Feb. 2020 *Ch2_8-2-21*)

12-408. Credits. (1) A property owner may elect, with written permission of the board, to construct an eligible capital improvement listed in the capital improvements plan. If the property owner elects to make such improvement, the property owner must enter into an agreement with the town prior to issuance of any building permit. The agreement must establish the estimated cost of the improvement, the schedule for initiation and completion of the improvement, a requirement that the improvement be completed to town standards, and such other terms and conditions as deemed necessary by the town. The town must review the improvement plan, verify costs and time schedules, determine if the improvement is an eligible improvement, and determine the amount of the applicable credit for such improvement to be applied to the otherwise applicable impact fee prior to issuance of any building permit. In no event may the town provide a refund for a credit that is greater than the applicable impact fee. If, however, the amount of the credit is calculated to be greater than the amount of the impact fee due, the property owner may utilize such excess credit toward the impact fees imposed on other building permits for development on the same site and in the same ownership. Credits shall only be applied against the type of impact fee (e.g., roads, parks) that is the same as the type of the improvement.

(2) No credits shall be given for the construction of local on-site facilities required by zoning, subdivision or other town regulations. (as added by Ord. #2020-003, Feb. 2020 *Ch2_8-2-21*)