

TITLE 12

BUILDING, UTILITY, ETC. CODES

CHAPTER

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6. EXCAVATION, GRADING, AND CLEARING CODE.
7. MECHANICAL CODE.
8. PROPERTY MAINTENANCE CODE.
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CHAPTER 1

BUILDING CODE¹

SECTION

- 12-101. Building code adopted.
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12-101. Building code adopted. Pursuant to authority granted by Tennessee Code Annotated, § 6-54-501 et seq., and for the purpose of regulating the construction, alteration, repair, use and occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the International Building Code,² 2012 edition, with revisions and the appendices listed below, as prepared and adopted by the International Code Council, is hereby adopted and

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) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213. The latest edition should be requested.

incorporated by reference and made a part of this code, and is hereinafter referred to as the building code.

In addition to the 2012 code, with revisions, the city hereby adopts the following appendices to that code:

Appendix B "Board of Appeals," omitting sections B101.2, B101.2.1 and B101.2.2.

Appendix F "Rodent Proofing"

Appendix G "Flood-Resistant Construction." (1976 Code, § 4-101, as replaced by Ord. #2225, Nov. 2000, Ord. #2304, Nov. 2003, Ord. #2380, Dec. 2007, and Ord. #2444, Nov. 2012)

12-102. Exceptions. (1) Chapter 27 (Electrical) of the building code is omitted.

(2) References to the following codes are omitted:

International Electrical Code

International Private Sewage Disposal Code

International Wildland-Urban Interface Code. (1976 Code, § 4-102, as replaced by Ord. #2225, Nov. 2000, Ord. #2304, Nov. 2003, Ord. #2380, Dec. 2007, and Ord. #2444, Nov. 2012)

12-103. Modifications. When the "building official" or "director of public works" is named it shall, for the purposes of the building code, mean such person as the city manager shall have appointed or designated to administer and enforce the provisions of the building code. (1976 Code, § 4-103, as replaced by Ord. #2225, Nov. 2000, Ord. #2304, Nov. 2003, Ord. #2380, Dec. 2007, and Ord. #2444, Nov. 2012)

12-104. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the building code with the above modifications has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1976 Code, § 4-104, as replaced by Ord. #2225, Nov. 2000, Ord. #2304, Nov. 2003, Ord. #2380, Dec. 2007, and Ord. #2444, Nov. 2012)

12-105. Exception for wood veneers. Section 1405.5 of the International Building Code shall have an exception thereto, said exception to read as follows: "Wood veneer may exceed two (2) stories in height provided a thirty-six inch (36") minimum noncombustible flame barrier is provided in all directions at every floor level, thereby preventing the vertical spreading of fire." (1976 Code, § 4-105, as replaced by Ord. #2225, Nov. 2000, Ord. #2304, Nov. 2003, Ord. #2380, Dec. 2007, and Ord. #2444, Nov. 2012)

12-106. Variance procedure for handicapped code. The City of Gatlinburg hereby designates the Gatlinburg Board of Appeals to act as the

responsible authority in place of the local building official to review and decide requests for variances from the standards established by the "Tennessee Public Buildings Accessibility Act" as codified at Tennessee Code Annotated, § 68-120-201, et. seq. Said board is hereby authorized to grant such variances as are authorized and upon the terms and conditions as provided in Tennessee Code Annotated, § 68-120-205. (1976 Code, § 4-106, as replaced by Ord. #2225, Nov. 2000, Ord. #2304, Nov. 2003, Ord. #2380, Dec. 2007, and Ord. #2444, Nov. 2012)

12-107. Permit Fees. (1) Permit fees for all structures other than one and two family dwellings:

<u>Total valuation</u>	<u>Fee</u>
\$100 and less	No fee, unless inspection required, in which case a \$10.00 fee for each inspection shall be charged.
\$101 to \$2,000	\$10.00 per thousand or fraction thereof.
\$2,001 to \$15,000	\$20.00 for the first \$2,000.00 plus \$6.00 for each additional thousand or fraction thereof, to and including \$15,000.00.
\$15,001 to \$50,000	\$98.00 for the first \$15,000.00 plus \$5.00 for each additional thousand or fraction thereof, to and including \$50,000.00.
\$50,001 to \$100,000	\$273.00 for the first \$50,000.00 plus \$4.00 for each additional thousand or fraction thereof, to and including \$100,000.00.
\$100,001 to \$500,000	\$473.00 for the first \$100,000.00 plus \$2.50 for each additional thousand or fraction thereof, to and including \$500,000.00.
\$500,001 and up	\$1,473.00 for the first \$500,000.00 plus \$2.00 for each additional thousand or fraction thereof.

(2) Plan-checking fees. When the valuation of the proposed construction exceeds one thousand dollars (\$1,000.00) and a plan is required to be submitted, a plan-checking fee shall be paid to the building official at the time of submitting plans and specifications for checking. Said plan-checking fee

shall be equal to one-half (1/2) of the building permit fee as set forth in this section.

(3) Moving fee. For the moving of any building or structure, the fee shall be one hundred dollars (\$100.00.)

(4) Demolition fee. For the demolition of any building or structure, the fee shall be:

(a) 0 - 100,000 cubic feet - \$50.00

(b) 100,000 cubic feet and over - \$0.50 per 1,000 cubic feet.

(1976 Code, § 4-107, as replaced by Ord. #2225, Nov. 2000, Ord. #2304, Nov. 2003, Ord. #2380, Dec. 2007, and Ord. #2444, Nov. 2012)

12-108. Membership qualifications of board appeals. Section 112.3 of the International Building Code, 2012 edition, is hereby amended by deleting that paragraph in its entirety and substituting a new sentence in lieu thereof as follows: Such board shall be composed of one (1) architect, one (1) member at large from the building industry, one (1) building contractor, one (1) member at large from the public, and either a second architect, a second building contractor, or a second member at large from the building industry. (1976 Code, § 4-108, as replaced by Ord. #2225, Nov. 2000, Ord. #2304, Nov. 2003, Ord. #2380, Dec. 2007, and Ord. #2444, Nov. 2012)

12-109. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the building code as herein adopted by reference and modified. Each day shall constitute a separate violation of same. Upon conviction of any said violation, such persons shall be punished by levying a fine not to exceed fifty dollars (\$50.00) per violation. (1976 Code, § 4-109, as replaced by Ord. #2225, Nov. 2000, Ord. #2304, Nov. 2003, Ord. #2380, Dec. 2007, and Ord. #2444, Nov. 2012)

CHAPTER 2

PLUMBING CODE¹

SECTION

- 12-201. Plumbing code adopted.
- 12-202. Exceptions.
- 12-203. Available in recorder's office.
- 12-204. Exceptions created for water fountain requirements.
- 12-205. Variance procedure for plumbing code.
- 12-206. Permit fees.
- 12-207. Violations.

12-201. Plumbing code adopted. Pursuant to authority granted by Tennessee Code Annotated, § 6-54-501 et seq and for the purpose of regulating plumbing installations, including alterations and repairs, within or without the City of Gatlinburg, when such plumbing is or is to be connected with the city water or sewerage system, the International Plumbing Code, 2012 edition, with revisions and the below listed appendices, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the plumbing code. (1976 Code, § 4-201, as replaced by Ord. #2229, Nov. 2000, Ord. #2381, Dec. 2007, and Ord. #2449, Nov. 2012)

12-202. Exceptions. (1) Section 109 is hereby omitted from the plumbing code.

(2) All references to the following codes are omitted:

- International Electrical Code;
- International Existing Building Code.

(1976 Code, § 4-202, as replaced by Ord. #2229, Nov. 2000, Ord. #2381, Dec. 2007, and Ord. #2449, Nov. 2012)

12-203. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502 one (1) copy of the International Plumbing Code with the above modifications has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

¹Municipal code references

Cross connections: title 18.

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

(1976 Code, § 4-203, as replaced by Ord. #2229, Nov. 2000, and Ord. #2449, Nov. 2012)

12-204. Exception created for water fountain requirements. Table 403.1 of the plumbing code is hereby amended by adding an additional footnote under the category of mercantile, said footnote being footnote h, as follows:

h. The requirement for a drinking fountain may be eliminated when the building is one thousand (1,000) sq. ft. or less excluding fuel dispensing operations (i.e. service stations). (1976 Code, § 4-204, as replaced by Ord. #2229, Nov. 2000, Ord. #2381, Dec. 2007 , and Ord. #2449, Nov. 2012)

12-205. Variance procedure for plumbing code. The City of Gatlinburg hereby designates the Gatlinburg Board of Appeals to act as the responsible authority to review and decide requests for variances from the standards established by the plumbing code. Said board is hereby authorized to grant such variances as are authorized. (as added by Ord. #2229, Nov. 2000, and replaced by Ord. #2381, Dec. 2007, and Ord. #2449, Nov. 2012)

12-206. Permit fees.

Permit fees:

For issuing each permit \$10.00

Plus the following when provided:

- For each plumbing fixture, floor drain or trap (including water and drainage piping) 2.50
- For each house sewer 5.00
- For each house sewer having to be replaced or repaired 5.00
- For each cesspool 5.00
- For each septic tank and seepage pit or drainfield 10.00
- For each water heater and/or vent 2.50
- For installation, alteration or repair of water piping and/or water treating equipment 5.00
- For repair or alteration of drainage or vent piping 5.00
- For vacuum breakers or backflow protective devices installed subsequent to the installation of the piping or equipment served -
 - One to five 2.50
 - Over five, each 1.50

(1976 Code, § 4-205, as replaced by Ord. #2229, Nov. 2000, Ord. #2381, Dec. 2007, and Ord. #2449, Nov. 2012)

4-207. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the plumbing code as herein adopted by reference and modified. Each day shall constitute a separate violation of same.

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Upon conviction of any said violation, such persons shall be punished by levying a fine not to exceed fifty dollars (\$50.00) per violation. (as added by Ord. #2381, Dec. 2007, and replaced by Ord. #2449, Nov. 2012)

CHAPTER 3

ELECTRICAL CODE¹

SECTION

- 12-301. Electrical code.
- 12-302. [Deleted.]
- 12-303. [Deleted.]
- 12-304. [Deleted.]
- 12-305. [Deleted.]
- 12-306. [Deleted.]

12-301. Electrical code. The electrical code, approval of plans and specifications, and inspections shall be under the direction of Sevier County Electric System and said electric system and the State of Tennessee are hereby authorized to adopt appropriate electrical codes and enforce same with the City of Gatlinburg. (1976 Code, § 4-301, as replaced by Ord. #2227, Nov. 2000, Ord. #2307, Nov. 2003, and Ord. #2451, Nov. 2012)

12-302. [Deleted.] (1976 Code, § 4-302, as replaced by Ord. #2227, Nov. 2000, Ord. #2307, Nov. 2003, and deleted by Ord. #2451, Nov. 2012)

12-303. [Deleted.] (1976 Code, § 4-303, as replaced by Ord. #2227, Nov. 2000, Ord. #2307, Nov. 2003, and deleted by Ord. #2451, Nov. 2012)

12-304. [Deleted.] (1976 Code, § 4-304, as replaced by Ord. #2227, Nov. 2000, Ord. #2307, Nov. 2003, and deleted by Ord. #2451, Nov. 2012)

12-305. [Deleted.] (1976 Code, § 4-305, as replaced by Ord. #2227, Nov. 2000, Ord. #2307, Nov. 2003, and deleted by Ord. #2451, Nov. 2012)

12-306. [Deleted.] (1976 Code, § 4-306, as replaced by Ord. #2227, Nov. 2000, Ord. #2307, Nov. 2003, and deleted by Ord. #2451, Nov. 2012)

¹Municipal code reference

Fire protection, fireworks and explosives: title 7.

CHAPTER 4

GAS CODE¹

SECTION

- 12-401. Gas code.
- 12-402. [Deleted.]
- 12-403. [Deleted.]
- 12-404. [Deleted.]
- 12-405. [Deleted.]

12-401. Gas code. The fuel gas code, approval of plans and specifications, and inspections shall be under the direction of Sevier County Utility District and said utility district is hereby authorized to adopt appropriate fuel gas codes and enforce same with the City of Gatlinburg. (1976 Code, § 4-401, as replaced by Ord. #2306, Nov. 2003, Ord. #2367, Nov. 2006, and Ord. #2450, Nov. 2012)

12-402. [Deleted.] (1976 Code, § 4-402, as replaced by Ord. #2306, Nov. 2003, and Ord. #2367, Nov. 2006, and deleted by Ord. #2450 Nov. 2012)

12-403. [Deleted.] (1976 Code, § 4-403, as replaced by Ord. #2306, Nov. 2003, and Ord. #2367, Nov. 2006, and deleted by Ord. #2450 Nov. 2012)

12-404. [Deleted.] (1976 Code, § 4-404, as replaced by Ord. #2306, Nov. 2003, and Ord. #2367, Nov. 2006, and deleted by Ord. #2450 Nov. 2012)

12-405. [Deleted.] (as added by Ord. #2367, Nov. 2006, and deleted by Ord. #2450 Nov. 2012)

¹Municipal code reference

Gas system administration: title 19, chapter 1.

CHAPTER 5**ENERGY CONSERVATION CODE****SECTION**

12-501. Energy Conservation Code adopted.

12-502. Exception.

12-503. Available in recorder's office

12-504. Violations.

12-501. Energy conservation code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, the International Energy Conservation Code, 2012 edition, as published by the International Code Council, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the energy conservation code. (1976 Code, § 4-701, as replaced by Ord. #2305, Nov. 2003, Ord. #2382, Dec. 2007, and Ord. #2447, Nov. 2012)

12-502. Exception. All references to the following codes are omitted:
International Electrical Code; and
International Existing Building Code. (1976 Code, § 4-702, as replaced by Ord. #2305, Nov. 2003, Ord. #2382, Dec. 2007, and Ord. #2447, Nov. 2012)

12-503. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, §§ 6-54-502, one (1) copy of the International Energy Conservation Code with the above modifications has been placed on file in the recorder's office for the use and inspection of the public. (1976 Code, § 4-703, as replaced by Ord. #2305, Nov. 2003, Ord. #2382, Dec. 2007, and Ord. #2447, Nov. 2012)

12-504. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the International Energy Conservation Code as herein adopted by reference as modified. Each day shall constitute a separate violation of same. Upon conviction of any said violation, such persons shall be subject to a civil penalty of up to fifty dollars (\$50.00). (1976 Code, § 4-704, as replaced by Ord. #2305, Nov. 2003, Ord. #2382, Dec. 2007, and Ord. #2447, Nov. 2012)

CHAPTER 6

EXCAVATION, GRADING, AND CLEARING CODE¹

SECTION

- 12-601. Creation
- 12-602. Permit required.
- 12-603. Purpose.
- 12-604. Definitions.
- 12-605. Hazards.
- 12-606. Application.
- 12-607. Plans and specifications.
- 12-608. Fees and bonds.
- 12-609. Cuts.
- 12-610. Fills.
- 12-611. Setbacks.
- 12-612. Subsurface drainage.
- 12-613. Erosion control.
- 12-614. Excavation, grading, site clearing provisions.
- 12-615. Exceptions.
- 12-616. Corrective action for failure of the approved plan.
- 12-617. Penalty.
- 12-618. Conflicts.

12-601. Creation. There is hereby created and established an excavation, grading, and clearing code for the City of Gatlinburg. (1976 Code, § 4-601, as replaced by Ord. #2209, June 2000)

12-602. Permit required. No person shall do any excavation, grading, or site clearing without obtaining a permit for said work with the exception of work being performed in conjunction with construction previously authorized by a building permit and set out in the building permit so obtained. (1976 Code, § 4-602, as replaced by Ord. #2209, June 2000)

12-603. Purpose. The purpose of this chapter is to substantially reduce existing and future erosion and sedimentation damage in the City of Gatlinburg. This chapter has the further purpose of attempting to minimize the danger of

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.

flood damage, to preserve and protect the natural beauty and aesthetics of the community and to decrease storm water runoff. The adoption of this chapter will also have the effect of preserving and protecting trees and vegetation which in turn will promote soil conservation and will reduce air pollution and noise. (As added by Ord. #2209, June 2000)

12-604. Definitions. (1) "Administrator." The building official and/or his/her designee.

(2) "Canopy." The outermost limit of a tree's branch tips.

(3) "Development." Any and all physical man-made changes or alterations to improved or unimproved land within the City of Gatlinburg which results in a land disturbance.

(4) "Diameter/diameter-breast-height (dbh)." The diameter of any tree trunk, measured at 4 ½ feet above the existing grade.

(5) "Disturbance." Any operation or occurrence by which the existing site surfaces and elevations are changed by cutting, filling, borrowing, stockpiling, stripping, trenching, clearing, or where any ground cover, natural or man-made, is removed, or any buildings or other structures are removed, or any watercourses or body of water, either natural or man-made, is relocated on any site, thereby creating unprotected area.

(6) "Dripline." An area encircling the base of a tree which is delineated by a vertical line extending from the outer limit of a tree's branch tips or tree canopy, down to the ground.

(7) "Essential root zone." The area encircling the base of a tree and located on the ground which is directly located under the canopy of the tree between the tree dripline and tree trunk.

(8) "Filling." The act of transporting or placing (by any manner or mechanism) material from, to, or on any soil surface or natural vegetation.

(9) "Grading." Any operation or occurrence by which the existing site surfaces and elevations are changed by cutting, filling, borrowing, stockpiling, stripping, trenching, clearing, or where any ground cover, natural or man-made, is removed, or any buildings or other structures are removed, or any watercourses or body of water, either natural or man-made, is altered and/or relocated on any site, thereby creating unprotected area. "Grading" shall be interchangeable with "land-disturbing activity."

(10) "Overstory." Those trees that compose the top layer or canopy of vegetation.

(11) "Protected tree/vegetation." A tree or area of understory vegetation to be retained, protected, or undisturbed during site clearing, construction, excavation, and/or grading.

(12) "Tree." Any self supporting woody plant usually having a single trunk but not limited to a single trunk with a dbh of two (2) inches or greater.

(13) "Tree crown." The uppermost portion of the tree consisting of the tree foliage.

(14) "Tree topping." The practice of severe cutting back of limbs within the tree's crown to stubs larger than three (3) inches in diameter to such a degree that the normal canopy is removed and the tree is disfigured.

(15) "Understory vegetation." Small trees, shrubs, and groundcover plants.

(16) "Undisturbed area." Areas of existing natural vegetation including but not limited to understory and overstory which has been undisturbed and maintained in a natural state. (As added by Ord. #2209, June 2000)

12-605. Hazards. Whenever the building official determines that any existing excavation, embankment or fill on private property has become a hazard to life or property, or adversely effects the safety, use, or stability of a public way or drainage channel, the owner of the property upon which the excavation or fill is located or such other person or agent in control of said property, upon receipt of notice in writing from the building official, shall within the time period specified thereon, repair or eliminate such hazard and to otherwise conform with the specifications and requirements of this code. (1976 Code, § 4-603, as replaced by Ord. #2209, June 2000)

12-606. Application. To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the City of Gatlinburg for that purpose. Every application shall:

(1) Identify and describe the work to be covered by the permit for which application is made.

(2) Describe the land on which the proposed work is to be done, by lot, block, tract, and house and street address, or similar description that will readily identify and definitely locate the proposed building or work;

(3) Be accompanied by plans and specifications as required in § 12-607 of this code. These plans and specifications shall depict the entire boundary of said property and shall show areas of proposed development, land disturbances and areas which are not to be disturbed.

(4) Give other information as reasonably required by the building official. (1976 Code, § 4-604, as replaced by Ord. #2209, June 2000)

12-607. Plans and specifications. When required by the building official, each application for a excavation, grading, and site clearing permit shall be accompanied by two sets of plans and specifications.

(1) The plans and specifications for all developments shall be prepared by a civil engineer. The building official shall have the authority to waive this requirement for single family residences unless the building official determines that unusual topography or other circumstances necessitate the need for such plans and specifications.

(2) Plans shall be in compliance with all provisions of this chapter and other applicable City of Gatlinburg ordinances and codes.

(3) In all cases, when a subdivision plat, site plan, or Planned Unit Development (PUD) plan has been reviewed and approved by the Gatlinburg Municipal Planning Commission, the plan submitted for the excavation, grading, and site clearing permit shall be consistent with the approved subdivision plat, site plan, and PUD plan. (As added by Ord. #2209, June 2000)

12-608. Fees and bonds. (1) For any permit for excavation and/or fill, grading, and site clearing as regulated in this chapter, there shall be a ten dollar (10.00) fee.

(2) For any work done under an excavation/fill permit, grading, site clearing permit, a building permit or under any other authority, there shall be a responsibility to provide or to restore proper drainage, to correct any deficiencies in the existing drainage which is exacerbated by the work and to return the city streets to the condition found before the work was done and damaged thereby. This repair/restoration/improvement shall be done to the satisfaction of the building official. (1976 Code, § 4-606, as replaced by Ord. #2209, June 2000)

12-609. Cuts. The slope of cut surfaces shall be no steeper than is safe for the intended use, and under no circumstances shall cut slopes be any steeper than two horizontal to one vertical unless otherwise recommended and certified by a registered, licensed engineer. Further, cut areas shall be subject to the provisions of § 12-614 of this code. (1976 Code, § 4-607, as replaced by Ord. #2209, June 2000)

12-610. Fills. The slope of fill surfaces shall be no steeper than is safe for the intended use, and under no circumstances shall fill slopes be steeper than two horizontal to one vertical. Further fill slopes shall not be constructed on natural slopes steeper than two to one or where the fill slope toes out within twelve feet horizontally of the top of existing or planned cut slopes. No fill shall be placed until all trees, brush, hedge or other protruding obstructions are removed from the area upon which fill is to be placed. In all instances, the fill area shall be limited to the minimum area needed to accomplish the proposed development and shall not be placed within areas to remain as undisturbed. Further, fill areas shall be subject to the provisions of § 12-614 of this code. (1976 Code, § 4-608, as replaced by Ord. #2209, June 2000)

12-611. Setbacks. The tops and toes of cut and fill slopes shall be set back from the property boundaries as far as necessary for safety of the adjacent properties and to prevent damage resulting from water run-off or erosion of the slopes. The tops and toes of cuts and fill slopes shall be set back from structures as far as necessary for adequacy of foundation support and to prevent damage as a result of water run-off or erosion of the slopes. (1976 Code, § 4-609, as replaced by Ord. #2209, June 2000)

12-612. Subsurface drainage. All drainage facilities shall be designed to carry water to the nearest practical drainage way approved by the building official and/or the city engineer as a safe place to deposit such water. If drainage facilities discharge onto natural ground, riprap may be required. At least two percent gradient toward approved drainage facilities from building pads will be required unless waived by the building official for non-hilly terrain. (1976 Code, § 4-610, as replaced by Ord. #2209, June 2000)

12-613. Erosion control. The faces of cut and fill surfaces shall be prepared and maintained to control erosion. This control may consist of effective planting or other means of erosion control approved by the building official. Where it has been determined that cut slopes are not subject to erosion due to the erosion resistant character of the materials, such protection may be omitted. (1976 Code, § 4-611, as replaced by Ord. #2209, June 2000)

12-614. Excavation, grading, site clearing provisions. The following provisions shall apply to all developments and properties located within the City of Gatlinburg. These provisions shall be in addition to all other applicable ordinances and codes of the City of Gatlinburg:

(1) Excavation, grading, and site clearing and other land disturbances shall be limited to the areas shown as such on the approved plans. All other areas including the essential root zone, shall remain as undisturbed areas unless otherwise permitted under these provisions. In the event areas outside the boundaries of identified development require disturbance, the applicant shall be required to show reason for the disturbance. The reason shall be submitted in writing to the building official and shall require the certification of the project architect and or engineer.

(2) In the event no development is planned for a parcel of property, the applicant shall be permitted to clear no more than 25 percent of the property within a 5 year period. A site clearing plan shall be submitted to the building official which bears the certification of a registered engineer showing proposed clearing areas and all methods of erosion control and site drainage management in order to stabilize and protect the disturbed area from erosion.

(3) In all instances, areas of disturbance shall be stabilized within seven (7) calendar days of the initial disturbance, by an approved method of erosion/sedimentation control, and/or ground cover. Grading commencement shall be limited to fifteen (15) days prior to the initiation of construction. In addition, areas of disturbance shall be included in a long range plan for permanent vegetation and shall have the approval of the building official and/or the planning commission through its site development review process.

(4) A protection plan shall be required for all areas adjoining an area of disturbance including any existing areas proposed to be retained on the site as natural vegetated areas, which have been previously shown and approved on the site plan. The protection plan shall indicate the methods by which the

natural vegetation will be protected from adjoining areas of disturbance. Prior to commencement, tree fencing shall be provided around areas to remain undisturbed and no filling or covering of tree root areas above the natural grade will be permitted.

(5) Grading and benching shall be restricted so that no cut slopes be any steeper than two (2) horizontal to one (1) vertical, except as provided in subsection (6) below. There shall be a fifteen foot (15') maximum height for un-terraced slope. Intense landscaping will be required for all terraced slopes. The maximum height for terracing standards and engineered walls shall be fifteen feet (15'). The minimum horizontal distance between any two (2) terraced slope or wall sections shall be five feet (5'). Retaining walls shall be designed and constructed parallel to pre-disturbed slopes and/or with the property contour rather than across property contour.

(6) Certification by an approved professional shall be required for all slope construction for slopes in excess of two (2) horizontal to one (1) vertical.

(7) A twenty-five foot (25') buffer from all permanent and intermittent streams will be required with all fill and borrow.

(8) Mass grading is prohibited prior to construction. In addition, a planting schedule for replanting of all artificial slopes is required with a cashier's check for one hundred percent (100%) of all materials and labor costs associated with the replanting activities. Any such amounts shall be deposited into an escrow account. Interest earned, if any, on said account shall accrue to the city to cover its cost of administration.

(9) Roadway (public or private) grades, including common driveways and all other roadways that are components of any development vehicular circulation system, shall not exceed a fifteen percent (15%) maximum grade, unless a variance is granted by the Gatlinburg Municipal Planning Commission in accordance with adopted variance procedures. All roadway and street construction shall be done with the natural contour of the property and not across the contour. All grading of roadways shall be done in a manner to limit the area of disturbance to the minimum extent practical.

(10) The grading and clearing for pioneer roads shall be limited to no more than ten feet (10') in width. Grading and clearing for property surveys shall be limited to areas needed to conduct the survey. Grading and clearing for soils testing shall be limited to selective patches with a minimum separation of one hundred feet (100') between testing areas. All areas of grading and clearing shall be limited to areas designated by a licensed civil engineer. (As added by Ord. #2209, June 2000, and amended by Ord. #2407, April 2009)

12-615. Exceptions. (1) Emergencies. In case of emergency such as windstorms, icestorms, floods, or other disasters, the requirements of these provisions may be waived by the building official when he/she has determined that strict adherence would constitute a danger to the public good and welfare.

(2) These provisions shall not apply to individuals wishing to removed overstory or understory from a parcel of property when the overstory and/or understory has become hazardous or diseased as such to create potential danger to private and/or public property. This shall be subject to the determination of the building official and/or a licensed arborist prior to removal. In the event it is determined that the vegetation has been intentionally diseased or damaged, the building official may require replacement vegetation in order to restore the site.

(3) Tree trimming for installation and/or protection of public utilities i.e., electric, water and sewer, gas, cable T.V., or other public utilities, under the authorization of a governmental authority or its contractor, shall be exempt from the permit requirements of this code. (As added by Ord. #2209, June 2000)

12-616. Corrective action for failure of the approved plan. If the administrator determines that significant erosion/sedimentation or related problems are occurring on a graded site despite application and maintenance of the approved protective practices, he/she shall require the permit holder to take additional corrective actions to protect the adversely affected area. If at any time, the administrator determines that any portion of the approved excavation, grading, and site clearing plan or any other applicable provisions of city ordinances and codes have been violated, the permit may be revoked and a stop work order may be issued until corrective actions have been completed. After receipt of such stop work and/or revocation from the administrator, the land owner and/or applicants shall cease all excavation, grading, and site clearing and shall stabilize the site immediately. A new plan shall be prepared within ten (10) days to show a permanent plan of correction. (As added by Ord. #2209, June 2000)

12-617. Penalty. Any person, firm, or corporation or agent who shall violate a portion of the herein adopted code, or shall fail to comply therewith, or who shall cause excavation, grading, fills, or other land disturbances in violation of the plans and drawings approved by the City of Gatlinburg, shall be deemed guilty of a violation of this code and each day shall constitute a separate violation of same. Upon conviction of any said violation, such person shall be subject to a civil penalty of up to five hundred dollars (\$500.00) per violation. (1976 Code, § 4-612, as replaced by Ord. #2209, June 2000)

12-618. Conflicts. All ordinances and parts of ordinances in conflict herewith are hereby repealed; however, nothing contained herein shall be construed to repeal the provisions of Title 16, Chapter 2, of the Gatlinburg Municipal Code. The provisions of Title 16, Chapter 2 are expressly in addition to this chapter and are not intended to be replaced or repealed. (1976 Code, § 4-613, as replaced by Ord. #2209, June 2000)

CHAPTER 7

MECHANICAL CODE

SECTION

- 12-701. Mechanical code adopted.
- 12-702. Exceptions.
- 12-703. Available in recorder's office.
- 12-704. Permit fees.
- 12-705. Variance procedure for mechanical code.
- 12-706. Violations.

12-701. Mechanical code adopted. Pursuant to authority granted by Tennessee Code Annotated, § 6-54-501, et seq., the International Mechanical Code,¹ 2012 edition, with the appendix as listed below, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the mechanical code. (1976 Code, § 4-801, as replaced by Ord. #2228, Nov. 2000, Ord. #2383, Dec. 2007, and Ord. #2448, Nov. 2012)

12-702. Exceptions. (1) Section 109 is hereby omitted from the mechanical code.

(2) All references to the following codes are omitted:
International Electrical Code; and
International Existing Building Code. (1976 Code, § 4-802, as replaced by Ord. #2228, Nov. 2000, Ord. #2383, Dec. 2007, and Ord. #2448, Nov. 2012)

12-703. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502 one (1) copy of the mechanical code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1976 Code, § 4-803, as replaced by Ord. #2228, Nov. 2000, Ord. #2383, Dec. 2007, and Ord. #2448, Nov. 2012)

12-704. Permit fees. Mechanical permit fees are assessed on all new construction, renovation and remodeling which involve the installation, repair or replacement of heating, ventilating, ductwork, air conditioning and refrigeration systems. Fees are based on the 1997 Standard Mechanical Code Appendix B.

¹Copies of this code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213. The latest edition should be requested.

For issuing each permit \$10.00

Plus the following:

 First \$1,000.00 of valuation or fraction thereof \$10.00

 Each additional \$1,000.00 valuation or fraction thereof . . \$2.00

 Fee for inspection repairs, alterations and additions to existing mechanical systems shall be \$5.00 plus \$2.00 for each \$1,000.00 or fraction thereof. (as added by Ord. #2383, Dec. 2007, and replaced by Ord. #2448, Nov. 2012)

12-705. Variance procedure for mechanical code. The City of Gatlinburg hereby designates the Gatlinburg Board of Appeals to act as the responsible authority to review and decide requests for variances from the standards established by the mechanical code. (as added by Ord. #2383, Dec. 2007, and replaced by Ord. #2448, Nov. 2012)

12-706. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the mechanical code as hereinafter adopted by reference and modified. Each day shall constitute a separate violation of same. Upon conviction of any said violation, such persons shall be punished by levying a fine not to exceed fifty dollars (\$50.00). (as added by Ord. #2448, Nov. 2012)

CHAPTER 8**PROPERTY MAINTENANCE CODE****SECTION**

- 12-801. Property maintenance code.
- 12-802. Applicability.
- 12-803. Code official.
- 12-804. Availability in recorder's office.
- 12-805. Inspection fee.
- 12-806. Violations.

12-801. Property maintenance code. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501, et seq., and for the purpose of regulating the maintenance of rental property, the International Property Maintenance Code,¹ 2012 edition, as prepared by the International Code Council, is hereby adopted and incorporated by reference and made a part of this code and is hereby referred to as the property maintenance code. (as added by Ord. #2361, Sept. 2006, and replaced by Ord. #2452, Nov. 2012)

12-802. Applicability. The property maintenance code, as adopted herein, shall apply to rental units not otherwise inspected by the City of Gatlinburg, through its overnight tourist rental program or inspected by the State of Tennessee, either as a bed and breakfast or as a hotel or motel. This code shall not apply to single family residences, duplexes, or other rental properties unless it is a rental property not originally intended for permanent residency, in which case it shall apply. For purposes of this section, "permanent residency" means a structure with separate bathroom and kitchen facilities apart from any sleeping quarters and containing more than two hundred twenty (220) square feet. The owner of units covered by this chapter shall be responsible for compliance with the property maintenance code. (as added by Ord. #2361, Sept. 2006, and replaced by Ord. #2452, Nov. 2012)

12-803. Code official. The building official of the City of Gatlinburg is hereby designated as the code official for purposes of the property maintenance code. (as added by Ord. #2361, Sept. 2006, and replaced by Ord. #2452, Nov. 2012)

12-804. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the property

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

maintenance code has been placed on file in the recorder's office and shall be kept there for use and inspection of the public. (as added by Ord. #2361, Sept. 2006, and replaced by Ord. #2452, Nov. 2012)

12-805. Inspection fee. Rental units, as defined in § 12-802, shall be inspected at least once per year. There shall be a fee for each inspection. The fee shall be for the purpose of defraying the cost of the city in making said inspection. Said fee shall be in the amount of twenty-five dollars (\$25.00) per unit. Any unit found to have deficiencies and requiring a second inspection to determine if the deficiency has been corrected, shall be charged a fee of seventy-five dollars (\$75.00). Any subsequent re-inspections or complaints where violations of the code are found to have occurred, shall be charged an additional seventy-five dollars (\$75.00) per unit found to be in violation. The fee called for herein shall be paid by the owner of the rental units. Any violation of the code not cured by the third inspection shall be vacated and not rented again until it has passed inspection. (as added by Ord. #2361, Sept. 2006, and replaced by Ord. #2428, Dec. 2010, and replaced by Ord. #2452, Nov. 2012)

12-806. Violations. It shall be unlawful for any person to violate or fail to comply with any provisions of the property maintenance code as herein adopted by reference. Each day shall constitute a separate violation of same. Upon conviction of any said violation, such person shall be punished by levying a fine not to exceed fifty dollars (\$50.00) per violation. Said penalty shall be in addition to any inspection fee or cost of remediation of any deficiency found on the premises and shall be in addition to any actual out of pocket cost or expense incurred by the city in assuring compliance with this code. (as added by Ord. #2361, Sept. 2006, and replaced by Ord. #2452, Nov. 2012)

CHAPTER 9

RESIDENTIAL CODE¹

SECTION

- 12-901 Residential code adopted.
- 12-902. Exceptions.
- 12-903. Modifications.
- 12-904. Available in recorder's office.
- 12-905. Variance procedure for handicapped code.
- 12-906. Permit fees.
- 12-907. Violations.
- 12-908. [Deleted.]

12-901. Residential code adopted. Pursuant to authority granted by Tennessee Code Annotated, § 6-54-501 et seq., and for the purpose of regulating the construction, alteration, repair, use and occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the International Residential Code, 2012 edition, with revisions and the appendices listed below, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference and made a part of this code, and is hereinafter referred to as the residential code.

In addition to the 2012 code, with revisions, the city hereby adopts the following appendices to that code:

- Appendix G Swimming Pools, Spas and Hot Tubs
- Appendix J Existing Buildings and Structures. (as added by Ord. #2384, Dec. 2007, and replaced by Ord. #2445, Nov. 2012)

12-902. Exceptions. (1) Chapters 34-43 (electrical provisions) are omitted with the exception of sections 3402.2, 3906.5, 3906.6 and 3907.4.

(2) References to the following codes are omitted:

- International Electrical Code
- International Private Sewage Disposal Code
- International Existing Building Code

(as added by Ord. #2384, Dec. 2007, and replaced by Ord. #2445, Nov. 2012)

¹Copies of this code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213. The latest edition should be requested.

12-903. Modifications. (1) When the "building official" or "director of public works" is named it shall, for the purposes of the residential code, mean such person as the city manager shall have appointed or designated to administer and enforce the provisions of the residential code.

(2) Notwithstanding any provision of the residential code, the guard rail system for tourist residency structures, as defined in § 5-701 of the Gatlinburg Municipal Code, shall be a minimum of forty-two inches (42") in height. (as added by Ord. #2384, Dec. 2007, and replaced by Ord. #2445, Nov. 2012)

12-904. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the residential code with the above modifications has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (as added by Ord. #2384, Dec. 2007, and replaced by Ord. #2445, Nov. 2012)

12-905. Variance procedure for handicapped code. The City of Gatlinburg hereby designates the Gatlinburg Board of Appeals to act as the responsible authority in place of the local building official to review and decide requests for variances from the standards established by the "Tennessee Public Buildings Accessibility Act" as codified in Tennessee Code Annotated, § 68-120-201, et seq. Said board is hereby authorized and upon the terms and conditions as provided in Tennessee Code Annotated, § 68-120-205. (as added by Ord. #2384, Dec. 2007, and replaced by Ord. #2445, Nov. 2012)

12-906. Permit fees. (1) Permit fees for one- and two-family dwellings:

<u>Total valuation</u>	<u>Fee</u>
\$100 and less	No fee, unless inspection required, in which case a \$10.00 fee for each inspection shall be charged.
\$101 to \$2,000	\$10.00 per thousand or fraction thereof.
\$2,001 to \$15,000	\$20.00 for the first \$2,000.00 plus \$6.00 for each additional thousand or fraction thereof, to and including \$15,000.00.
\$15,001 to \$50,000	\$98.00 for the first \$15,000.00 plus \$5.00 for each additional thousand or fraction thereof, to and including \$50,000.00.

<u>Total valuation</u>	<u>Fee</u>
\$50,001 to \$100,000	\$273.00 for the first \$50,000.00 plus \$4.00 for each additional thousand or fraction thereof, to and including \$100,000.00.
\$100,001 to \$500,000	\$473.00 for the first \$100,000.00 plus \$2.50 for each additional thousand or fraction thereof, to and including \$500,000.00.
\$500,001 and up	\$1,473.00 for the first \$500,000.00 plus \$2.00 for each additional thousand or fraction thereof.

(2) Plan-checking fees. When the valuation of the proposed construction exceeds one thousand dollars (\$1,000.00) and a plan is required to be submitted, a plan-checking fee shall be paid to the building official at the time of submitting plans and specifications for checking. Said plan-checking fee shall be equal to one-half (1/2) of the building permit fee as set forth in this section.

(1) Moving fee. For the moving of any building or structure, the fee shall be one hundred dollars (\$100.00).

(2) Demolition fee. For the demolition of any building or structure, the fee shall be:

- (a) 0 - 100,000 cubic feet - \$50.00
- (b) 100,000 cubic feet and over - \$0.50 per 1,000 cubic feet. (as added by Ord. #2384, Dec. 2007, and replaced by Ord. #2445, Nov. 2012)

12-907. Violations. 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. Each day shall constitute a separate violation of same. Upon conviction of any said violation, such persons shall be punished by levying a fine not to exceed fifty dollars (\$50.00) per violation. (as added by Ord. #2384, Dec. 2007, and replaced by Ord. #2445, Nov. 2012)

12-908. [Deleted.] (as added by Ord. #2384, Dec. 2007, and deleted by Ord. #2445, Nov. 2012)