

## TITLE 12

BUILDING, UTILITY, ETC. CODES<sup>1</sup>

## CHAPTER

1. BUILDING CODE.
2. PLUMBING CODE.
3. ELECTRICAL CODE.
4. GAS CODE.
5. RESIDENTIAL CODE.
6. MECHANICAL CODE.
7. ENERGY CONSERVATION CODE.
8. ONE- AND TWO-FAMILY DWELLINGS AND TOWNHOUSES.

## CHAPTER 1

BUILDING CODE

## SECTION

- 12-101. Building code adopted.
- 12-102. Modifications.
- 12-103. Available in recorder's office.
- 12-104. Violations and penalty.

12-101. Building code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 to 6-54-506, and for the purpose of regulating the construction, alteration, repair, use, 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,<sup>1</sup> 2012 edition, including appendix chapters and all subsequent amendments or additions to the said code, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code as fully as if copied herein verbatim, and is hereinafter referred to as the building code. (Code of 1977, § 4-101, as amended by Ord. #474, March 2000, and replaced by Ord. #590, April 2010, Ord. #673, July 2017 *Ch8\_06-29-23*, and Ord. #668, March 2018 *Ch8\_06-29-23*)

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<sup>1</sup>Copies of this code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213-1206.

12-102. Modifications. The following sections are hereby revised to read as follows:

Definitions. Whenever the words "Building Official" are used in the building code, they shall refer to the person designated by the board of mayor and aldermen to enforce the provisions of the building code. (Code of 1977, § 4-102, as amended by Ord. #590, April 2010, Ord. #660, Nov. 2016 **Ch8\_06-29-23**, and replaced by Ord. #673, July 2017 **Ch8\_06-29-23**, and Ord. #668, March 2018 **Ch8\_06-29-23**)

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. (Code of 1977, § 4-103, modified, as replaced by Ord. #673, July 2017 **Ch8\_06-29-23**, and Ord. #668, March 2018 **Ch8\_06-29-23**)

12-104. 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. 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. (Code of 1977, § 4-104, as replaced by Ord. #673, July 2017 **Ch8\_06-29-23**, and Ord. #668, March 2018 **Ch8\_06-29-23**)

## CHAPTER 2

PLUMBING CODE

## SECTION

- 12-201. Plumbing code adopted.  
12-202. Modifications.  
12-203. Available in recorder's office.  
12-204. Violations and penalty.

12-201. Plumbing code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 to 6-54-506, and for the purpose of regulating plumbing installations, including alterations, repairs, equipment, appliances, fixtures, fittings, and the appurtenances thereto, within or without the city, when such plumbing is or is to be connected with the town water or sewerage system, the International Plumbing Code,<sup>1</sup> 2012 edition, including appendix chapters and all subsequent amendments or additions to the said code, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code as fully as if copied herein verbatim, and is hereinafter referred to as the plumbing code. (Code of 1977, § 4-201, as amended by Ord. #474, March 2000, and replaced by Ord. #629, Aug. 2013 *Ch8\_06-29-23*, Ord. #673, July 2017 *Ch8\_06-29-23*, and Ord. #668, March 2018 *Ch8\_06-29-23*)

12-202. Modifications. The following sections are hereby revised to read as follows:

Definitions. Whenever the words "Building Official" are used in the plumbing code, they shall refer to the person designated by the board of mayor and aldermen to enforce the provisions of the plumbing code. (Code of 1977, § 4-202, as replaced by Ord. #629, Aug. 2013 *Ch8\_06-29-23*, Ord. #673, July 2017 *Ch8\_06-29-23*, and Ord. #668, March 2018 *Ch8\_06-29-23*)

12-203. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the plumbing code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (Code of 1977, § 4-203, modified, as replaced by Ord. #629, Aug. 2013 *Ch8\_06-29-23*, Ord. #673, July 2017 *Ch8\_06-29-23*, and Ord. #668, March 2018 *Ch8\_06-29-23*)

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<sup>1</sup>Copies of this code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213-1206

12-204. 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. 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. (Code of 1977, § 4-204, as replaced by Ord. #629, Aug. 2013 ***Ch8\_06-29-23***, Ord. #673, July 2017 ***Ch8\_06-29-23***, and Ord. #668, March 2018 ***Ch8\_06-29-23***)

## CHAPTER 3

ELECTRICAL CODE

## SECTION

- 12-301. Electrical code adopted.
- 12-302. Available in recorder's office.
- 12-303. Permit required for doing electrical work.
- 12-304. Violations.
- 12-305. Enforcement.
- 12-306. Fees.

12-301. Electrical code adopted. Pursuant to authority granted by sections 6-54-501--6-54-506 of the Tennessee Code Annotated 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,<sup>1</sup> 1971 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. (Code of 1977, § 4-301)

12-302. Available in recorder's office. Pursuant to the requirements of section 6-54-502 of the Tennessee Code Annotated, one (1) copy of the electrical code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (Code of 1977, § 4-302, modified)

12-303. Permit required for doing electrical work. No electrical work shall be done within the Town of Selmer until a permit therefor has been issued by the town. 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. (Code of 1977, § 4-303)

12-304. Violations. It shall be unlawful for any person to do or authorize any electrical work or to use any electricity in such manner or under such circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the electrical code. (Code of 1977, § 4-304)

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<sup>1</sup>Copies of this code may be purchased from the National Fire Protection Association, 60 Battery-march Street, Boston, Massachusetts 02110.

12-305. Enforcement. The electrical inspector shall be such person as the board of mayor and aldermen shall appoint or designate. It shall be his duty to enforce compliance with this chapter and the electrical code as herein adopted by reference. He is authorized and directed to make such inspections of electrical equipment and wiring, etc., as are necessary to insure compliance with the applicable regulations, and may enter any premises or building at any reasonable time for the purpose of discharging his duties. He is authorized to refuse or discontinue electrical service to any person or place not complying with this chapter and/or the electrical code. (Code of 1977, § 4-305)

12-306. Fees. The electrical inspector shall collect the same fees as are authorized in section 68-17-143, Tennessee Code Annotated, for electrical inspections by deputy inspectors of the state fire marshal. (Code of 1977, § 4-306)

## CHAPTER 4

GAS CODE<sup>1</sup>

## SECTION

- 12-401. Title and definitions.
- 12-402. Purpose and scope.
- 12-403. Use of existing piping and appliances.
- 12-404. Bond and license.
- 12-405. Gas inspector and assistants.
- 12-406. Powers and duties of inspector.
- 12-407. Permits.
- 12-408. Inspections.
- 12-409. Certificates.
- 12-410. Fees.
- 12-411. Violations and penalties.
- 12-412. Non-liability.

12-401. Title and definitions. This chapter and the code herein adopted by reference shall be known as the gas code of the Town of Selmer and may be cited as such.

The following definitions are provided for the purpose of interpretation and administration of the gas code.

(1) "Inspector" means the person appointed as inspector, and shall include each assistant inspector, if any, from time to time acting as such under this chapter by appointment of the board of mayor and aldermen.

(2) "Person" means any individual, partnership, firm, corporation, or any other organized group of individuals.

(3) "Gas company" means any person distributing gas within the corporate limits or authorized and proposing to so engage.

(4) "Certificate of approval" means a document or tag issued and/or attached by the inspector to the inspected material, piping, or appliance installation, filled out, together with date, address of the premises, and signed by the inspector.

(5) "Certain appliances" means conversion burners, floor furnaces, central heating plants, vented wall furnaces, water heaters, and boilers. (Code of 1977, § 4-401)

12-402. Purpose and scope. The purpose of the gas code is to provide minimum standards, provisions, and requirements for safe installation of

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<sup>1</sup>Municipal code reference

See title 19 for gas and electricity provisions.

consumer's gas piping and gas appliances. All gas piping and gas appliances installed, replaced, maintained, or repaired within the corporate limits shall conform to the requirements of this chapter and to the Southern Standard Gas Code,<sup>1</sup> 1999 edition, which is hereby incorporated by reference and made a part of this chapter as if fully set forth herein. One (1) copy of the gas code shall be kept on file in the office of the town recorder for the use and inspection of the public. (Code of 1977, § 4-402, as amended by Ord. #474, March 2000)

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. (Code of 1977, § 4-403)

12-404. Bond and license. (1) No person shall engage in or work at the installation, extension, or alteration of consumer's gas piping or certain gas appliances, until such person shall have secured a license as hereinafter provided, and shall have executed and delivered to the town recorder a good and sufficient bond in the penal sum of \$10,000, with corporate surety, conditioned for the faithful performance of all such work, entered upon or contracted for, in strict accordance and compliance with the provisions of the gas code. The bond herein required shall expire on the first day of January next following its approval by the town recorder, and thereafter on the first day of January of each year a new bond, in form and substance as herein required, shall be given by such person to cover all such work as shall be done during such year.

(2) Upon approval of said bond, the person desiring to do such work shall secure from the town recorder a non-transferable license which shall run until the first day of January next succeeding its issuance, unless sooner revoked. The person obtaining a license shall pay any applicable license fees to the town recorder.

(3) Nothing herein contained shall be construed as prohibiting an individual from installing or repairing his own appliances or installing, extending, replacing, altering, or repairing consumer's piping on his own premises, or as requiring a license or a bond from an individual doing such work on his own premises; provided, however, all such work must be done in

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<sup>1</sup>Copies of this code (and any amendments) may be purchased from the Southern Building Code Congress, 3617 - 8th Avenue, South, Birmingham, Alabama 35222.



conformity with all other provisions of the gas code, including those relating to permits, inspections, and fees. (Code of 1977, § 4-404)

12-405. Gas inspector and assistants. To provide for the administration and enforcement of the gas code, the office of gas inspector is hereby created. The inspector, and such assistants as may be necessary in the proper performance of the duties of the office, shall be appointed by the board of mayor and aldermen. (Code of 1977, § 4-405)

12-406. Powers and duties of inspector. (1) The inspector is authorized and directed to enforce all of the provisions of the gas code. Upon presentation of proper credentials, he may enter any building or premises at reasonable times for the purpose of making inspections or preventing violations of the gas code.

(2) The inspector is authorized to disconnect any gas piping or fixture or appliance for which a certificate of approval is required but has not been issued with respect to same, or which, upon inspection, shall be found defective or in such condition as to endanger life or property. In all cases where such a disconnection is made, a notice shall be attached to the piping, fixture, or appliance disconnected by the inspector, which notice shall state that the same has been disconnected by the inspector, together with the reason or reasons therefor, and it shall be unlawful for any person to remove said notice or reconnect said gas piping or fixture or appliance without authorization by the inspector and such gas piping or fixture or appliance shall not be put in service or used until the inspector has attached his certificate of approval in lieu of his prior disconnection notice.

(3) It shall be the duty of the inspector to confer from time to time with representatives of the local health department, the local fire department, and the gas company, and otherwise obtain from proper sources all helpful information and advice, presenting same to the appropriate officials from time to time for their consideration. (Code of 1977, § 4-406)

12-407. Permits. (1) No person shall install a gas conversion burner, floor furnace, central heating plant, vented wall furnace, water heater, boiler, consumer's gas piping, or convert existing piping to utilize natural gas without first obtaining a permit to do such work from the town recorder; however, permits will not be required for setting or connecting other gas appliances, or for the repair of leaks in house piping.

(2) When only temporary use of gas is desired, the recorder may issue a permit for such use, for a period of not to exceed sixty (60) days, provided the consumer's gas piping to be used is given a test equal to that required for final piping inspection.

(3) Except when work in a public street or other public way is involved the gas company shall not be required to obtain permits to set meters, or to

extend, relocate, remove, or repair its service lines, mains, or other facilities, or for work having to do with its own gas system. (Code of 1977, § 4-407)

12-408. Inspections. (1) A rough piping inspection shall be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been attached thereto.

(2) A final piping inspection shall be made after all piping authorized by the permit has been installed and after all portions thereof which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been attached thereto. This inspection shall include a pressure test, at which time the piping shall stand an air pressure equal to not less than the pressure of a column of mercury six (6) inches in height, and the piping shall hold this air pressure for a period of at least ten (10) minutes without any perceptible drop. A mercury column gauge shall be used for the test. All tools, apparatus, labor, and assistance necessary for the tests shall be furnished by the installer of such piping. (Code of 1977, § 4-408)

12-409. Certificates. The inspector shall issue a certificate of approval at the completion of the work for which a permit for consumer piping has been issued if after inspection it is found that such work complies with the provisions of the gas code. A duplicate of each certificate issued covering consumer's gas piping shall be delivered to the gas company and used as its authority to render gas service. (Code of 1977, § 4-409)

12-410. Fees. (1) The total fees for inspection of consumer's gas piping at one location (including both rough and final piping inspection) shall be \$1.50 for one to four outlets, inclusive, and \$0.50 for each outlet above four.

(2) The fees for inspecting conversion burners, floor furnaces, boilers, or central heating plants shall be \$0.50 for each unit.

(3) The fees for inspecting vented wall furnaces and water heaters shall be \$1.00 for each unit.

(4) If the inspector is called back, after correction of defects noted, an additional fee of \$1.00 shall be made for each return inspection.

(5) Any and all fees shall be paid by the person to whom the permit is issued. (Code of 1977, § 4-410)

12-411. Violations and penalties. Any person who shall violate or fail to comply with any of the provisions of the gas code shall be guilty of a misdemeanor, and upon conviction thereof shall be fined under the general penalty clause for this code of ordinances, or the license of such person may be revoked, or both fine and revocation of license may be imposed. (Code of 1977, § 4-411)

12-412. Non-liability. This chapter shall not be construed as imposing upon the Town of Selmer any liability or responsibility for damages to any person injured by any defect in any gas piping or appliance mentioned herein, or by installation thereof, nor shall the Town of Selmer, or any official or employee thereof, be held as assuming any such liability or responsibility by reason of the inspection authorized hereunder or the certificate of approval issued by the inspector. (Code of 1977, § 4-412)

## CHAPTER 5

RESIDENTIAL CODE

## SECTION

- 12-501. Residential code adopted.  
12-502. Modifications.  
12-503. Available in recorder's office.  
12-504. Violations and penalty.

12-501. Residential code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 to 6-54-506, and for the purpose of providing building, plumbing, mechanical and electrical provisions, the International Residential Code,<sup>1</sup> 2012 edition, including appendix chapters, is and all subsequent amendments or additions to the said code, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code as fully as if copied herein verbatim, and is hereinafter referred to as the residential codes. (Code of 1977, § 4-501, as amended by Ord. #474, March 2000, and replaced by Ord. #590 April 2010, Ord. #673, July 2017 *Ch8\_06-29-23*, and Ord. #668, March 2018 *Ch8\_06-29-23*)

12-502. Modifications. The following sections are hereby revised to read as follows:

(1) Definitions. Whenever the words "Building Official" are used in the residential code, they shall refer to the person designated by the board of mayor and aldermen to enforce the provisions of the residential code.

(2) Automatic sprinkler system standards. Section R 313 pertaining to automatic sprinkler systems for townhouses and residential dwellings for single family and double family dwellings is hereby deleted. (Code of 1977, § 4-502, as amended by Ord. #590, April 2010, and replaced by Ord. #673, July 2017 *Ch8\_06-29-23*, and Ord. #668, March 2018 *Ch8\_06-29-23*)

12-503. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the residential code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (Code of 1977, § 4-503, modified, as replaced by Ord. #673, July 2017 *Ch8\_06-29-23*, and Ord. #668, March 2018 *Ch8\_06-29-23*)

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<sup>1</sup>Copies of this code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213-1206

12-504. 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. 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. (Code of 1977, § 4-504, as replaced by Ord. #673, July 2017 *Ch8\_06-29-23*, and Ord. #668, March 2018 *Ch8\_06-29-23*)

## CHAPTER 6

MECHANICAL CODESECTION

- 12-601. Mechanical code adopted.  
12-602. Modifications.  
12-603. Available in recorder's office.  
12-604. Violations and penalty.

12-601. Mechanical code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 to 6-54-506, and for the purpose of regulating the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and/or appurtenances thereto, including ventilating, heating, cooling, air conditioning, and refrigeration systems, incinerators, and other energy-related systems, the International Mechanical Code,<sup>1</sup> 2012 edition, including appendix chapters and all subsequent amendments or additions to the said code, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code as fully as if copied herein verbatim and is hereinafter referred to as the mechanical code. (as added by Ord. #628, Aug. 2013 *Ch8\_06-29-23*, and replaced by Ord. #673, July 2017 *Ch8\_06-29-23*, and Ord. #668, March 2018 *Ch8\_06-29-23*)

12-602. Modifications. The following sections are hereby revised to read as follows:

Definitions. Whenever the words "Building Official" are used in the mechanical code, they shall refer to the person designated by the board of mayor and aldermen to enforce the provisions of the mechanical code. (as added by Ord. #628, Aug. 2013 *Ch8\_06-29-23*, and replaced Ord.#673, July 2017 *Ch8\_06-29-23*, and Ord. #668, March 2018 *Ch8\_06-29-23*)

12-603. 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. (as added by Ord. #628, Aug. 2013 *Ch8\_06-29-23*, and replaced Ord.#673, July 2017 *Ch8\_06-29-23*, and Ord. #668, March 2018 *Ch8\_06-29-23*)

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<sup>1</sup>Copies of this code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213-1206

12-604. 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. 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. (as added by Ord. #673, July 2017 ***Ch8\_06-29-23***, and replaced by Ord. #668, March 2018 ***Ch8\_06-29-23***)

## CHAPTER 7

ENERGY CONSERVATION CODESECTION

12-701. Energy conservation code adopted.

12-702. Modifications.

12-701. Energy conservation code adopted. That a certain document, one (1) copy of which is on file in the office of the Selmer Town Recorder, being marked and designated as the International Energy Conservation Code,<sup>1</sup> 2009 edition, as published by the International Code Council, be and is hereby adopted as the energy conservation code of the Town of Selmer, 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 there for; and each and all of the regulations, provisions, penalties, conditions and terms of said energy conservation code on file in the office of the Selmer Town Recorder 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 § 12-702 of this ordinance. (as added by Ord. #646, Feb. 2015 *Ch8\_06-29-23*)

12-702. Modification. The following sections are hereby revised:

Section 101.1. Insert: Town of Selmer, Tennessee.

Section 108.4. Insert: "\$2.00" in the first [AMOUNT] place and "\$50.00" in the second [AMOUNT] place. (as added by Ord. #646, Feb. 2015 *Ch8\_06-29-23*)

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<sup>1</sup>Copies of this code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213-1206



## CHAPTER 8

ONE-AND TWO-FAMILY DWELLINGS AND TOWNHOUSESSECTION

- 12-801. Definitions.
- 12-802. Adoption by reference.
- 12-803. Conflicts.
- 12-804. Application.
- 12-805. Permits.
- 12-806. Issuance of permits in violation of this chapter.
- 12-807. Inspections.
- 12-808. Fees.
- 12-809. Certificates of occupancy.
- 12-810. Dispute resolution.
- 12-811. Equivalencies.
- 12-812. Local government enforcing residential building codes and standards.
- 12-813. Permit issuing agents.
- 12-814. Local governments opting out of these provisions.
- 12-815. Dwelling units.

12-801. Definitions. (1) For the purposes of this chapter, the following definitions are applicable. All other definitions shall be as provided by the building and electrical codes and standards currently adopted by the department:

(a) "Addition" means an increase in floor area or height of structure.

(b) "Construction" means the erection of a new building containing a detached one (1) or two (2) family dwelling or townhouse, a change of occupancy of an existing building to a one (1) or two (2) family dwelling or townhouse or, after October 1, 2011, an addition to an existing detached one (1) or two (2) family dwelling or townhouse of thirty (30) square feet or more of interior space. The term "construction" shall not be construed to include excavation, site preparation or renovation. The term "construction" shall also not be construed to include the construction or placement of a modular or manufactured home under Tennessee Code Annotated title 68, chapter 126; however, the term "construction" shall include any additional on-site construction to a modular or manufactured home.

(c) "Department" means the Department of Commerce and Insurance.

(d) "Deputy State Building Inspector (DBI)" means any person who meets the qualifications in Tennessee Code Annotated § 68-120-101(f)(1) and (2) and is appointed by the Commissioner of

Commerce and Insurance to perform inspections of one (1) and two (2) family dwelling and townhouse construction.

(e) "Division" means the Division of Fire Prevention of the Department of Commerce and Insurance.

(f) "Fire renovation" means a renovation required after a fire regardless of whether the walls must be reconstructed.

(g) "Local government" means any city, county, town, municipal corporation, metropolitan government, or political subdivision of the state of Tennessee.

(h) "One (1) and two (2) family dwelling" means a building that contains one (1) or two (2) dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied for living purposes.

(I) "Property owner's permit" means permit applied for by a record owner of the property in order to build a one (1) family dwelling in which the owner intends to live upon completion.

(j) "Renovation" means interior or exterior painting, papering, tiling, carpeting, cabinet installation, counter top installation, reroofing, residing, glazing or replacing windows or doors, floor finishing, repairs to existing chimneys, stairs, porches, underpinnings, exterior siding or roof and similar activities, additions of exterior space and additions of less than thirty (30) square feet of interior space.

(k) "Townhouse" means a single family dwelling unit constructed in a group of three (3) or more attached units that extends from foundation to roof, separated by a two (2) hour fire resistance rated wall assembly, not more than three (3) stories in height, with a separate means of egress, and an open space or public way on at least two (2) sides.

(l) "Transient occupant" means a person who occupies a single dwelling unit for not more than thirty (30) days. (as added by Ord. #695, May 2023 ***Ch8\_06-29-23***)

12-802. Adoption by reference. (1) Unless otherwise provided by applicable law or the provisions of this chapter, the required minimum codes and standards for the construction of one (1) and two (2) family dwellings, townhouses, and additions thereto of thirty (30) square feet or more of interior space in the State of Tennessee shall be those prescribed in the following publications:

(a) International Residential Code (IRC), 2018 edition, published by the International Code Council, Inc. (ICC), 500 New Jersey Avenue Northwest, 6th Floor, Washington, D.C., 20001, and Appendix Q except that:

1. Section R313 Automatic Fire Sprinkler Systems is not mandatory, pursuant to Tennessee Code Annotated § 68-120-101(a)(8).

2. Chapters 34-43 relating to Electrical Installations are deleted and electrical standards adopted in 0780-02-01 Electrical Installations shall apply.

3. Figure R301.2(2) Seismic Design Categories is deleted and replaced with Figure R301.2(2) Seismic Design Categories Site Class D from 2015 IRC.

4. Section R314.6 Power Source relating to Smoke Alarms is amended to create Exception 3 that shall read:

Exception 3. Interconnection and hardwiring of smoke alarms in existing areas shall not be required where the alterations or repairs do not result in the removal of interior walls or ceiling finishes exposing the structure.

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

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

7. Table N1102.1.2 (R402.1.2) Insulation and Fenestration Requirement by Component and Table N1102.1.4 (R402.1.4) Equivalent U-Factors from 2018 IRC are replaced with Table N 1102.1 Insulation and Fenestration Requirements by Component and Table N1102.1.2 Equivalent U-Factor from 2009 IRC.

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

9. Table N1102.1 Insulation and Fenestration Requirements by Component in the 2009 edition is adopted and amended by adding the following as footnote "l":

"Log walls complying with ICC400 and with a minimum average wall thickness of 5" or greater shall be permitted in Zone 3 when a Fenestration U-Factor of .50 or lower is used, a Skylight U-Factor of .65 or lower is used, a Glazed Fenestration SHGC of .30 or lower is used, a 90 AFUE Furnace is used, an 85 AFUE Boiler is used, and a 9.0 HSPF Heat Pump (heating) and 15 SEER (cooling) are used."

10. Table N1102.1 Insulation and Fenestration Requirements by Component in the 2009 edition is adopted and amended by adding the following as footnote "m":

"Log walls complying with ICC400 and with a minimum average wall thickness of 5" or greater shall be permitted in Zone 4 when a Fenestration U-Factor of .35 or lower is used, a Skylight Li-Factor of .60 or lower is used, a 90 AFUE

Furnace is used, an 85 AFUE Boiler is used, and a 9.0 HSPF Heat Pump (heating) and 15 SEER (cooling) are used."

(b) International Energy Conservation Code (IECC), 2018 edition, published by the ICC, except that:

1. Section R402.4.1.2 Testing is deleted and replaced with Section 402.4.2.1 Testing Option and Section 402.4.2.2 Visual Inspection Option from 2009 IECC.

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

3. Table 402.1.2 Insulation and Fenestration Requirements by Component and Table R402.1.4 Equivalent Li-Factors are deleted and replaced with Table 402.1.1 Insulation and Fenestration Requirements by Component and Table 402.1.3 Equivalent U-Factors 2009 IECC.

(2) Paragraph (1) of this rule shall not be construed as adopting any provision of the cited publications which establishes:

(a) Any provision superseded by law;

(b) An optional or recommended, rather than mandatory, standard or practice; or

(c) Any agency, procedure, fees, or penalties for administration or enforcement purposes inconsistent with these rules.

(3) The provisions of the cited publications adopted by reference in paragraph (1) shall govern the manner in which:

(a) The codes and standards are applied to construction of one (1) and two (2) family dwellings, townhouses, and additions thereto of thirty (30) or more square feet of interior space as defined in this chapter;

(b) Occupancies and types of construction are classified for the purpose of determining minimum requirements of the codes and standards; and

(c) The specific requirements of the codes and standards may be modified to permit the use of alternate materials or methods of construction. (as added by Ord. #695, May 2023 ***Ch8\_06-29-23***)

12-803. Conflicts. (1) In the event of a conflict or inconsistency between the codes and standards adopted by reference in Tenn. Comp. R. & Regs. 0780-02-23-.02 and 0780-02-01-.02 (Electrical Installations), the most stringent provisions shall control.

(2) Nothing in this rule shall abrogate any right of appeal granted under Tennessee Code Annotated title 68, chapters 102 and 120. (as added by Ord. #695, May 2023 ***Ch8\_06-29-23***)

12-804. Application. (1) After October 1, 2010, the commencement of any construction, as defined in rule 0780-02- 23-.01, of one and two family dwellings

or townhouses undertaken shall be in compliance with the standards adopted by reference in rule 0780-02-23-.02.

(2) After October 1, 2011, the commencement of any construction, as defined in rule 0780-02-23-.01, of additions to one (1) and two (2) family dwellings or townhouses of thirty (30) square feet or more of interior space undertaken shall be in compliance with the standards adopted by reference in rule 0780-02-23-.02. (as added by Ord. #695, May 2023 ***Ch8\_06-29-23***)

12-805. Permits. (1) No construction of a one (1) or two (2) family dwelling or townhouse shall be started without securing a building permit from an issuing agent authorized by the Commissioner of Commerce and Insurance, except in an exempt jurisdiction or in the unincorporated areas of a county or in a municipality that have opted out of these provisions. A separate permit shall be required for each unit of a townhouse. Issuing agents shall receive no more than fifteen dollars (\$15.00) for each issued permit. This fifteen-dollar (\$15.00) fee shall be remitted from the applicable permit fee for inspection referenced in Tenn. Comp. R. & Regs. 0780-02-23-.08.

(2) No construction of an addition to a one (1) or two (2) family dwelling or townhouse of thirty (30) square feet or more of interior space shall be started without securing a building permit from an issuing agent authorized by the Commissioner of Commerce and Insurance, except in an exempt jurisdiction or in the unincorporated areas of a county or in a municipality that have opted out of these provisions. Issuing agents shall receive no more than fifteen dollars (\$15.00) for each issued permit. This fifteen-dollar (\$15.00) fee shall be remitted from the applicable permit fee for inspection referenced in Tenn. Comp. R. & Regs. 0780-02-23-.08.

(3) A property owner's permit shall automatically expire upon completion of the work for which the permit was issued. All work done under such permit shall be subject to regular inspection requirements and fees and other applicable laws and regulations. Pursuant to Tennessee Code Annotated § 62-6-103, an individual may obtain only one (1) property owner's permit within a twenty-four (24) month period.

(4) (a) When applying for a permit, an applicant shall complete a form prescribed by the Department containing at least the following information:

- (i) The location where the work will be performed, including street address, if available;
- (ii) A description of the work to be performed;
- (iii) The use and occupancy of the structure;
- (iv) The valuation of the project;
- (v) The square footage of the construction; and
- (vi) The signature of the applicant.

(b) When applying for a permit, an applicant shall present:

- (i) Payment in an acceptable form in the amount of the permit fee; and

(ii) Licensure pursuant to Tennessee Code Annotated title 62, chapter 6 (proof of licensure is not required for a property owner purchasing the permit when the property owner is performing the work).

(c) When applying for a permit, an applicant shall certify and have proof available, if requested, of:

(i) Availability of public sewer or a septic permit; and

(ii) Any license or permit required by state law or local ordinance.

(5) All building permits are non-transferable.

(6) In the event more than one (1) rejection is issued during the building inspection process, an additional inspection permit shall be obtained for each subsequent rejection.

(7) (a) A building permit shall be void if the authorized work is not commenced within one hundred eighty (180) days after its issuance. If the work authorized by a permit is commenced and then suspended or abandoned for a period of one hundred eighty (180) days a building permit shall be void. The Commissioner of Commerce and Insurance, or designee, is authorized to grant one (1) or more extensions of time, for period of not more than one hundred eighty (180) days each. All extensions shall be requested in writing and justifiable cause demonstrated.

(b) Every building permit shall expire two (2) years from the date of issue or upon the issuance of the certificate of occupancy unless:

(i) The Commissioner of Commerce and Insurance, or designee, determines that substantial progress has been made in the work authorized by the permit; and

(ii) The permit holder is granted an exception or extension after submitting a written request to the Commissioner of Commerce and Insurance, or designee.

(c) No construction work for which a permit is required shall be commenced in any building or premises until a permit to perform such work is obtained.

(8) The original permit, along with any other required state or local permit, shall be placed on site and shall be readily available for inspection. Upon completion of a request form prescribed by the Department, a duplicate original permit may be obtained for a fee of ten dollars (\$10.00) in the event of the loss or destruction of the original permit.

(9) It shall be the responsibility of all persons performing work on the site to comply with the required codes and standards.

(10) The issuance of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this chapter or of any state law or regulation or any ordinance of the local jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this chapter,

any state law or regulation or any ordinance of the local jurisdiction shall not be valid. The issuance of a permit based on construction documents or other data shall not prevent the Division from requiring the correction of errors in the construction documents or other data. The Division is also authorized to prevent occupancy or use of a structure where there is a violation of the chapter or any state law or regulation. (as added by Ord. #695, May 2023 **Ch8\_06-29-23**)

12-806. Issuance of permits in violation of this chapter. (1) The division may suspend or revoke a permit issued under the provisions of this chapter wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any state law or regulation or any of the provisions of this chapter.

(2) Upon notice from the division to the issuer, the issuer shall immediately revoke any permit issued in violation of state law or regulation or this chapter, and any construction on such project must cease until proper approval is obtained and a new permit issued pursuant to this chapter. (as added by Ord. #695, May 2023 **Ch8\_06-29-23**)

12-807. Inspections. (1) Inspections of construction of one (1) family and two (2) family dwellings, townhouses begun after October 1, 2010, and additions thereto of thirty (30) square feet or more of interior space begun after October 1, 2011, will be conducted by deputy building inspectors appointed under contract with the Commissioner of Commerce and Insurance pursuant to Tennessee Code Annotated § 68-120-101.

(a) Fees for such inspections for services in subparagraph (2)(a) are specified in rule 0780-02-23-.08.

(b) Fees charged for additional inspections, including consultation inspections, slab inspections, plumbing, mechanical and gas inspections and inspections necessitated by more than one (1) rejection on the project, are specified in rule 0780-02-23-.08.

(2) (a) Inspections shall be required on:

(i) Foundations after poles or piers are set or trenches or basement areas are excavated and any required forms erected and any required reinforcing steel is in place and supported prior to the placing of concrete. The foundation inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, equipment and special requirements for wood foundations. Monolith poured slabs shall be inspected as the footing for the structure.

(ii) After October 1, 2011, plumbing and mechanical systems prior to covering or concealment, before fixtures or appliances are set or installed, and prior to or at the same time as the framing inspection.

(iii) Frame after roof, framing, fire stopping, draft stopping, bracing rough in plumbing, rough in mechanical and rough in electrical are in place.

(iv) Attached garages.

(v) Prefabricated walls.

(vi) Fire renovations.

(vii) Final after the permitted work is complete and prior to occupancy.

(b) If a slab foundation, other than a monolith pour, is to be used, an inspection of the slab shall be required in addition to the foundation inspection. Monolith pour, or monolith slab foundation that consists of a single concrete slab with thickened portions of slab under loadbearing walls, does not require a separate inspection.

(c) Energy efficiency inspections shall occur during the required inspections specified in Tenn. Comp. R. & Regs. 0780-02-23-.08(2) as required by the adopted codes and standards.

(3) It shall be the duty of the permit holder or agent thereof to notify the building inspector through the permit issuing agent that such work is ready for inspection. It shall be the duty of the person requesting any inspections required to provide access to and means for inspection of such work.

(4) Inspections shall be conducted in the order set out in paragraph (2) of this rule. Work shall not be done beyond the point indicated in each successive inspection without first obtaining approval of the building inspector. The building inspector, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with the adopted standards. Any portions that do not comply with the adopted codes and standards shall be corrected and such portions shall not be covered or concealed until authorized by the building inspector.

(5) The Commissioner of Commerce and Insurance, or designee, may waive an inspection if an inspection letter approving the work acceptable to the division is signed and submitted by an architect or engineer currently registered in the state of Tennessee. (as added by Ord. #695, May 2023 **Ch8\_06-29-23**)

12-808. Fees. (1) The fee shall be payable in full at the time of application for a building permit. The fee shall be determined based on actual expected construction costs; however, the actual costs shall not be less than the construction cost based on the latest available Building Valuation Data published by the International Code Council (using a 0.60 cost modifier, except for the footnotes). The fee for a permit for construction shall be as specified in the following table:



Total Construction Cost	Fee
\$0.00 to \$5,000	\$100
\$5,001 to \$100,000	\$350
\$100,001 to \$150,000	\$400
\$150,001 to \$200,000	\$450
\$200,001 to \$250,000	\$500
\$250,001 to \$300,000	\$550
\$300,001 AND UP	\$550 for the first \$300,000; plus \$50.00 for each additional fifty thousand dollars (\$50,000) above \$300,000 or fraction thereof.

(a) When the permit fee is to be collected from another state department or agency, the permit may be issued once all information needed to invoice or journal voucher the other state department or agency has been received.

(b) If the application for a building permit must be resubmitted because its issuance has become invalid under paragraph (3) of rule 0780-02-23-.05, the fee established in this rule shall be imposed.

(2) After October 1, 2011, the fee for a plumbing and mechanical inspection shall be one hundred dollars (\$100.00) in addition to other applicable fees.

(3) The fee for a slab inspection, other than monolith pours, shall be one hundred dollars (\$100.00) in addition to other applicable fees.

(4) The fee for a prefabricated wall inspection shall be one hundred dollars (\$100.00) in addition to other applicable fees.

(5) The fee for a re-inspection necessitated by more than one (1) rejection on a project shall be one hundred dollars (\$100.00).

(6) The fee for a consultation inspection or a temporary certificate of occupancy shall be one hundred dollars (\$100.00).

(7) The division may require appropriate documentation of costs (such as contractors' bids or invoice) if:

(a) In the division's opinion, the construction cost of a project has been underestimated in a permit application based on the latest available building valuation data published by the International Code Council (using a 0.60 cost modifier, except for the footnotes).

(b) After initial review, if such documentation warrants an additional permit charge it shall be computed, assessed, and paid promptly and no further construction shall be authorized pursuant to the authority of the permit until payment is made.

(8) If a permit expires before completion of a project or a project is stopped before its completion, the permit holder shall be entitled to a refund of the inspection fees that would have been due to the deputy building inspector under their contract for any required inspection under Tenn. Comp. R. & Regs. 0780-02-23-.08 that was not performed, provided that the permit holder requests such refund on a form prescribed by the division no less than sixty (60) days prior to the expiration of the permit.

(9) Any person who begins any work on any building or structure before obtaining the necessary permit required under this chapter shall be subject to an additional fee of one hundred percent (100%) of the required permit fee for each violation. (as added by Ord. #695, May 2023 **Ch8\_06-29-23**)

12-809. Certificate of occupancy. (1) A new one (1) or two (2) family dwelling, townhouse, where construction began after October 1, 2010, or any additions thereto of thirty (30) square feet or more of interior space regulated under this chapter, where construction began after October 1, 2011, shall not be occupied until the division has issued a certificate of occupancy.

(2) A certificate of occupancy shall be issued after the passage of all inspections required by this chapter and passage of the final electrical inspection.

(3) The certificate of occupancy shall state:

(a) The building permit number;

(b) The address of the building;

(c) The name and address of the building owner;

(d) The name of the deputy building inspector;

(e) The edition of the codes and standards the building permit was issued under; and

(f) The date of issuance.

(4) A temporary certificate of occupancy may be issued by the division for a portion or portions of the construction that may be occupied safely prior to final completion of the building.

(5) The division may suspend or revoke a certificate of occupancy issued under the provisions of this chapter if the certificate of occupancy is issued in error, or on the basis of incorrect, inaccurate or incomplete information, or in violation of any state law or regulation or any of the provisions of this chapter. (as added by Ord. #695, May 2023 **Ch8\_06-29-23**)

12-810. Dispute resolution. (1) Disputes that arise during the inspection process shall be resolved as follows:

(a) When a dispute arises as to the interpretation or applicability of a provision of the adopted codes and standards between the owner, designer or contractor on a project and the deputy building inspector inspecting the project, the dispute shall be submitted to the director over residential inspections, or designee, for resolution.

(b) If the owner, designer or contractor disagrees with the decision of the director over residential inspections, or designee, the dispute shall be submitted to the director's supervisor within the division for resolution.

(c) If the owner, designer or contractor disagrees with the decision of the director's supervisor within the division, the dispute shall be submitted to the Commissioner of Commerce and Insurance, or designee, for resolution.

(d) At any point during this process, the parties may agree to submit the dispute to the publisher of the applicable codes and standards for a written opinion.

(2) The entire dispute resolution process set forth in paragraph (1) above shall be completed as quickly as possible, but no more than thirty (30) calendar days from the date that the dispute is first submitted for resolution, unless the dispute is submitted to the publisher of the codes and standards for an opinion.

(3) If there are any fees charged by the publisher for rendering a written opinion, those fees shall be paid by the owner, designer or contractor of the project before a certificate of occupancy will be issued by the division. (as added by Ord. #695, May 2023 *Ch8\_06-29-23*)

12-811. Equivalencies. (1) Wherever there are practical difficulties involved in carrying out the provisions of this chapter and the codes and standards adopted in this chapter, the Commissioner of Commerce and Insurance, or designee, shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the Commissioner of Commerce and Insurance, or designee, shall first find that the special individual reason makes the strict application of the codes and standards adopted in this chapter impractical and the modification is in compliance with the intent and purpose of the codes and standards adopted in this chapter and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and kept in the files of the division.

(2) The provisions of the codes and standards adopted in this chapter are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by the codes and standards, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the Commissioner of Commerce and Insurance, or designee, finds that the proposed design is satisfactory and complies with the intent of the codes and standards adopted in this chapter, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed by the codes and standards adopted in this chapter in quality, strength, effectiveness, fire

resistance, durability and safety. (as added by Ord. #695, May 2023 *Ch8\_06-29-23*)

12-812. Local government enforcing residential building codes and standards. Purpose. Pursuant to Tennessee Code Annotated § 68-120-101, a local government may be responsible for adopting and enforcing residential building construction and fire safety codes and standards for one (1) and two (2) family dwellings, townhouses, and additions thereto of thirty (30) square feet or more of interior space. The county or city is authorized to charge and receive a fee for each inspection performed. This rule sets forth the criteria by which local governments are authorized to adopt and enforce residential building codes and standards and the procedures by which the division may review such authorization.

(1) Initial authorization. (a) On or before July 1, 2010, or upon subsequent adoption thereof, a local government meeting the requirements of Tennessee Code Annotated § 68-120-101, to adopt and enforce residential building construction and fire safety codes and standards for one (1) and two (2) family dwellings, townhouses and additions thereto of thirty (30) square feet or more of interior space, shall provide the division with the following information:

(i) The titles and editions of the residential building construction and fire safety codes and standards for one (1) and two (2) family dwellings and townhouses adopted and enforced by the local government;

(ii) The number and types of inspections that will be conducted;

(iii) A description of the permit issuance, enforcement, and recordkeeping process for all residential inspection activities.

(iv) The names of all persons who are employed by the local government to perform residential building inspections on the construction of one (1) and two (2) family dwellings, townhouses, and additions thereto of thirty (30) square feet or more of interior space and who meet the training requirements of Tennessee Code Annotated §§ 68-120-101(f)(1)(B), 68-120-113, and 68-120-118; and

(v) Any other documentation the division deems necessary from a local government to evidence compliance with the requirements of Tennessee Code Annotated §§ 68-120-101, 68-120-113 and 68-120-118. The division may conduct an on-site review of the local government's residential building permit and inspection process.

(2) Except as provided in Tennessee Code Annotated § 68-120-101, or otherwise approved in writing by the state fire marshal, no city, county, town, municipal corporation, metropolitan government, or political subdivision of the State of Tennessee shall adopt or enforce any ordinance prescribing less

stringent standards of fire prevention, fire protection, or building construction safety than those established hereunder. The residential building construction and fire safety codes and standards adopted by a local government shall be current within seven (7) years of the date of the latest edition published. Any amendments to the editions of the standards and codes adopted by the local government shall be designed to afford a reasonable degree of safety to life and property from fire and hazards incident to the design, construction, alteration, and repair of buildings or structures within the jurisdiction. If a local government adopts a less stringent seismic standard, the local government shall submit the request in writing with a letter from an engineer registered in Tennessee confirming that the proposed standards afford, to a reasonable degree, building construction standards to protect life and property. A local government may also request to adopt a less stringent seismic standard proposed by a different political subdivision if that standard was previously approved by the state fire marshal.

(3) Review of local government authorization. (a) For any local government that is authorized to adopt and enforce residential building construction and fire safety codes and standards for one (1) and two (2) family dwellings, townhouses, and additions thereto of thirty (30) square feet or more of interior space, the division will conduct a review of the local government's authorization at least once every three (3) years. The local government shall submit the following information on a form provided by the division within thirty (30) days of its receipt of the form.

(i) The titles and editions of the residential building construction and fire safety codes and standards for one (1) and two (2) family dwellings and townhouses adopted and enforced by the local government;

(ii) The number and types of residential inspections that are conducted;

(iii) A description of the permit issuance, enforcement, and recordkeeping process for all residential inspection activities;

(iv) The names of all persons who are employed by the local government to perform residential building inspections on the construction of one (1) and two (2) family dwellings, townhouses, and additions thereto of thirty (30) square feet or more of interior space and who meet the training requirements of Tennessee Code Annotated §§ 68-120-101(f)(1)(B), 68-120-113 and 68-120-118; and,

(v) Any other documentation the division deems necessary from the local government to evidence compliance with the requirements of Tennessee Code Annotated §§ 68-120-101, 68-120-113 and 68-120-118. The division may conduct an on-site review of the local government's residential building permit and inspection process.

(b) Each local government selected for an on-site review pursuant to this paragraph shall be notified of the review in writing.

(c) Report of review.

(i) After conclusion of the review, the division shall notify the local government in writing whether the local government's adopted residential building construction and fire safety codes and standards are current as required by law, whether there are any areas in which the local government is not adequately enforcing the adopted codes and standards, and whether the local government's personnel is properly performing inspections.

(ii) If the local government has not adopted current residential building codes and standards, is not adequately enforcing the adopted codes and standards, or is not properly performing inspections, the notification shall contain recommended corrective action, and the local government shall be directed to submit a plan of corrective action to the division within thirty (30) days after its receipt of the notification. The plan of corrective action shall be sufficiently detailed so as to ensure compliance with all requirements for initial authorization.

(iii) Within thirty (30) days after receipt of the local government's plan of corrective action, the division shall either approve or disapprove the plan. If the plan is approved, the division may conduct periodic follow-up reviews to ensure continued compliance with the plan. If the plan is not approved, the division may remove the local government's authorization to conduct building inspections on the construction of one (1) and two (2) family dwellings, townhouses, and additions thereto of thirty (30) square feet or more of interior space. (as added by Ord. #695, May 2023 *Ch8\_06-29-23*)

12-813. Permit issuing agents. (1) All individuals, including all business entities, local governments and cooperatives, who undertake to issue building permits under this chapter, must hold a current contract with the Department of Commerce and Insurance, as administered through the division of fire prevention.

(2) State deputy building inspectors and their immediate families are ineligible to become issuing agents. Additionally, without prior approval from the department, no individual or business entity in any way related to or financially associated with any department official will be allowed to become an issuing agent. (as added by Ord. #695, May 2023 *Ch8\_06-29-23*)

12-814. Local government opting out of these provisions. Any local government opting out of the provisions of Tennessee Code Annotated

§ 68-120-101 regarding residential building codes and standards for one (1) and two (2) family dwellings, townhouses and additions thereto of thirty (30) square feet or more of interior space shall submit to the division the following:

- (1) A certified copy of the resolution opting out of these provisions;
- (2) The date of the next election for the legislative body; and
- (3) The name and mailing address of the person responsible by law for recordkeeping for the legislative body and to whom any notifications should be sent. (as added by Ord. #695, May 2023 ***Ch8\_06-29-23***)

12-815. Dwelling units. (1) A single dwelling unit providing complete independent living facilities including, but not limited to, permanent provisions for living, sleeping, eating, cooking and sanitation, may meet the requirements of a one (1) and two (2) family dwelling and shall not be subject to the provisions of Tenn. Comp. R. & Regs. 0780-02-03 (Review of Construction Plans and Specifications) if the dwelling unit:

- (a) Is three (3) stories or less;
- (b) Has a maximum occupancy of twelve (12) or fewer transient occupants; and,
- (c) And consists of a gross area of less than five thousand square feet (5,000).

(2) A dwelling unit shall be in compliance with paragraph (1) of this rule in order to qualify for classification as a one (1) or two (2) family dwelling unit. Any noncompliance with a single criterion may result in the dwelling unit being classified as nonresidential.

(3) A boarding house or congregate living facility shall meet the requirements of the applicable standards adopted pursuant to Tennessee Code Annotated § 68-120-101 and Tenn. Comp. R. & Regs. 0780-02-02 (Codes and Standards) and 0780-02-03 (Review of Construction Plans and Specifications). (as added by Ord. #695, May 2023 ***Ch8\_06-29-23***)