

TITLE 12

BUILDING, UTILITY, ETC. CODES

CHAPTER

1. BUILDING CODE.
2. PLUMBING CODE.
3. ELECTRICAL CODE.
4. MECHANICAL CODE.
5. BOARD OF ADJUSTMENTS AND APPEALS.

CHAPTER 1

BUILDING CODE¹

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 through 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,² 2006 edition, 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 building code.

12-102. Modifications. (1) Definitions. Whenever in the international building code when reference is made to the duties of a certain official named therein, that designated official of the City of Westmoreland who has duties corresponding to those of the named official in said code shall be deemed to be

¹Municipal code references

Fire protection: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

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

the responsible official insofar as enforcing the provisions of the building code are concerned.

(2) Permit fees. The permit fees will be set by the city council and changed periodically.

12-103. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated § 6-54-502, one (1) copy of the international 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. Administrative regulations adopting amendments to the building code will be placed on file when they are published by the building inspector, and at least fifteen (15) days before their effective date.

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.

CHAPTER 2

PLUMBING CODE¹

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 through 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 city water or sewerage system, the International Plumbing Code,² 2006 edition, 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.

12-202. Modifications. Definitions. Wherever the plumbing code refers to the "Chief Appointing Authority," the "Administrative Authority," or the "Governing Authority," it shall be deemed to be a reference to the board of commissioners.

Wherever "City Engineer," "Engineering Department," "Plumbing Official," or "Inspector" is named or referred to, it shall mean the person appointed or designated by the city council to administer and enforce the provisions of the plumbing code.

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.

¹Municipal code references

Cross connections: title 18.

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

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

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.

CHAPTER 3

ELECTRICAL CODE¹

SECTION

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

12-301. Electrical code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506 and for the purpose of providing minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation, and maintenance or use of electrical systems and equipment, or for other purposes, the International Electrical Code,² 2006 edition, as prepared 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 electrical code.

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

12-303. Permit required for electrical work. No electrical work shall be done within the city until a permit therefor has been issued by the city. The term "electrical work" shall not be deemed to include minor repairs that do not involve the installation of new wire, conduits, machinery, apparatus, or other electrical devices generally requiring the services of an electrician.

12-304. Violations and penalty. It shall be unlawful for any person to do or authorize any electrical work or to use any electricity in such manner or under such circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the electrical code. The violation of any section of this chapter shall be punishable by a penalty under the general

¹Municipal code references

Fire protection, fireworks and explosives: title 7.

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

penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

12-305. Enforcement. The electrical inspector shall be such person as the city council 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.

12-306. Fees. The electrical inspector shall collect the same fees as are authorized in Tennessee Code Annotated § 68-102-143 for electrical inspections by deputy inspectors of the state fire marshal.

CHAPTER 4

MECHANICAL CODE¹

SECTION

12-401. Mechanical code adopted.

12-402. Available in recorder's office.

12-403. Violations and penalty.

12-401. Mechanical code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of establishing minimum regulations for mechanical systems using prescriptive and performance-related provisions, the International Mechanical Code,² 2006 edition, 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.

12-402. 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 city recorder's office and shall be kept there for the use and inspection of the public.

12-403. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the mechanical code as herein adopted by reference and modified.

¹Municipal code references

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

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

CHAPTER 5

BOARD OF ADJUSTMENTS AND APPEALS

SECTION

- 12-501. Creation.
- 12-502. Membership.
- 12-503. Terms and removal of members.
- 12-504. Election of officers.
- 12-505. Purpose.
- 12-506. Quorum; meetings and by-laws.
- 12-507. Appeals to board.
- 12-508. Powers.
- 12-509. Enforcement of decisions.
- 12-510. Notice of appeal to board.
- 12-511. Time for hearing.
- 12-512. Rules of procedure.
- 12-513. Timeliness of decisions.

12-501. Creation. There is hereby established the Board of Adjustments and Appeals for the City of Westmoreland. (Ord. #299, April 1996)

12-502. Membership. The board shall consist of seven (7) members and two (2) alternates, all of whom shall be appointed by majority vote of the city council. The members must be residents of the City of Westmoreland. The members should be composed of individuals with knowledge and experience in the technical codes, such as design professionals, contractors or building industry representatives. Of the two (2) alternate members, one (1) shall be a member at large from the building industry and one (1) shall be a member at large from the public. A board member shall not act in a case in which he has a personal or financial interest. (Ord. #299, April 1996)

12-503. Terms and removal of members. The members shall be appointed for three (3) year terms, except that on the initial appointment, two (2) shall be appointed for one (1) year, two (2) for two (2) years, and three (3) for three (3) years, so as to insure that no more than one-third (1/3) of the board is appointed or replaced in any twelve (12) month period. The two (2) alternates shall serve one (1) year terms. Any one or more members of said board shall be subject to removal or replacement by the appointing authority at any time for cause of stated charges after a public hearing before the appointing authority, and a vacancy on said board shall be filled by the appointing authority for the unexpired term of such vacancy. The members of said board shall serve without compensation. Continued absence of any member from required meetings of the

board shall, at the discretion of the city council, render any such member subject to immediate removal from office. (Ord. #299, April 1996)

12-504. Election of officers. As soon as practical after their appointment, the members of the board shall meet and organize by electing a chairman and a vice-chairman. Thereafter officers of the board shall be elected by the members at the March meeting of the board. The building official shall act as secretary of the board and shall make a detailed record of all of its proceedings, which shall set forth the reasons for its decisions, the vote of each member, the absence of a member and any failure of a member to vote and shall handle such additional duties as the board may deem proper. All minutes of the meetings of the board shall be public records. (Ord. #299, April 1996)

12-505. Purpose. The board shall have the power to hear appeals of decisions and interpretations of the building official, housing official and fire official (hereinafter collectively referred to as "official") and consider variances of the technical codes. (Ord. #299, April 1996)

12-506. Quorum; meetings and by-laws. A simple majority of the board shall constitute a quorum. In varying any provision of the building code or fire code (hereinafter collectively referred to as "codes"), the affirmative votes of the majority present, but not less than three (3) affirmative votes, not less than a majority of the board, shall be required. In the event that regular members are unable to attend a meeting, the alternate members shall vote. (Ord. #299, April 1996, modified)

12-507. Appeals to board. The owner of a building, structure or service system, or his duly authorized agent, may appeal a decision of the appropriate official to the board whenever any one (1) of the following conditions are claimed to exist:

(1) The appropriate official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.

(2) The provisions of the codes, all as amended from time to time, do not apply to this specific case.

(3) That an equally good or more desirable form of installation can be employed in any specific case.

(4) The true intent and meaning of this code or any of the regulations thereunder have been misconstrued or incorrectly interpreted. (Ord. #299, April 1996, modified)

12-508. Powers. The board, when so appealed to and after a hearing, may vary the application of any provisions of the codes to any particular case when, in its opinion, the enforcement thereof would be manifest injustice and

would be contrary to the spirit and purpose of the codes, the technical codes or public interest, or when, in its opinion the interpretation of the appropriate official shall be modified or reversed, and also finds all of the following:

(1) That special conditions and circumstances exist which are peculiar to the building structure or service system involved and which are not applicable to others.

(2) That the special conditions and circumstances do not result from the action or inaction of the applicant.

(3) That granting the variance requested will not confer on the applicant any special privilege that is denied by the codes to other building structures or service system.

(4) That the variance granted is the minimum variance that will make possible the reasonable use of the building structure or service system.

(5) That the grant of the variance will be in harmony with the general intent and purpose of the codes and will not be detrimental to the public health, safety and general welfare. (Ord. #299, April 1996)

12-509. Enforcement of decisions. In granting the variance, the board may prescribe a reasonable time limit within which the action for which the variance is required shall be commenced or completed or both. In addition, the board may prescribe appropriate conditions and safeguards in conformity with the codes. Violation of the conditions of a variance shall be deemed a violation of the codes. (Ord. #299, April 1996)

12-510. Notice of appeal to board. Notice of appeal shall be in writing and filed within fifteen (15) calendar days after the decision is rendered by the appropriate official. Appeals shall be in a form acceptable to the appropriate official and shall be accompanied by the necessary fees as determined by the board from time to time. (Ord. #299, April 1996)

12-511. Time for hearing. In the case of a building, structure or service system which, in the opinion of the building official or fire official, as appropriate, is unsafe, unsanitary or dangerous, the building official or fire official, as applicable, may, in his order, limit the time for such appeals to a shorter period. (Ord. #299, April 1996)

12-512. Rules of procedure. The board shall establish its own rules of procedure for accomplishment of its duties and functions, provided that such rules shall not be in conflict with the provisions of the codes and the laws of the State of Tennessee. The board shall meet at regular intervals on call of the chairmen, but in any event, the board shall meet within ten (10) calendar days after notice of appeal has been received. Reasonable notice of the place, time and date of such meeting shall be given all of the members of the board and all interested parties in each case to be heard by the board. (Ord. #299, April 1996)

12-513. Timeliness of decisions. The board shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the board shall also include the reasons for the decision and shall specify in what manner such variance or modification is made and the conditions upon which such decision is made. If a decision of the board reverses or modifies a refusal, order or disallowance of the appropriate official, or varies the application of any provision of the codes, the appropriate official shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the building official and shall be open to public inspection. A certified copy of the decision shall be sent by mail or otherwise to the appellant and a copy shall be kept publicly posted in the office of the appropriate official for two (2) weeks after filing. Every decision of the board shall be final, subject however, to such remedy as an aggrieved party might have at law or in equity. (Ord. #299, April 1996)