

TITLE 12: BUILDING AND UTILITY CODES

Chapter

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CHAPTER 1: BUILDING CODE

Section

- 12-101 Building code adopted
- 12-102 Modifications
- 12-103 Code available in Clerk's office
- 12-104 Violation and penalty

Cross-reference:

Fire code, see Title 7

Gas code, see Title 19

Slum clearance, see Title 13, Chapter 2

§ 12-101 BUILDING CODE ADOPTED.

The International Building Code, 2012 edition, and modifications thereto, is hereby adopted and incorporated by reference as part of this municipal code, and is hereinafter referred to as “the building code”.

(2007 Code, § 12-101) (Ord. 14-02, passed - -)

§ 12-102 MODIFICATIONS.

- (1) Section 101.1 Title. Add “Town of Smyrna, TN” in place of “[name of jurisdiction]”
- (2) Section 103.1 Creation of enforcement agency. Delete “The Department of Building Safety” and substitute “The Department of Building Codes and Safety”.
- (3) Section 104.10.1 Flood hazard areas. Delete this section in its entirety.
- (4) Section 105.2 Work exempt from permit.
 - (a) 1. Amend “120” to “100”; and
 - (b) Add item #14. “Roof covering replacement where the repairs do not involve replacement of the roof deck and/or structural framing.”
- (5) Section 105 Permits (mechanical). Add as an eighth item: Add “Replacement of an HVAC unit where unit heating and cooling capacity and fuel source is not changing.”

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(6) Section 107.2.5.1 Design flood elevations. Delete this section in its entirety.

(7) Section 1008.1.9.4 Bolt locks. Exceptions #3 and 4. Add “M” after “F”.

(8) Section 2308.8 Floor joists. Delete “Table 2308.8 (1)” and “2308.8 (2)” and substitute “R502.3.1 (1)” and “R502.3.1 (2)” respectively.

(9) Section 2308.10.2 Ceiling joist spans. Delete “Table 2308.10.2(1)” and substitute “Table R802.4(1)”; delete “Table 2308.10.2(2)” and substitute Table “R802.4(2)” (see attachments).

(10) Section 2308.10.3 Rafter spans. Delete “Table 2308.10.3(1)” and substitute “Table R802.5.1(1)”; delete “2308.10.3(2)” and substitute “R802.5.1(2)”; delete “2308.10.3(3)” and substitute “R802.5.1(3)”; delete “R2308.10.3(4)” and substitute “R802.5.1(4)”; delete “2308.10.3(5)” and substitute “R802.5.1(5)”; delete “2308.10.3(6)” and substitute “R802.5.1(6)”. (see attachments)

(11) Appendix A is adopted.

(2007 Code, § 12-102) (Ord. 14-02, passed - -)

§ 12-103 CODE AVAILABLE IN CLERK’S OFFICE.

At least one copy of the building code has been placed in the Town Clerk’s office, and shall be kept there for the use and inspection of the public.

(2007 Code, § 12-103)

§ 12-104 VIOLATION AND PENALTY.

A violation of any provision of this chapter shall subject the offender to a penalty under the general penalty provision of this code. Each day an offense occurs constitutes a separate violation.

(2007 Code, § 12-104)

CHAPTER 2: EXISTING BUILDING CODE

Section

- 12-201 Existing building code adopted
- 12-202 Modification of designated official
- 12-203 Code available in Clerk's office
- 12-204 Violation and penalty

§ 12-201 EXISTING BUILDING CODE ADOPTED.

The International Existing Building Code, 2012 edition, and modifications thereto, is hereby adopted and incorporated by reference as part of this municipal code, and is hereinafter referred to as “the existing building code”.

(Ordinance 14-02, passed - -)

§ 12-202 MODIFICATION OF DESIGNATED OFFICIAL.

The building official or his or her designee of the town, who has duties corresponding to the duties of officials named in the International Existing Building Code, as adopted by the town, shall be responsible for the enforcement of the existing building code provisions.

(2007 Code, § 12-202) (Ord. 04-46, passed 12- -2004)

§ 12-203 CODE AVAILABLE IN CLERK'S OFFICE.

At least one copy of the existing building code has been placed in the Town Clerk's office, and shall be kept there for the use and inspection of the public.

(2007 Code, § 12-203)

§ 12-204 VIOLATION AND PENALTY.

A violation of any provision of this chapter shall subject the offender to a penalty under the general penalty provision of this code. Each day an offense occurs constitutes a separate violation.

(2007 Code, § 12-204)

CHAPTER 3: EXCAVATION AND GRADING CODE

Section

- 12-301 Grading and excavation code adopted
- 12-302 Modification of designated official
- 12-303 Code available in Clerk's office
- 12-304 Application for grading
- 12-305 Plans and specifications
- 12-306 Issuance of permit
- 12-307 Engineering review fees
- 12-308 Violation and penalty

§ 12-301 GRADING AND EXCAVATION CODE ADOPTED.

The current version of the Standard Specifications for Bridge and Road Construction of the Tennessee Department of Transportation is hereby adopted and incorporated by reference as part of this municipal code.

(2007 Code, § 12-301)

§ 12-302 MODIFICATION OF DESIGNATED OFFICIAL.

The Director of Public Works or his or her designee of the town shall be responsible for the enforcement of this chapter's provisions.

(2007 Code, § 12-302)

§ 12-303 CODE AVAILABLE IN CLERK'S OFFICE.

At least one copy of the excavation and grading code has been placed in the Town Clerk's office, and shall be kept there for the use and inspection of the public.

(2007 Code, § 12-303)

§ 12-304 APPLICATION FOR GRADING.

(1) *Application.* To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished for that purpose. Every such application shall:

- (a) Identify and describe the work to be covered by the permit for which application is made;
- (b) 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;
- (c) Be accompanied by plans and specifications as required in § 12-305 of this code;
- (d) State the estimated quantities of work involved;
- (e) Be signed by the permittee, or his or her authorized agent, who may be required to submit evidence to indicate such authority; and
- (f) Information that shall be required includes:
 - (i) Temporary cover during the grading and development period;
 - (ii) Permanent grass and vegetative cover for the area;
 - (iii) Stabilization by means of mulching (non-vegetative materials);
 - (iv) Sodding the area subject to erosion;
 - (v) Use of low-growing plants, vines, shrubs, or other ground covers to stabilize sediment-producing areas;
 - (vi) Constructing diversionary channels and terraces across the slope;
 - (vii) Construction of structures that will stabilize the grade in water channels;
 - (viii) Sediment basins constructed in such manner that failure of the structure would not result in loss of life or interruption of use or service of public utilities;
 - (ix) Use of grassed waterways for the safe disposal of runoff water;
 - (x) Staging development to avoid having large areas in an erosive condition at one time;
 - (xi) Utilization of existing topography in planning development to minimize erosion, such as planning roadways parallel to contours; and

(xii) Leaving critical areas in an undisturbed condition or correction of critical areas which cause erosion hazard.

(2) *Plans generally.* Plans shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that they will conform to the provisions of this code and all relevant laws, ordinances, rules, and regulations. The first sheet of each set of plans shall give the location of the work and the name and address of the owner and the person by whom they were prepared.

(3) *Information on plans.* The plans shall include the following information:

(a) General vicinity of the proposed site;

(b) Property limits and accurate contours of existing ground and details of terrain and area drainage;

(c) Limiting dimensions, elevations, or finish contours to be achieved by the grading, and proposed drainage channels and related construction;

(d) Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams, and other protective devices to be constructed with, or as a part of, the proposed work together with a map showing the drainage area and the estimated run-off of the area served by any drains. Upstream drainage must be considered and explained if any adverse effect is possible. Plans for removal, recontouring, or other final disposition of sediment basins or other structural improvements or devices shall be included in the plan. If a sedimentation basin is required, it should be designed by registered engineers in accordance with property guidelines;

(e) (i) Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on land of adjacent owners which are within 15 feet of the property or which may be affected by the proposed grading operations.

(ii) Specifications shall contain information covering construction and material requirements.

(f) All elevations must be stated in mean sea level datum and this fact indicated in a note on the plan sheet;

(g) Location of areas of proposed paving;

(h) Limits of vegetative clearing;

(i) Estimates of exposed time of denuded land;

(j) Plans for vegetation re-establishment;

(k) A schedule for performance of all earthwork, earth stabilization, and reclamation activities;
and

(l) A soil erosion control plan which shall include the following items.

(i) The plan should relate to the specific site conditions, and should keep land grading and land disturbance to a minimum under the circumstances.

(ii) Both surface and underground stormwater drainage systems should be integrated to accommodate the increased runoff incurred during land grading.

(iii) Existing and future protective vegetative cover should be emphasized, and grading operations and sediment control measures should be minimize land exposure to erosion.

(iv) Sediment basins for high sediment producing areas should be planned, installed, and maintained as safety devices to catch and trap excessive sediment from the development site.

(v) Use of low-growing plants, vines, shrubs, or other ground covers to stabilize sediment-producing areas.

(vi) Constructing diversionary channels and terraces across the slope.

(vii) Construction of structures that will stabilize the grade in water channels.

(viii) Sediment basins constructed in such manner that failure of the structure would not result in loss of life or interruption of use or service of public utilities.

(ix) Use of grassed waterways for the safe disposal of runoff water.

(x) Staging development to avoid having large areas in an erosive condition at one time.

(xi) Utilization of existing topography in planning development to minimize erosion, such as planning roadways parallel to contours.

(xii) Leaving critical areas in an undisturbed condition or correction of critical areas which cause erosion hazard.

(xiii) Within any sinkhole, no fill shall be used without approval of the Town Engineer and the state's Department of Environment and Conservation.

(2007 Code, § 12-304)

§ 12-305 PLANS AND SPECIFICATIONS.

When required, each application for a grading permit shall be accompanied by two sets of plans and specifications, and supporting data consisting of a soil engineering report and engineering geology report. The plans and specifications shall be prepared and signed by a civil engineer.
(2007 Code, § 12-305)

§ 12-306 ISSUANCE OF PERMIT.

(1) The application, plans, and specifications filed by an applicant for a permit shall be checked by the Director of Public Works or his or her designee. Such plans shall be reviewed by the Director of Public Works or his or her designee to check compliance with all applicable laws and ordinances. If the Director of Public Works or his or her designee is satisfied that the work described in an application for permit and the plans filed therewith conform to the requirements of this code and other pertinent laws and ordinances, and that the fees specified in this chapter have been paid, he or she may issue a permit therefor to the applicant. The Director of Public Works may, at his or her discretion, require approval by the Planning Commission prior to issuance of a grading permit.

(2) When the Director of Public Works or his or her designee issues the permit, he or she shall endorse in writing or stamp on both sets of plans and specifications “APPROVED”. Such approved plans and specifications shall not be changed, modified, or altered without authorization from the Director of Public Works or his or her designee, and all work shall be done in accordance with the approved plans.
(2007 Code, § 12-306)

§ 12-307 ENGINEERING REVIEW FEES.

(1) The Director of Public Works or his or her designee shall also make the necessary site inspection(s) and make appropriate recommendations thereof, prior to the issuance of a cut and fill permit.

(2) The fees are established in the fee schedule, adopted with the annual budget.
(2007 Code, § 12-307)

§ 12-308 VIOLATION AND PENALTY.

A violation of any provision of this chapter shall subject the offender to a penalty under the general penalty provision of this code. Each day an offense occurs constitutes a separate violation.
(2007 Code, § 12-308)

CHAPTER 4: MECHANICAL CODE

Section

- 12-401 Mechanical code adopted
- 12-402 Modification of designated officials
- 12-403 Code available in Clerk's office
- 12-404 Violation and penalty

§ 12-401 MECHANICAL CODE ADOPTED.

The International Mechanical Code, 2012 edition, and modifications thereto, is hereby adopted and incorporated by reference as part of this municipal code, and is hereinafter referred to as "the mechanical code".

(Ord. 14-02, passed - -)

§ 12-402 MODIFICATION OF DESIGNATED OFFICIALS.

The building official or his or her designee of the town, who has duties corresponding to the duties of officials named in the International Mechanical Code, as adopted by the town, shall be responsible for the enforcement of the mechanical code provisions.

(2007 Code, § 12-402) (Ord. 04-46, passed 12- -2004)

§ 12-403 CODE AVAILABLE IN CLERK'S OFFICE.

At least one copy of the mechanical code has been placed in the Town Clerk's office, and shall be kept there for the use and inspection of the public.

(2007 Code, § 12-403)

§ 12-404 VIOLATION AND PENALTY.

A violation of any provision of this chapter shall subject the offender to a penalty under the general penalty provision of this code. Each day an offense occurs constitutes a separate violation.

(2007 Code, § 12-404)

CHAPTER 5: PLUMBING CODE

Section

- 12-501 Plumbing code adopted
- 12-502 Modifications
- 12-503 Code available in Clerk's office
- 12-504 Violation and penalty

§ 12-501 PLUMBING CODE ADOPTED.

The International Plumbing Code, 2012 edition, and modifications thereto, is hereby adopted and incorporated by reference as part of this municipal code, and is hereinafter referred to as “the plumbing code”.

(Ord. 14-02, passed - -)

§ 12-502 MODIFICATIONS.

(1) Section 101.1 Title. Insert “Town of Smyrna, TN” in place of “[Name of Jurisdiction]”.

(2) Section 106.6.3 Fee refunds. Insert “100%” in lieu of “[Specify percentage]” in subsection 2 and subsection 3.

(3) Section 305.4.1 Sewer depth. Insert “12” in lieu of “[NUMBER]” in both locations.

(4) Section 903.1 Roof extension. Insert “8” in lieu of “[NUMBER]”.

(Ord. 14-02, passed - -)

§ 12-503 CODE AVAILABLE IN CLERK'S OFFICE.

At least one copy of the plumbing code has been placed in the Town Clerk's office, and shall be kept there for the use and inspection of the public.

(2007 Code, § 12-503)

§ 12-504 VIOLATION AND PENALTY.

A violation of any provision of this chapter shall subject the offender to a penalty under the general penalty provision of this code. Each day an offense occurs constitutes a separate violation.
(2007 Code, § 12-504)

CHAPTER 6: RESIDENTIAL CODE

Section

- 12-601 Residential code adopted
- 12-602 Modifications
- 12-603 Available in Clerk's office
- 12-604 Violations

§ 12-601 RESIDENTIAL CODE ADOPTED.

The International Residential Code, 2012 edition, and modifications thereto, is hereby adopted and incorporated by reference as part of this municipal code, and is hereinafter referred to as “the residential code”.

(Ord. 14-02, passed - -)

§ 12-602 MODIFICATIONS.

(1) Section R101.1 Title. Insert “Town of Smyrna, TN” for name of jurisdiction.

(2) Section 101.2 Scope. In exception #1, delete the last sentence beginning with “Fire...”. And in exception #2, delete the last part of the sentence beginning with “when...” and add a “.” At the end of “dwellings”.

(3) Section R103.1 Creation of enforcement agency. Change “Department of Building Safety” to “Department of Building Codes and Safety”.

(4) Section R105.2 Work exempt from permit.

(a) To be amended as follows:

1. Change “200” to “100”.

10. Change “200” to “100”.

11. “Roof covering replacement that does not involve replacement of roof deck or framing.

(b) Mechanical.

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9. Add “Replacement of an HVAC unit where unit heating and cooling capacity and fuel source is not changing.”

(5) Section R105.3.1.1 Determination of substantially improved or substantially damaged existing buildings in flood hazard area. Delete in its entirety.

(6) Section R112. Board of Appeals. Delete 112.2.1 and 112.2.2.

(7) Section R202 Definitions. Add “Sleeping Room: A room that contains an opaque privacy door, and a closet.”

(8) Table R301.2(1) Climatic and Graphic Design Criteria. Amend as follows:

Ground Snow Load	10 lb.
Wind Speed	90
Topographic Effects	No
Seismic Design	B
Weathering	Severe
Frost Line	12”
Termite	Very Heavy
Winter Design Temp	14°
Ice Barrier	No
Air Freezing Index	366
Mean Avg. Temp. (F)	59

(9) Section R302.2 Exception: change “1 hour” to “2 hour”.

(10) Section R302.2.4 Structural independence. In the exception: change 1 hour to 2 hour.

(11) Section R302.5.1 Opening protection. From the second sentence, delete everything after “... 20 minute fire-rated doors.”

(12) Section R309.3 Flood Hazard Areas. Delete in its entirety.

(13) Add new Section R311.1.1: Section R311.1.1 Access from sleeping rooms. “Sleeping Rooms shall not constitute the only means of access to other sleeping rooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.”

(14) Section R313.1 Townhouse automatic fire sprinkler systems. Delete the first sentence, and replace it with: “An automatic residential fire sprinkler system shall be installed in all townhouses with

more than three dwelling units or more than 5,000 gross square feet; regardless of the number of dwelling units”. (The remainder of section R313.1 will remain unchanged.)

(15) Section R313.2 One-and two-family dwellings automatic fire systems. Delete this section in its entirety.

(16) Chapters 5 and 8: Replace the tables listed below with tables that have the same designation and labeled with “April 2013 amendments”. A copy of these tables with amendments can be found in the office of the Town Clerk.

Table R502.3.1(1)	Table R802.5.1(1)
Table R502.3.1(2)	Table R802.5.1(2)
Table R502.3.3(1)	Table R802.5.1(3)
Table R502.3.3(2)	Table R802.5.1(4)
Table R502.5(1)	Table R802.5.1(5)
Table R502.5(2)	Table R802.5.1(6)
Table R802.4(1)	Table R802.5.1(7)
Table R802.4(2)	Table R802.5.1(8)

(17) Chapter 11 Energy Efficiency. Delete this chapter in its entirety. The 2009 IECC will be used for energy efficiency requirements. (R) Section P2603.5.1 Sewer depth. Delete “[NUMBER]” in both places and replace with “12”.

(18) Section P2902.5.3 Lawn irrigation systems. In the first sentence delete the words “an atmospheric-type vacuum breaker, a pressure type vacuum breaker or”.

(19) Delete chapters 34, 35, 36, 37, 38, 39, 40, 41, 42, and 43 in their entirety.

(20) Appendices adopted.

(a) Appendix G Swimming Pools, Spas and Hot Tubs is adopted.

(b) Appendix H Patio Covers is adopted.

(c) Appendix J Existing Buildings and Structures is adopted.

(d) Appendix K Sound Transmission is adopted.

(Ord. 14-02, passed - -)

§ 12-603 AVAILABLE IN CLERK'S OFFICE.

Pursuant to the requirements of T.C.A. § 6-54-502, one copy of the dwelling code has been placed on file in the Clerk's office and shall be kept there for the use and inspection of the public.
(2007 Code, § 12-603)

§ 12-604 VIOLATIONS.

It shall be unlawful for any person to violate or fail to comply with any provision of the dwelling code as herein adopted by reference and modified.
(2007 Code, § 12-604)

CHAPTER 7: ENERGY CONSERVATION CODE

Section

- 12-701 Energy Conservation Code adopted
- 12-702 Modifications
- 12-703 Available in Clerk's office
- 12-704 Violations and penalty

Cross-reference:

- Fire protection, fireworks, and explosives, see Title 7*
- Planning and zoning, see Title 14*
- Streets and other public ways and places, see Title 16*
- Utilities and services, see Titles 18 and 19*

Statutory reference:

- T.C.A. § 13-19-106 requires Tennessee cities either to adopt the Model Energy Code, 1992 edition, or to adopt local standards equal to or stricter than the standards in the energy code.*

§ 12-701 ENERGY CONSERVATION CODE ADOPTED.

The International Energy Conservation Code, 2012 edition, and modifications thereto, is hereby adopted and incorporated by reference as part of this municipal code, and is hereinafter referred to as “the energy conservation code”.

(Ord. 14-03, passed - -)

§ 12-702 MODIFICATIONS.

(1) Chapter 1: Administration: Section 101.1 Title. Insert “Town of Smyrna, TN” in place of “[Name of Jurisdiction]”.

(2) Section 402.4.2 Air sealing and insulation. Delete the following: “...one of the following options given by...” and delete “... or 402.4.2.2.”

(3) Section 402.4.2.1 Testing option. Delete “option” from the title of the section. Also, after the second sentence, add: “The test must be performed by a qualified person who is certified as or accredited from the following: HERS rater, Building Performance Institute, Certified Duct or Envelope Tightness Verifier, or other approved agency as determined by the Building Official. This test cannot be performed by the general contractor as listed on the building permit or a direct employee of the general contractor.”

A signed certification from the person performing the test shall be submitted with the following information:

- (a) Address where test was performed
- (b) Date when the test was performed
- (c) Results of test in Air Changes per Hour”

(4) Section 403.2.2 Sealing (Mandatory). After the 2nd sentence of the 1st paragraph, add: “The test must be performed by a qualified person who is certified as or accredited from the following: HERS rater, Building Performance Institute, Certified Duct or Envelope Tightness Verifier, or other approved agency as determined by the Building Official. A signed certification from the person performing the test shall be submitted with the following information:

- (a) Address where test was performed
- (b) Date when test was performed
- (c) Results of test in Air Changes per Hour”

(Ord. 14-03, passed - -)

§ 12-703 AVAILABLE IN CLERK’S OFFICE.

Pursuant to the requirements of the T.C.A. § 6-54-502, one copy of the energy code has been placed on file in the Clerk’s office and shall be kept there for the use and inspection of the public.
(2007 Code, § 12-703)

§ 12-704 VIOLATIONS AND PENALTY.

It shall be a civil offense for any person to violate or fail to comply with any provision of the energy code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty that does not exceed state authorized maximum limits. Each day a violation is allowed to continue shall constitute a separate offense.
(2007 Code, § 12-704)

CHAPTER 8: PROPERTY MAINTENANCE CODE

Section

- 12-801 Property Maintenance Code adopted
- 12-802 Modifications
- 12-803 Code available in Clerk's office
- 12-804 Violation and penalty

§ 12-801 PROPERTY MAINTENANCE CODE ADOPTED.

The International Property Maintenance Code, 2012 edition, and modifications thereto, is hereby adopted and incorporated by reference as part of this municipal code, and is hereinafter referred to as "the property maintenance code".

(Ord. 14-02, passed - -)

§ 12-802 MODIFICATIONS.

- (1) Section 101.1 Title. Insert "Town of Smyrna, TN" in place of "[Name of Jurisdiction]".
- (2) Section 102.3 Application of other codes. Delete the last sentence in its entirety.
- (3) Section 103.1 General. Delete "Department of Property Maintenance" and substitute "Department of Building Codes and Safety".
- (4) Section 103.5 Fees. Delete this section in its entirety.
- (5) Section 111 Means of appeal. Where the term "Board of Appeals" appears it shall be substituted with "Construction Board of Adjustments and Appeals".
- (6) Section 302.1 Sanitation. Add the following sentence to the end of the paragraph: "Furniture intended for indoor use shall not be stored or used outdoors."
- (7) Section 302.4 Weeds. Delete this section in its entirety. Title 13-103 and/or 13-104 of the Smyrna Municipal Code shall be used to regulate the height of weeds and grass.
- (8) Section 304.14 Insect screens. Amend this section by inserting the words "April 1 to October 1 in lieu of "[Date] to [Date]".

(9) Section 403.2 Bathroom and toilet rooms. Amend this section by adding an exception to read as follows: “Exception: When a listed and labeled recirculating fan is installed in accordance with the manufacturer’s installation instructions, it shall not be required to discharge to the outdoors.”

(10) Section 602.3 Heat supply. Amend this section by inserting “October 1” and “April 30” in lieu of “[Date]” to “[Date]”.

(11) Section 602.4 Occupiable work spaces. Amend this section by inserting “October 1” and “April 30” in lieu of “[Date]” to “[Date]”.

(Ord. 14-02, passed - -)

§ 12-803 CODE AVAILABLE IN CLERK’S OFFICE.

At least one copy of the property maintenance code has been placed in the Town Clerk’s office, and shall be kept there for the use and inspection of the public.

(2007 Code, § 12-803)

§ 12-804 VIOLATION AND PENALTY.

A violation of any provision of this chapter shall subject the offender to a penalty under the general penalty provision of this code. Each day an offense occurs constitutes a separate violation.

(2007 Code, § 12-804)

CHAPTER 9: CODES ENFORCEMENT AND INSPECTION DIVISION

Section

- 12-901 Division established
- 12-902 Building official; appointed
- 12-903 Responsibilities
- 12-904 Right of entry

§ 12-901 DIVISION ESTABLISHED.

There is hereby established a division of the town designated as codes enforcement and inspection division, which division shall be under the supervision, direction, and administration of the planning manager.

(2007 Code, § 12-901) (Ord. 02-27, passed 8- -2002)

§ 12-902 BUILDING OFFICIAL; APPOINTED.

The planning manager shall appoint the building official of the town, who shall serve as the head of the codes enforcement and inspection division and who shall report directly to the planning manager.

(2007 Code, § 12-902) (Ord. 02-27, passed 8- -2002)

§ 12-903 RESPONSIBILITIES.

(1) The codes enforcement and inspection division shall be responsible for supervision, administration, and enforcement of all building codes, plumbing codes, gas codes, housing codes, and health codes of the town.

(2) The codes enforcement and inspection division shall be responsible for observing, inspecting, and ensuring the accurate and proper installation of any and all public improvements which the Planning Commission has ordered or permitted developers to install under existing codes of the town. The codes enforcement and inspection division shall also be responsible for zoning enforcement, for the issuance and approval of all building and occupancy permits, and for reviewing all building plans under the supervision and administration of the planning manager.

(2007 Code, § 12-903) (Ord. 02-27, passed 8- -2002)

§ 12-904 RIGHT OF ENTRY.

The codes enforcement inspection division is authorized to enter premises or structures at reasonable times to inspect and enforce applicable codes subject to constitutional restrictions or unreasonable searches and seizures. If entry is refused or not obtained, the codes official or his or her designee is authorized to seek an administrative inspection warrant as permitted in § 12-803.

(2007 Code, § 12-904)

CHAPTER 10: CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS

Section

12-1001	Creation
12-1002	Membership
12-1003	Terms and removal of members
12-1004	Election of officers
12-1005	Purpose
12-1006	Quorum, meetings, and bylaws
12-1007	Appeals to Board
12-1008	Powers
12-1009	Enforcement of decisions
12-1000	Notice of appeal to Board
12-1011	Time for hearing
12-1012	Rules of procedures
12-1013	Timeliness of decisions
12-1014	Previous appeals of same issue
12-1015	Applicability

§ 12-1001 CREATION.

There is hereby established the Construction Board of Adjustments and Appeals for the town.
(2007 Code, § 12-1001)

§ 12-1002 MEMBERSHIP.

(1) Due to safety concerns and the necessity of a level of technical expertise, the Board shall consist of five members, all of whom shall be recommended jointly by the Town Manager, building official, and Town Planner. The Town Council will review the applicants set forth by the listed staff and consequently appoint the members by a majority vote. Preference shall be given to applicants who reside within the town limits of Smyrna, however; if there is not a desired number of applicants within the town, the Town Council may appoint applicants with technical experience from within the borders of Rutherford County.

(2) The members should be composed of individuals with knowledge and experience in the technical codes, such as design professionals, contractors, a fire service industry representative, or building

industry representatives. A Board member shall not act in a case which he or she has a personal or financial interest.

(2007 Code, § 12-1002)

Editor's note:

This section was modified in the 2017 update

§ 12-1003 TERMS AND REMOVAL OF MEMBERS.

The members shall be appointed for three-year terms, except that on the initial appointment, two shall be appointed for one year, two for two years, and one for three years, so as to ensure no more than one-third of the Board is appointed or replaced in any 12-month period. Members of the Board may be removed by the Town Council for neglect of duty, conflict of interest, malfeasance in office, violation of ethics ordinance, or other just cause, or for unexcused absence from more than three consecutive meetings or more than five non-consecutive meetings during the member's term of appointment. It is the duty of the town staff representative to advise the Town Manager when removal is recommended or necessary based on the provisions herein. The decision of the Town Council will be final with no appeal. Board members who are unable to attend regular meetings are expected to tender their resignation. A vacancy on said Board shall be filled by the Town Council for the unexpired term of such vacancy. The members of said Board shall serve without compensation.

(2007 Code, § 12-1003)

Editor's note:

This section was modified in the 2017 update

§ 12-1004 ELECTION OF OFFICERS.

As soon as practical after their appointment, the members of the Board shall meet and organize by electing a chairperson and a vice-chairperson. 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. The building official shall handle such additional duties as the Board may deem proper. All minutes of the meetings of the Board shall be public records.

(2007 Code, § 12-1004)

§ 12-1005 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.

(2007 Code, § 12-1005)

§ 12-1006 QUORUM, MEETINGS, AND BYLAWS.

A simple majority of the Board shall constitute a quorum. In varying any provision of the codes as adopted by Town Council, the affirmative votes of the majority present, but not less than three affirmative votes, shall be required. In modifying a decision of the appropriate official, not less than four affirmative votes, but 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.

(2007 Code, § 12-1006)

§ 12-1007 APPEALS TO BOARD.

The owner of a building, structure, or service system, or his or her duly authorized agent, may appeal a decision of the appropriate official to the Board whenever any one 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; or

(5) To permit, in appropriate cases where the application of the requirement of the codes adopted by Town Council in the allowance of the stated time for the performance of any action required hereunder would appear to cause undue hardship on an owner, one or more extensions of time, not to exceed 120 days each, from the date of such decision of the Board. Applications for additional extensions of time shall be heard by the Board. Such requests for additional extensions of time shall be filed with the housing office not less than 30 days prior to the expiration of the current extension.

(2007 Code, § 12-1007)

§ 12-1008 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 do 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 buildings, 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; and

(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.

(2007 Code, § 12-1008)

§ 12-1009 ENFORCEMENT OF DECISIONS.

In granting the variance, the Board shall 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.

(2007 Code, § 12-1009)

§ 12-1010 NOTICE OF APPEAL TO BOARD.

Notice to appeal shall be in writing to the building official and filed within 30 calendar days after the decision is rendered by the building official. Appeals shall be in a form acceptable to the appropriate official and shall be accompanied by the necessary fees as set in the fee schedule adopted in accordance with the budget ordinance.

(2007 Code, § 12-1010)

§ 12-1011 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 or her order, limit the time for such appeals to a shorter period.

(2007 Code, § 12-1011)

§ 12-1012 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. The Board shall meet at regular intervals on call of the chairperson, but in any event, the Board shall meet within 30 calendar days after notice of appeal has been received. No less than ten days prior to hearing of the Board, notice of the place, time, and date of such meetings shall be given all the members of the Board and all interested parties in each case to be heard by the Board.

(2007 Code, § 12-1012)

§ 12-1013 TIMELINESS OF DECISIONS.

The Board shall, in every case, reach a decision no later than 60 days from the date of the hearing. 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, housing official, or fire official, as appropriate, and shall be open to public inspection. A certified copy of the decision shall be sent by certified mail, return receipt requested, to the appellant and a copy shall be kept publicly posted in the office of the appropriate official for two weeks after filing. Every decision of the Board shall be final, subject, however, to such remedy as any aggrieved party might have at law or in equity.

(2007 Code, § 12-1013)

§ 12-1014 PREVIOUS APPEALS OF SAME ISSUE.

An appeal involving any codes adopted by the Town Council should not be considered where an appeal case has been previously decided involving the same premises.

(2007 Code, § 12-1014)

§ 12-1015 APPLICABILITY.

The provisions of this chapter shall replace and supersede provisions in the adopted codes related to the Boards of Appeals.

(2007 Code, § 12-1015)

CHAPTER 11: ELECTRIC CODE

Section

12-1101 Electric code adopted

§ 12-1101 ELECTRIC CODE ADOPTED.

The National Electric Code, 2014 edition, is hereby adopted and incorporated by reference as part of this municipal code, and is hereinafter referred to as “the electric code”.
(Ord. 15-14, passed 7- - 2015)

CHAPTER 12: SWIMMING POOL AND SPA CODE

Section

12-1201 Swimming pool and spa code adopted

§ 12-1201 SWIMMING POOL AND SPA CODE ADOPTED.

The International Swimming Pool and Spa Code, 2012 edition, and modifications thereto, is hereby adopted and incorporated by reference as part of this municipal code, and is hereinafter referred to as “the swimming pool and spa code”.

(Ord. 14-02, passed - -)

CHAPTER 13: FUEL GAS CODE

Section

12-1301 Fuel gas code adopted

§ 12-1301 FUEL GAS CODE ADOPTED.

The International Fuel Gas Code, 2012 edition, and modifications thereto, is hereby adopted and incorporated by reference as part of this municipal code, and is hereinafter referred to as “the fuel gas code”.

(Ord. 14-02, passed - -)

