

ORDINANCE NO. 589

AN ORDINANCE TO REPLACE CHAPTERS ADOPTING FIRE AND BUILDING CODES IN THE CITY OF CLINTON MUNICIPAL CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLINTON, TENNESSEE, THAT:

Section 1. International Fire Code Adopted. Chapter 2 in title 7 of the Clinton Municipal Code is replaced with the following:

CHAPTER 2

FIRE CODE

SECTION

- 7-201. Fire code adopted.
- 7-202. Enforcement.
- 7-203. Gasoline trucks.
- 7-204. Storage of explosive, flammable liquids, etc.
- 7-205. Variances.
- 7-206. Violations and penalties.

7-201. Fire code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures, and premises, and to provide safety to fire fighters and emergency responders during emergency operations, the International Fire Code, 2009 edition, and all the Appendices and References listed herein as recommended by the International Code Council, is hereby adopted by reference and included as a part of this code, and is hereinafter referred to as the fire code. Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, one (1) copy of the international fire code has been filed with the city recorder and is available for public use and inspection. The fire code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits.

7-202. Enforcement. The fire code herein adopted by reference shall be enforced by the chief of the fire department. He shall have the same powers as the state fire marshal.

7-203. Gasoline trucks. No person shall operate or park any gasoline tank truck within the central business district or within any residential area at any time except for the purpose of, and while actually engaged in, the expeditious delivery of gasoline.

7-204. Storage of Explosives, Flammable Liquids, etc.

- (1) The district referred to in chapter 33 of the International Fire Code, in which storage of explosives and blasting agents is prohibited, is hereby declared to be the fire district as set out in section 7-101 of this code.
- (2) The district referred to in chapter 34 of the International Fire Code, in which storage of flammable liquids in outside above ground tanks is prohibited, is declared to be the fire district as set out in section 7-101 of this code.
- (3) The district referred to in chapter 34 of the International Fire Code, in which bulk plants for flammable or combustible liquids are prohibited, is hereby declared to be the fire district as set out in section 7-101 of this code.
- (4) The district referred to in chapter 38 of the International Fire Code, in which bulk storage of liquefied petroleum gas is restricted, is hereby declared to be the fire district as set out in section 7-101 of this code.

7-205. Variances. The chief of the fire department may recommend to the city council variances from the provisions of the fire code upon application in writing by any property owner or lessee, or the duly authorized agent of either, when there are practical

difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such variances when granted or allowed shall be contained in a resolution of the city council.

7-206. Violations and penalties. It shall be unlawful for any person to violate any of the provisions of this chapter or the International Fire Code herein adopted, or fail to comply therewith, or violate or fail to comply with any order made thereunder; or build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been modified by the city council or by a court of competent jurisdiction, within the time fixed herein. The violation of any section of this chapter shall be punishable by a penalty of fines not less than fifty (\$50.00) dollars and not more than five hundred (\$500.00) dollars and cost for each separate violation. Each day a violation is allowed to continue shall constitute a separate offense. The application of a penalty shall not be held to prevent the enforced removal of prohibited conditions.

Section 2. International Building Code Adopted. Chapter 1 in title 12 of the Clinton Municipal Code is replaced with the following:

CHAPTER 1

BUILDING CODE

SECTION

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

12-101. International 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, 2009 edition, Including all Appendices and Reference Standards as prepared and adopted by the International Code Council, excluding Appendix A and H, 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 building code when reference is made to the duties of a certain official named therein, that designated official of the City of Clinton who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of the international building code are concerned.

(2) Permit fees. The schedule of permit fees shall be as follows: Structure building classification is determined from the International Building Code and the square footage of the structure is multiplied by the appropriate multiplier from the Building Valuation Data Sheet (Attachment 1) to determine a total cost for the structure. The actual permit fee will be taken from the Building Permit Fee Chart (Attachment 2) and applied to the permit.

(3) Attachment 2. The schedule of permit fees set forth in Attachment 2 is amended so that a maximum building inspection fee of one thousand (\$1000.00) dollars shall be charged for the construction, alteration, etc., of any church building which is used or to be used exclusively for worship or church services or meetings, provided the construction, alteration, etc., of said church building has been designed by a duly qualified architect or engineer.

(4) IBC Chapter 33 section 3303. The following texts additions to this section in the International Building Code will be applied as additional code sections pertaining to Demolition.
(a) 3303.7. All demolitions within the City of Clinton related to buildings and/or structures shall be in accordance with the International Building Code adopted by the city. The standards set forth in this section shall apply to demolition of all buildings and structures. Where the demolition of a non-residential building or structure exceeds five thousand (5,000 sq ft) square feet, the city must issue a building permit before the activity can commence.

(b) 3303.8. DEMOLITION, the act of razing, dismantling or removal of a

building or structure that exceeds five thousand (5,000 sq ft) square feet, or portion thereof, to the ground level. Renovations to non-residential buildings or structures, which exceed five thousand (5,000 sq ft) square feet. The 5,000 sq ft is the total area to be impacted within a three (3) year period regardless of whether the project is phased.

(c) 3303.9. Where demolition of a non-residential building or structure requires the issuance of a permit, and where the structure was constructed prior to 1978, the city can request a copy of a Phase 1 Environmental Assessment for the building or structure. The assessment shall be prepared in accordance with current ASTM requirements, and the expense of the same shall be the sole responsibility of the permittee. In the event that a recognized environmental condition is identified as part of the assessment, the permittee will be required to undertake additional sampling and/or testing as is warranted. In addition, the permittee must submit a remediation plan, including the location of where such material is to be disposed, as part of the permit application.

(d) 3303.10. In the event that a demolition permit is required by section IBC 105.1 and the demolition takes place without a permit having been issued, the City of Clinton reserves the right to cause the work to cease in accordance with its legal authority. In addition, if an environmental hazard exists in connection with the work and which is not being properly addressed in accordance with federal and state guidelines, the City of Clinton reserves the right to remediate the environmental condition with the cost associated with the same to be borne by the property owner.

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.

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. The penalty for violations of the building code shall be punishable by fines not less than fifty (\$50.00) Dollars and not more than five hundred (\$500.00) Dollars. Each day a violation is allowed to continue shall constitute a separate offense.

Section 3. International Residential Code Adopted. Chapter 3 in title 12 of the Clinton Municipal Code is replaced with the following:

CHAPTER 3

RESIDENTIAL CODE

SECTION

12-301. International residential code adopted.

12-302. Modifications

12-303. Available in recorder's office.

12-304. Violations and penalty.

12-301. International residential code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of providing building, plumbing, mechanical and electrical provisions, the International Residential Code, 2009 edition, and all Appendices and Reference Standards as prepared and adopted by the International Code Council, excluding IRC Section P2904 Dwelling Unit Fire Sprinkler Systems and IRC Section N1102.4.2.1 Testing Option, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the residential code.

12-302. Modifications. Permit Fees for residential structures shall be evaluated from the International Residential Building Code using (attachment 1), as described in section 12-102(2) and permit fees assigned from (attachment 2), in accordance with section 12-102(2).

12-303. Available in recorder's office. Pursuant to the requirements of the 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.

12-304. 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. The penalty for violations of the building code shall be punishable by fines not less than fifty (\$50.00) dollars and not more than five hundred (\$500.00) dollars. Each day a violation is allowed to continue shall constitute a separate offense.

Section 4. International Fuel Gas Code Adopted. Chapter 8 in title 12 of the Clinton Municipal Code is replaced with the following:

CHAPTER 8

GAS CODE

SECTION

- 12-801. International fuel gas code adopted.
- 12-802. Modifications.
- 12-803. Available in recorder's office.
- 12-804. Violations and penalty.

12-801. International fuel gas code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of establishing regulations for fuel gas systems and gas-fired appliances using prescriptive and performance-related provisions, the International Fuel Gas Code, 2009 edition, and all Appendices and Reference Standards 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 fuel gas code.

12-802. Modifications. (1) Definitions. Whenever in the fuel gas code when reference is made to the duties of a certain official named therein, that designated official of the City of Clinton who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of the fuel gas code are concerned.

(2) Permit fees. The schedule of permit fees shall be as follows: A fee of ten (\$10.00) dollars shall be assessed on all permits and/or permit request that require the installation, repair, or alteration in accordance with the International Fuel Gas Code.

12-803. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the fuel gas code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

12-804. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the fuel gas 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. The penalty for violations of the building code shall be punishable by fines not less than fifty (\$50.00) dollars and not more than five hundred (\$500.00) dollars. Each day a violation is allowed to continue shall constitute a separate offense.

Section 5. International Mechanical Code Adopted. Chapter 9 in title 12 of the Clinton Municipal Code is replaced with the following:

CHAPTER 9

MECHANICAL CODE

SECTION

- 12-901. International mechanical code adopted.
- 12-902. Modifications.
- 12-903. Available in recorder's office.
- 12-904. Violations.

12-901. International 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, 2009 edition, and all Appendices and Reference Standards as prepared and adopted by the International Code Council, excluding Appendix B Permit Fees, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the mechanical code.

12-902. Modifications. Permit Fees, The schedule of permit fees shall be as follows: A fee of thirty (\$30.00) dollars shall be assessed on all permits and/or permit request that require the installation, repair, or alteration in accordance with the International Mechanical Gas Code.

12-903. 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.

12-904. Violations. 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. The penalty for violations of the building code shall be punishable by fines not less than fifty (\$50.00) dollars and not more than five hundred (\$500.00) dollars. Each day a violation is allowed to continue shall constitute a separate offense.

Section 6. International Plumbing Code Adopted. Chapter 6 in title 12 of the Clinton Municipal Code is replaced with the following:

CHAPTER 6

PLUMBING CODE

SECTION

12-601. Plumbing code adopted.

12-602. Modifications.

12-603. Available in recorder's office.

12-604. Violations and penalty.

12-601. 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, 2009 edition, including all Appendices and Reference Standards 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.

12-602. Modifications. (1) 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 city council.

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 international plumbing code.

(2) Permit fees. The schedule of permit fees as recommended in "Appendix "A" of the plumbing code is hereby amended so that the fees to be collected shall be as follows: A multiplier of two point one (2.1) for the total number of fixture units in a structure, plus a ten (\$10.00) dollar review fee will be calculated for the total Plumbing Permit Fee.

12-603. 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.

12-604. 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. The penalty for violations of the building code shall be punishable by fines not less than fifty (\$50.00) dollars and not more than five hundred (\$500.00) dollars. Each day a violation is allowed to continue shall constitute a separate offense.

Section 7. International Property Maintenance Code Adopted. Chapter 5 in title 12 of the Clinton Municipal Code is replaced with the following:

CHAPTER 5

INTERNATIONAL PROPERTY MAINTENANCE CODE

SECTION

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

12-501. International property maintenance code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of providing minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance, the International Property Maintenance Code, 2009 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 property maintenance code.

12-502. Modifications. Whenever in the property maintenance code when reference is made to the duties of a certain official named therein, that designated official of the City of Clinton who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of the international property maintenance code are concerned.

12-503. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the property maintenance 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 property maintenance code will be placed on file when they are published by the building inspector, and at least fifteen (15) days before their effective date.

12-504. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the property maintenance 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. The penalty for violations of the building code shall be punishable by fines not less than fifty (\$50.00) dollars and not more than five hundred (\$500.00) dollars. Each day a violation is allowed to continue shall constitute a separate offense.

Section 8. International Existing Building Code Adopted. Chapter 2 in title 12 of the Clinton Municipal Code is replaced with the following:

CHAPTER 2

INTERNATIONAL EXISTING BUILDING CODE

SECTION

- 12-201. International Existing Building Code Adopted.
- 12-202. Modifications.
- 12-203. Available in recorder's office.

12-204. Violations and penalty.

12-201. International existing building code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of providing minimum requirements and standards for alteration, repair, use, change of occupancy, location, maintenance, relocation, removal, and demolition of existing buildings or structures or any appurtenance connected or attached to any existing building or premises, structures, equipment and facilities, life safety, or to provide safeguards for the public health, safety and welfare, the International Existing Building Code, 2009 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 existing building code.

12-202. Modifications. Whenever in the Existing Building code when reference is made to the duties of a certain official named therein, that designated official of the City of Clinton who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of the international existing building code are concerned.

12-203. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the existing 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 existing 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.

12-204. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the existing 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. The penalty for violations of the building code shall be punishable by fines not less than fifty (\$50.00) dollars and not more than five hundred (\$500.00) dollars. Each day a violation is allowed to continue shall constitute a separate offense.

Section 9. International Electrical Code Adopted. Chapter 7 in title 12 of the Clinton Municipal Code is replaced with the following:

CHAPTER 7

ELECTRICAL CODE

SECTION

12-701. International electrical code adopted.

12-702. Permits required for doing electrical work.

12-703. Available in recorder's office.

12-704. Violations.

12-701. International electrical 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 the safeguarding of persons and buildings and their contents from hazards arising from the use of electricity, the International Electrical Code, 2008 edition, and all Appendices and Reference Standards 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 electrical code.

12-702. Permits required for doing electrical work. No electrical work shall be done within the city until a permit therefore has been issued by the Clinton Utilities Board. 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. (1969 Code, sec 4-303, as replaced by Ord. #376, March 1997)

12-703. 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 city recorder's office and shall be kept there for the use and inspection of the public.

12-704. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the electrical code as herein adopted by reference and modified. The penalty for violations of the building code shall be punishable by fines not less than fifty (\$50.00) dollars and not more than five hundred (\$500.00) dollars. Each day a violation is allowed to continue shall constitute a separate offense.

Section 10. International Energy Conservation Code Adopted. Chapter 10 in title 12 of the Clinton Municipal Code is replaced with the following:

CHAPTER 10

ENERGY CONSERVATION CODE

SECTION

12-1001. International energy conservation code adopted.

12-1002. Available in recorder's office.

12-1003. Violations.

12-1001. International energy conservation 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 the design of energy efficient building envelopes and installation of energy efficient mechanical, lighting, and power systems through requirements emphasizing performance using new materials, new energy efficient designs, and performance-related provisions, the International Energy Conservation Code, 2009 edition, and all Appendices and Reference Standards 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 energy conservation code.

12-1002. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the energy conservation 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.

12-1003. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the energy conservation code as herein adopted by reference and modified. The penalty for violations of the building code shall be punishable by fines not less than fifty (\$50.00) dollars and not more than five hundred (\$500.00) dollars. Each day a violation is allowed to continue shall constitute a separate offense.

Date of effect. This ordinance shall take effect from and after its final passage, the public welfare requiring it.

Passed first reading: July 25, 2011.

Passed second reading: August 29, 2011.



Mayor



City Recorder