

ORDINANCE NO. 2010-20

AN ORDINANCE TO AMEND SIGNAL MOUNTAIN TOWN CODE, TITLE 12, SECTIONS 12-101 AND 12-102, SO AS TO ADOPT THE 2009 EDITIONS OF THE INTERNATIONAL BUILDING CODE AND THE INTERNATIONAL RESIDENTIAL CODE AND CERTAIN APPENDICES OF THOSE CODES AS REVISED AND AMENDED AS THE OFFICIAL BUILDING CODES OF THE TOWN OF SIGNAL MOUNTAIN AND TO AMEND SECTION 12-103 CONCERNING SPECIAL AMENDMENTS TO THE INTERNATIONAL BUILDING CODE, AND THE INTERNATIONAL RESIDENTIAL CODE, AND TO RETAIN SECTION 12-107 CONCERNING THE ADOPTION OF THE ANSI NATIONAL STANDARD AND/OR THE 2002 NORTH CAROLINA ACCESSIBILITY CODE AS THE OFFICIAL HANDICAP AND ACCESSIBILITY CODES OF THE TOWN OF SIGNAL MOUNTAIN.

SECTION 1. BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, that Section 12-101, Signal Mountain Town Code, be and hereby is amended by striking said section in its entirety and substituting in lieu thereof the following:

Section 12-101. Building Code Adopted.

The International Building Code, 2009 Edition, and the International Residential Code, 2009 Edition, one (1) copy of each which are, and have been on file in the Office of the City Council Clerk for more than fifteen (15) days, are hereby adopted as the Official Building Codes of the Town.

SECTION 2. BE IT FURTHER ORDAINED that Section 12-102, Signal Mountain Town Code, be amended by striking same in its entirety and substituting in lieu thereof the following words and figures:

Section 12-102. Appendices to Code Adopted.

The following appendices to the International Building Code, 2009 Edition, and the International Residential Code, 2009 Edition, and as further amended in this chapter, are hereby adopted as part of the official Building Codes of the Town:

a. International Building Code

- Appendix A – Employee Qualifications, as amended
- Appendix C – Agricultural Buildings
- Appendix D – Fire District
- Appendix F – Rodent Proofing
- Appendix G – Flood Resistant Construction
- Appendix I – Patio Covers

b. International Residential Code

- Appendix A – Sizing and Capacities of Gas Piping
- Appendix B – Sizing of Venting Systems
- Appendix C – Exit Terminals of Mechanical Draft
- Appendix D – Recommended installation of Existing appliances
- Appendix G – Swimming pools, spas and hot tubs
- Appendix H – Patio Covers
- Appendix N – Venting Methods
- Appendix Q – National Electric Code Cross Reference

SECTION 3. BE IT FURTHER ORDAINED that Section 12-103, Signal Mountain Town Code, be amended by striking said section in its entirety and substituting in lieu thereof the following words and figures:

SECTION 12-103. Amendments to Code Adopted.

The following sections and appendices of the International Building Code, 2009 edition, are hereby amended, as hereinafter provided:

- a. Section 101.2, Exception 2 is deleted in its entirety.
- b. Section 104.4 is amended by deleting the last sentence in its entirety.
- c. Section 105.1.1, 105.1.2, and 105.2 are deleted in their entirety.
- d. Section 107.1 is amended by adding a new Subsection 107.1.4 and other new subsections through 107.1.7 which shall read as follows:

107.1.4 Requirements. When required by the building official, two or more copies of specifications, and of drawings drawn to scale with sufficient clarity and

detail to indicate the nature and character of the work, shall accompany the application for a permit. Such drawings and specifications shall contain information, in the form of notes or otherwise, as to the quality of materials, where quality is essential to conformity with the technical codes. Such information shall be specific, and the technical codes shall not be cited as a whole or in part, nor shall the term "legal" or its equivalent be used as a substitute for specific information. All information, drawings, specifications and accompanying data shall bear the name and signature of the person responsible for the design.

107.1.5 Additional data. The building official may require details, computations, stress diagrams, and other data necessary to describe the construction or installation and the basis of calculations. All drawings, specifications and accompanying data required by the building official to be prepared by an architect or engineer shall be affixed with their official seal.

107.1.6 Design professional. The design professional shall be an architect or engineer legally registered under the laws of this state regulating the practice of architecture or engineering and shall affix his official seal to said drawings, specifications and accompanying data, for the following:

1. All Group A, E and I occupancies.
2. Buildings and structures **two** stories or more high.
3. Buildings and structures 5,000 sq ft (465 m²) or more in area.

For all other buildings and structures, the submittal shall bear the certification of the applicant that some specific state law exception permits its preparation by a person not so registered.

Exception: Group R3 buildings, regardless of size, shall require neither a registered architect or engineer, nor a certification that an architect or engineer is not required.

107.1.7 Structural and fire resistance integrity. Plans for all buildings shall indicate how required structural and fire resistance integrity will be maintained where a penetration of a required fire resistant wall, floor or partition will be made for electrical, gas, mechanical, plumbing and communication conduits, pipes and systems. Such plans shall also indicate in sufficient detail how the fire integrity will be maintained where required fire resistant floors intersect the exterior walls and where joints occur in required fire resistant construction assemblies.

107.1.8 Affidavits. The building official may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted

conform to the technical codes. For buildings and structures, the affidavit shall state that the plans conform to the laws as to egress, type of construction and general arrangement and, if accompanied by drawings, show the structural design and that the plans and design conform to the requirements of the technical codes as to strength, stresses, strains, loads and stability. The building official may without any examination or inspection accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the building official copies of inspection reports as inspections are performed and upon completion of the structure, electrical, gas, mechanical, or plumbing systems a certification that the structure, electrical, gas, mechanical or plumbing system has been erected in accordance with the requirements of the technical codes. Where the building official relies upon such affidavit, the architect or engineer shall assume full responsibility for the compliance with all provisions of the technical codes and other pertinent laws or ordinances. Affidavits will only be accepted by the Building Official where emergency or extraordinary circumstances are established. If sufficient evidence of emergency or extraordinary circumstances is shown, the Building Official shall have discretion to issue permits based upon affidavits without stamped drawings.

- e. Section 107.3 is amended by deleting it in its entirety and substituting the following in lieu thereof:

107.3 Plan Review. The building official shall examine or cause to be examined each application for a permit and the accompanying documents, consisting of drawings, specifications, computations and additional data, and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of the technical codes and all other pertinent laws or ordinances.

- f. Section 109.2 is amended by adopting a non-refundable fee schedule for all building permits which shall be as follows:

109.2 NON-REFUNDABLE PERMIT FEES

Total Valuation	Fee
\$100 to \$1,000	\$15.00 fee.
\$1,001 to \$50,000	\$15.00 for the first \$1,000.00 plus \$5.00 for each additional thousand or fraction thereof, to and including \$50,000.00

\$50,001 to \$100,000	\$260.00 for the first \$50,000.00 plus \$4.00 for each additional thousand or fraction thereof, to and including \$100,000.00
\$100,001 to \$500,000	\$460.00 for the first \$100,000.00 plus \$3.00 for each additional thousand or fraction thereof, to and including \$500,000.00
\$500,001 and up	\$1,660.00 for the first \$500,000.00 plus \$2.00 for each additional thousand or fraction thereof

Fees for swimming pools will be assessed per the above schedule.

109.2.1 MOVING FEE

For the moving of any building or structure, the fee shall be \$100.00

109.2.2 DEMOLITION FEES

For the demolition of any building or structure, the fee shall be:

Residential Structures (maximum of 4 units)	\$100.00
Non-Residential and Apartments	\$200.00

109.2.3 PENALTIES

Where work for which a permit is required by this Code is started or proceeded with prior to obtaining said permit, the fees herein specified may be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work nor from any other penalties prescribed herein.

109.2.4 OTHER FEES

Certificates of Occupancy (New Facility)	\$ 10.00
Certificates of Occupancy (Existing Facility)	50.00
Certificates of Completion	10.00
Fee for Zoning Letter	50.00
Fee for Re-inspections (Bldg., Plumbing, Gas, Mechanical, And Electrical and Signs)	25.00
Cell Tower Hook On Fee	1,000.00
Construction Board of Appeals:	
Fee for 1-2 Family Structure Appeals	50.00
Fee for all other appeals	100.00
Fee for Variance or Appeal Request to	

Board of Zoning Appeals
Fee for Sign Appeal

75.00
100.00

All of the fees in 109.2.4 shall be nonrefundable.

- g. Section 109.4. Work commencing before permit issuance shall be amended by adding a new sentence at the end of that subsection which shall state as follows:

Any person who commences work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a penalty of 100% of the usual permit fee in addition to the required permit fees.

- h. Section 113. Board of Appeals is amended by deleting said section in its entirety and substituting in lieu thereof the following:

The Construction Board for the Town of Signal Mountain shall hear all Building, Electrical, Fire, Fuel Gas, Life Safety, Mechanical and Plumbing appeals of the Signal Mountain Town Code as established by Section 12-601, et seq.; and shall act as the Board of Appeals for appeals from any decision of the Building Official or any designee and to consider variances of the technical codes as provided in this Code.

- i. Section 3107, Signs, is amended by adding a new Section 3107.1.1 which shall state as follows:

3107.1.1 Conflicting Provisions.

To the extent that any provision in this chapter is in conflict with the provisions of Article XXV of the Signal Mountain Zoning Ordinance.

- j. Section 3403.1 Existing buildings or structures is amended by deleting such section in its entirety and substituting in lieu thereof the following language:

3403.1 Existing buildings or structures

3403.1 Alterations, repairs or rehabilitation work may be made to any existing structure, building, electrical, gas, mechanical or plumbing system without requiring the building, structure, plumbing, electrical, mechanical or gas system to comply with all the requirements of the technical codes, provided that the alteration, repair or rehabilitation work conforms to the requirements of the technical codes for new construction. The building official shall determine the extent to which the existing system shall be

made to conform to the requirements of the technical codes for new construction by applying the following standards:

- (1) If, within any twelve (12) month period, alterations or repairs costing in excess of thirty (30%) percent of the replacement value of the entire building are made to an existing building, such building shall be made to conform to the requirements of this code for new buildings.
- (2) If an existing building is damaged by fire or otherwise in excess of thirty (30%) percent of its replacement value before such damage is repaired, the entire building shall be made to conform to the requirements of this code for new buildings.
- (3) For purposes of this section, the building official shall use the latest edition of R.S. Means Square Foot Costs Data, one copy of which is, and has been on file with the Town Recorder, to determine the replacement cost of an existing building. The building official may require the replacement cost of an existing building to be determined by a registered architect, engineer, licensed general contractor or other professional. Any such review shall be approved by the building official and all costs associated with such review shall be paid by the party asserting that the alterations and repairs are less than thirty (30%) percent of the replacement cost of the building at the time they are made.

k. Section 3410, Moved Structures is amended by deleting such Section 3408 in its entirety, and substituting in lieu thereof the following:

3410. Moving of Buildings.

- (1) Any owner, agent or contractor who desires to move any building through or across any sidewalk, street, alley or highway within the corporate limits of the Town from one location to another, or cause same to be moved from one location to another on the same property shall first make application to the Building Inspection Department and obtain a permit therefor.
- (2) Each application for permit, with the required fee therefor, shall be filed with the Building Inspection Department on a form furnished by that department showing the location of the building as it exists and a site plan showing the location of the building which is proposed on the new lot. Before the Building Inspection Department may issue a permit for the moving of a building from one location to another, a building inspector shall make an inspection of the building and of the lot onto which such building

is to be moved and determine whether or not the building, after its relocation, will be substandard or cause the area into which it is being moved to be a blighted area.

- (3) All buildings being moved shall be situated on the recipient lot in such a way as to assure the front door of any moved building shall face the street. Any surface holes, irregularities, wells, septic tanks, basements, cellars, sidewalk vaults, or coal chutes remaining on any property from which a building is removed shall be filled with material as approved by the Building Official within thirty (30) days from the date any building is moved and shall be graded in such manner that will provide effective surface drainage.
- (4) The property owner of any lot to which a structure is being moved shall post said lot with a red sign not less than ten (10) days prior to the removal to said lot, which notice shall give the Building Inspector's telephone number and list the address of the Building Inspector's Office where the site plan can be seen and the present location of the building so that the structure itself may be seen prior to removal. If violations of this Code are found, the Building Inspector may issue a stop work order on the new location that the building has been moved to until such violations on the property from which the building was moved have been completed by the permittee.
- (5) In the event, after an inspection by the building inspector, it is determined that the building, after removal and renovation, will meet the applicable Building Code standards and will not cause blight or dilapidation of the area into which such building is moved, the building inspector may issue a permit for such removal and relocation; provided, the application shall first be approved by the Building Official and Town Police Chief, who shall fix the time such building is to be moved and the route over which such movement is to be made. Any determination of blight or dilapidation shall be made in consideration of the standards set out in T.C.A. § 13-20-201. No building shall be moved over any street, other than the one approved, within the hours fixed by the Building Official and Police Chief.
- (6) No permit shall be issued under this ordinance for the moving of any building until the applicant has paid a fee of One Hundred (\$100.00) Dollars to pay the expense of the necessary investigations by the Building Inspection Department and the Town Police Department.

- (7) The applicant for a permit for the moving of a building within the corporate limits of the Town shall file with the Building Inspection Department:

A certificate of insurance (or provide other proof in form and substance to be approved by the Town Attorney) indicating that the applicant is insured and where the Town of Signal Mountain, Tennessee is named as an additional insured, issued by a casualty company authorized to do business in the State of Tennessee, in an amount of not less than \$300,000.00 for injury to one and \$700,000.00 for an injury to more than one in any one accident and \$100,000.00 property damage, conditioned that the building removal will conform to all regulations and ordinances of the Town in reference to the moving of buildings along or over any street, alley or public way of the Town.

- (8) Improvements on moved buildings. The owner, agent, or contractor of any house, building or structure which is moved to a new location shall make all necessary improvements required in order for said house, building or structure to comply with all requirements of the Official Building Codes adopted by the Town within 180 days from the date of the issuance of the moving permit. Extensions of such time as deemed reasonable may be granted by the building official upon a showing of delay caused by matters beyond the control of the owner or house mover. In the event that all exterior renovations are not completed at the new location within 120 days or any reasonable extension by the Building Official, the owner shall be cited to Town Court for noncompliance with this section and each day of continuing violation shall constitute a separate offense.
- (9) The application for the moving permit shall be accompanied by an application for a building permit, accompanied by complete plans and specifications showing the changes or conditions of said house, building, or structure as the same is proposed to be when moving, and all contemplated improvements, signed by the owner or the owner's agent.

- l. That any reference to the International Electrical Code shall be deleted from the reference standards in Chapter 35 of the International Building Code and all such references shall be construed to reference the appropriate official codes adopted by the Town of Signal Mountain.
- m. By deleting Appendix A and adopting instead an Amended Appendix A – Employee Qualifications which shall read as follows:

EMPLOYEE QUALIFICATIONS

- (1) **Building official.** The building official shall have at least ten (10) years' experience or equivalent as an architect, engineer, inspector, contractor or superintendent of construction, or any combination of these, five years of which shall have been supervisory experience. The building official should be certified as a building official through a recognized certification program. The building official shall be appointed or hired by the applicable governing authority.
- (2) **Chief Inspector.** The building official can designate supervisors to administer the provisions of the International Building, Residential, Mechanical and Plumbing Codes, International Fuel Gas Code, and the National Electric Code (NFPA 70). Each supervisor shall have at least ten (10) years' experience or equivalent as an architect, engineer, inspector, contractor or superintendent of construction, or any combination of these, five years of which shall have been in a supervisory capacity. They shall be certified through a recognized certification program for the appropriate trade.
- (3) **Inspector and plan examiner.** The building official shall appoint or hire such number of officers, inspectors, assistants and other employees as shall be authorized by the jurisdiction. A person shall not be appointed or hired as an inspector of construction or plans examiner who has not had at least five (5) years' experience as a contractor, engineer, architect, or as a superintendent, foreman or competent mechanic in charge of construction. The inspector or plan examiner shall be certified through a recognized certification program for the appropriate trade.

REFERENCED STANDARDS

IBC-2009	<i>International Building Code - 2</i>
IMC-2009	<i>International Mechanical Code - 2</i>
IPC-2009	<i>International Plumbing Code - 2</i>
IFGC-2009	<i>International Fuel Gas Code - 2</i>

SECTION 4. BE IT FURTHER ORDAINED THAT Section 12-103 of the Signal Mountain Town Code be further amended to add the following amended sections of the International Residential Code, 2009 edition, as hereinafter provided:

- a) Section R108.2 Schedule of fees is deleted in its entirety and the following language shall be substituted in lieu thereof:

All fees approved by the Town under § 109.2 of the International Building Code, as amended, shall be collected in the same manner under this section.

- b) Section R112 is amended by deleting such section in its entirety and substituting in lieu thereof the following language:

Section R112. Construction Board of Appeals.

The Construction Board for the Town of Signal Mountain shall hear Building, Residential, Electrical, Fire, Fuel Gas, Life Safety, Mechanical and Plumbing appeals of the Signal Mountain Town Code as established by Section 12-601, et seq., and shall act as the Board of Appeals for appeals from any decision of the Building Official or any designee and to consider variances of the technical codes as provided in this Code.

- c) Section R403. Table R403.1 entitled Minimum Width of Concrete or Masonry Footings is deleted in its entirety and the following Amended Table and subsection is adopted in lieu thereof:

**TABLE R403.1
MINIMUM WIDTH OF CONCRETE OR MASONRY FOOTINGS
(inches)^a**

	LOAD-BEARING VALUE OF SOIL (psf)			
	1,500	2,000	3,000	≥ 4,000
Conventional light-frame construction				
1-story	16	16	16	16
2-story	20	16	16	16
3-story	27	21	16	16
4-inch brick veneer over light frame or 8-inch hollow concrete masonry				
1-story	16	16	16	16

2-story	25	20	16	16
3-story	36	28	20	16
8-inch solid or fully grouted masonry				
1-story	20	16	16	16
2-story	33	25	18	16
3-story	46	36	25	20

For SI: 1 inch = 25.4 mm, 1 pound per square foot = 0.0479 kN/m².

Where minimum footing width is 16 inches, a single wythe of solid or fully Grouted 12-inch nominal concrete masonry units is permitted to be used.

R403.1.3.1 Foundations with stemwalls. Foundations with stemwalls shall be provided with a minimum of one No. 4 bar at the top of the wall and one No. 4 bar at the bottom of the footing.

- f) Section P2904. Dwelling Unit Fire Sprinkler Systems in the 2009 International Residential Code is amended by deleting said section in its entirety. It is the intent of the Town Council to not adopt this section at this time to require mandatory residential dwelling unit sprinkler systems, which has recently been approved by the State of Tennessee in the adoption of its version of amendments to the 2009 International Residential Code.
- g) Any reference to the International Electrical Code shall be deleted from the reference standards in Chapter 43 of the International Residential Code and all such references within the International Residential Code shall be construed to reference the appropriate official codes adopted by the Town of Signal Mountain.

SECTION 5. BE IT FURTHER ORDAINED, That Section 12-107 entitled Handicap and Accessibility Codes is retained as the Official Handicap and Accessibility Codes of the Town as follows:

12-107. Handicap and Accessibility Codes adopted.

The American National Standard entitled Accessible and Usable Buildings and Facilities (ICC/ANSI A117.1-1998) and/or the 2002 North Carolina Accessibility Code, one (1) copy of which is, and has been on file for more than fifteen (15) days, with the Town Recorder of the Town Council, are hereby adopted as the Official Handicap and Accessibility Codes of the Town.

SECTION 6. That this Ordinance shall become effective immediately after its passage, but the Building Official shall have discretion to accept drawings and designs based upon the 2003 International Building Code or the 2003 International Residential Code and the amendments of those Codes adopted by the Town Council upon a showing of significant financial effect upon existing projects up to and including January 1, 2011.

Passed First Reading 10/11, 2010

Passed Second Reading 11/1, 2010



Mayor



Town Recorder