

ORDINANCE NO. 539

**AN ORDINANCE TO AMEND THE ROCKY TOP
MUNICIPAL CODE TITLE 7 - FIRE PROTECTION AND FIREWORKS AND TITLE 12
– BUILDING, UTILITY, ETC. CODES**

WHEREAS, The City of Rocky Top has adopted by reference the International Fire Code, International Building Code, International Residential Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, International Electrical Code, International Energy Conservation Code, International Property Maintenance Code, 2009 Edition; and

WHEREAS, the current version of the International Fire Code, International Building Code, International Residential Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, International Energy Conservation Code, International Property Maintenance Code is now the 2018 edition; and

WHEREAS, Ordinance 481 was passed to amend Rocky Top Building and Property Maintenance Codes; and

WHEREAS, Ordinance 500 was passed to amend Rocky Top Building and Property Maintenance Codes; and

WHEREAS, the City desires to adopt the current edition International Fire Code, International Building Code, International Residential Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, International Energy Conservation Code, International Property Maintenance Code and the 2009 Accessibility and Usable Building and Facilities Code; and

BE IT ENACTED by the City Council of the City of Rocky Top, Tennessee that:

Section 1: Amend Ordinance 481 and Ordinance 500 by deleting in its entirety.

Sections 2: Title 7, titled “Fire Protection and Fireworks,” of the Rocky Top Municipal Code is hereby amended by deleting Title 7 Chapter 2 in its entirety and replaced with the new section that shall read as follows:

Sec. 7-201. International Fire Code adopted.

The International Fire Code, 2018 edition, and all subsequent amendments to the 2018 edition, are hereby adopted by reference and shall become a part of this chapter as if copied herein verbatim, except as such code may be in conflict with other provisions of this chapter, in which event the more stringent provision will prevail.

Sec. 7-202. Enforcement.

The fire code herein adopted by reference shall be enforced by the Chief of the Fire Department or their designee of Fire Inspector. They shall have the same powers as the state fire marshal.

7-203. Definitions.

- (1) Wherever the word "municipality" is used in the International Fire Code adopted by this chapter, it shall be held to mean the City of Rocky Top.
- (2) Wherever the term "corporation counsel" is used in the International Fire Code adopted by this chapter, it shall be held to mean the attorney for the city.

Sec. 7-204. Revisions.

The following sections of the International Fire Code are hereby revised:

- (1) Section 101.1. Insert: City of Rocky Top, Tennessee for the name of the jurisdiction.
- (2) Section 112.4. Insert: \$0.00 for the first amount and \$50.00 for the second amount.
- (3) In addition to 507.5.1, the following requirements shall be required:
 - (a) Fire hydrants, where required; Residential.

The maximum distance between fire hydrants, measured along street centerlines, shall be 450 feet.
 - (b) Fire hydrants, where required; Non-Residential.

On roadways, the maximum distance between fire hydrants, measured along street centerlines, shall be 1000 feet.
 - (c) Buildings required to have a sprinkler fire protection system installed, one accessible hydrant (either public or private) will be located not more than 100 feet from the fire department connection.
 - (d) For buildings over 10,000 square feet with a sprinkler system, there will be one accessible hydrant provided on each of two opposing sides of the building. The hydrant required for the sprinkler system may be counted as one of these hydrants. There shall be additional hydrants provided to meet the requirements as set forth in 507.5 distance between a hydrant and any part of the building first floor. [Example: A building of over 10,000 square feet area, sprinklered, would need a minimum of two hydrants (one within 100 feet of the sprinkler fire department connection and one on the opposing side of the building).]
 - (e) The hydrant(s) will be situated not less than two feet and not more than 10 feet from the curb of an access road, parking area, or public road. If situated in a parking area, there will be an area of NO PARKING marked around the hydrant for an area of 15 feet on all sides.
 - (f) Paved access roads shall be required to be within ten feet of each required fire hydrant.

- (4) In addition to access requirements per International Fire Code 503, paved access of a minimum of 20 feet in width shall be required within 100 feet of two sides of each non-residential building.
 - (a) Emergency access to each side of all buildings three or more stories in height shall be provided by means of an unobstructed area of at least 12 feet in width which would support the weight of a fire ladder truck. This area is not required to be a permanent roadway but must be accessible during an emergency. Prior to completion of grading and landscaping design, the Fire Department should be consulted.

Sec. 7-205. Replacements.

The square footage amounts referred to in certain sections of the International Fire Code are hereby deleted and replaced as follows:

- (1) In Sections 903.2.1.1, 903.2.1.3, and 903.2.1.4 of the International Fire Code (requiring sprinkler systems to be installed at a square footage threshold), replace the number 12,000 with the number 7,500.
- (2) In Section 903.2.3 of the International Fire Code (requiring sprinkler systems to be installed at a square footage threshold in Educational Occupancies), replace the number 12,000 with the number 7,500.
- (3) In Sections 903.2.4, and 903.2.7 of the International Fire Code (requiring sprinkler systems to be installed at a square footage threshold), replace the number 12,000 with the number 7,500, and replace the number 24,000 with the number 7,500.
- (4) In Sections 903.2.9, 903.2.9.1, and 903.2.10 of the International Fire Code (requiring sprinkler systems to be installed at a square footage threshold), replace the number 12,000 with the number 7,500.
- (5) Buildings over 7,500 square feet hereafter constructed shall be provided with a listed fire alarm system complying with all applicable codes and City Code Section 12-202(12)(b)(6) – Detection System or sprinkler system for smaller buildings.
 - (a) Fire alarm control panel or fire alarm remote annunciator must be located at the main entrance or other approved location by the fire official.

Sec. 7-206. Geographic Limits.

The geographic limits referred to in certain sections of the International Fire Code are hereby established as follows:

- (1) In addition to Section 5504.3.1.1, (geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited): All Zones (as defined in the City of Rocky Top Zoning Ordinance) except M1 and M2.

Sec 7-207. Variance.

The Chief of the Fire Department or designee of Fire Inspector may recommend to the Mayor and City Council variances from the provisions of the fire code upon application in writing by

any property owner or lessee, or 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 Mayor and City Council.

Sec 7-208. Appeals.

Whenever the Chief of the Fire Department shall disapprove an application or refuse to grant a permit applies for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued, the applicant may appeal from the decision of the Chief of the Fire Department to the City Council and Mayor within thirty (30) days from the date of the decision appealed.

Section 7-209. Violations

- (1) Refer to Section 110.3.1 of the International Fire Code, which is the correct reference for the 2018 edition of the code.

Sec 7-210. Testing and Marking of Hydrants.

GPA 291, fire flow testing and marking of hydrants, is hereby adopted by reference and incorporated into this code as if it were set out at length herein and shall be controlling with the corporate limits.

Section 3: Title 12, titled "Building, Utility, Etc. Codes," Chapter 1, titled "Building Code," of the Rocky Top Municipal Code is hereby amended by deleting Title 12 Chapter 2 entirety and replaced with the new section that shall read as follows:

Sec. 12-101. Building Code adopted.

The International Building Code, 2018 edition, including Appendices A, B, C, F, G, H and K, are hereby adopted by reference and shall become a part of this chapter as if copied herein verbatim, except as such code may be in conflict with other provisions of this chapter, in which event such other provisions of this chapter shall prevail.

Sec. 12-102. Amendments.

- (1) IBC Chapter 33 section 3303. The following text 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 Rocky Top related to buildings and/or structures shall be in accordance with the international building code adopted by the city. The standards shall be 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 one thousand (1000 sq ft) square feet, the city must issue a building permit before the activity can commence.

- (b) Demolition. The act of razing, dismantling or removal of a building or structure that exceeds one thousand (1000 sq ft) square feet, or portion thereof, to the ground level. Renovations to non-residential buildings or structures, which exceed one thousand (1000 sq ft) square feet. The one thousand (1000 sq ft) square feet 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 an 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 Rocky Top 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 Rocky Top reserves the right to remediate the environmental condition with the cost associated with the same to be borne by the property owner.

Section 4: Title 12, titled "Building, Utility, Etc. Codes," Chapter 2, titled "Residential Code," of the Rocky Top Municipal Code is hereby amended by deleting Title 12 Chapter 2 entirety and replaced with the new section that shall read as follows:

Sec. 12-201. Residential Code Adopted.

The International Residential Code, 2018 edition, is hereby adopted by reference and shall become a part of this chapter as if copied herein verbatim, except as such code may be in conflict with other provisions of this chapter, in which event such other provisions of this chapter shall prevail. This code shall apply to one- and two-family dwellings as outlined in Section R101.2 after adoption of this ordinance.

Section 12-202. Amendments

- (1) Delete Subsection (11), titled "Section R302.2 Townhouses," in its entirety without replacement.
- (2) Deleting Subsection (14), titled "Section R311.7.9 Illumination," in its entirety without replacement.

- (3) Deleting Subsection (19), titled “Section P2603.6.1 Sewer Depth,” in its entirety and substituting therefor a new Subsection (19), titled “Section P2603.5.1 Sewer Depth,” which new subsection shall read as follows:
 - (19) Section P2603.5.1, Sewer Depth. Section P2603.5.1 is hereby amended by inserting the number “twelve inches” in two places for the missing number.

Section 5: Title 12, titled “Building, Utility, Etc. Codes,” Chapter 3, titled “Fuel Gas Code,” of the Rocky Top Municipal Code is hereby amended by deleting Title 12 Chapter 3 entirety and replaced with the new section that shall read as follows:

Sec. 12-301. Fuel Gas Code Adopted.

The International Fuel Gas Code, 2018 edition, is hereby adopted by reference and shall become a part of this chapter as if copied herein verbatim, and all Appendices and Reference Standards as prepared and adopted by the International Code Council.

Sect. 12-302. Amendments

- (1) 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.

Section 6: Title 12, titled “Building, Utility, Etc. Codes,” Chapter 4, titled “Mechanical Code,” of the Rocky Top Municipal Code is hereby amended by deleting Title 12 Chapter 4 entirety and replaced with the new section that shall read as follows:

Sec. 12-401. Mechanical Code Adopted.

The International Mechanical Code, 2018 edition, is hereby adopted by reference and shall become a part of the mechanical code as if copied herein verbatim, except as such code may be in conflict with other provisions of the mechanical code, in which event such other provisions shall prevail.

Sec. 12-402. Amendments

- (1) 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 Code.

Section 7: Title 12, titled “Building, Utility, Etc. Codes,” Chapter 5, titled “Plumbing Code,” of the Rocky Top Municipal Code is hereby amended by deleting Title 12 Chapter 5 entirety and replaced with the new section that shall read as follows:

Sec. 12-501. Plumbing Code Adopted.

The International Plumbing Code, 2018 edition, is hereby adopted by reference and shall become a part of the plumbing code as if copied herein verbatim, except as such code may be in

conflict with other provisions of the plumbing code, in which event such other provisions shall prevail.

Sec. 12-502. Amendments

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

Section 8: Title 12, titled "Building, Utility, Etc. Codes," Chapter 6, titled "Existing Building Code," of the Rocky Top Municipal Code is hereby amended by deleting Title 12 Chapter 6 entirety.

Section 9: Title 12, titled "Building, Utility, Etc. Codes," Chapter 7, titled "Electrical Code," of the Rocky Top Municipal Code is hereby amended by deleting Title 12 Chapter 7 entirety and replaced with the new Chapter 6, titled Electrical Code that shall read as follows:

Sec. 12-601. International Electrical Code

All codes and permits are handled through the State of Tennessee and the utility supplying the electrical services. A permit is required for electrical work within the city limits under the current adopted code by the State of Tennessee and the utility supplying the electrical services.

Sec 12-602. Violations and Penalty.

It shall be unlawful for any person to violate or fail to comply with any provision of the International Electrical 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 provisions of this code. The penalty for violations of the International Electrical Code shall be punishable by a penalty not more than fifty (\$50.00) dollars. Each day a violation is allowed to continue shall constitute a separate offense.

Section 10: Title 12, titled "Building, Utility, Etc. Codes," Chapter 8, titled "Energy Conservation Code," of the Rocky Top Municipal Code is hereby amended by deleting Title 12 Chapter 8 entirety and replaced with the new Chapter 7, titled Energy Conservation Code section that shall read as follows:

Sec. 12-801. Energy Conservation Code Adopted.

The International Energy Conservation Code, 2018 edition, is hereby adopted by reference and shall become a part of this chapter as if copied herein verbatim and shall be known as the "Energy Conservation Code."

Sec. 12-802. Amendments.

- (1) Table R402.1.2 Insulation and Fenestration Requirements by Component.

In the row for Climate Zone 4 except Marine, change the following: Ceiling R- Value from "49" to "38", Wood Frame Wall R-Value from "20 or 13+5" to "13"; and Mass Wall R-Value "8/13" to "5/10." Fenestration U-Factor from "0.32" to "0.35", Skylight U-Factor from "0.55" to "0.60"; Glazed Fenestration SHGC from "0.40" to "NR".

(2) Table R402.1.4 Equivalent U-Factors

In the row for Climate Zone 4 except Marine, change the following: Ceiling U-Factor from "0.026" to "0.030"; Frame Wall U-Factor from "0.060" to "0.082"; and Mass Wall U-Factor from "0.098" to "0.141." Fenestration U-Factor from "0.32" to "0.35"; Skylight U-Factor from "0.55" to "0.60".

(3) Section R402.4.1.2 Testing.

Delete in its entirety without replacement.

(4) Section R403.3.3 Duct Testing (Mandatory).

Delete in its entirety Without replacement.

Section 11: Title 12, titled "Building, Utility, Etc. Codes," Chapter 9, titled "Property Maintenance Code," of the Rocky Top Municipal Code is hereby amended by deleting Title 12 Chapter 9 entirely and replaced with the new Chapter 8, titled "Property Maintenance Code" section that shall read as follows:

Sec. 12-901. Property Maintenance Code Adopted.

The International Property Maintenance Code, 2018 edition, is hereby adopted by reference and shall become a part of this chapter as if copied herein verbatim and shall be known as the "Property Maintenance Code."

Sec. 12-902 Amendments.

(1) The following section listed is hereby revised:

(a.) Section 101.1 Insert: City of Rocky Top

(b.) Section 103.5 Insert: In accordance with recouping of actual expenses for the City of Rocky Top outlined within the Tennessee Code Annotated.

(c.) Section I 12.4 Insert: In accordance with the Violations and Penalty listed in chapter 9 Section 12-904 of this code.

(d.) Section 302.4 Insert: Twelve (12") inches

(e.) Section 304.14 Insert: January 1 to December 31.

(f.) Section 602.3 Insert: October 1" to April 30.

(g.) Section 602.4 Insert: October 1st to April 30.

Sec. 12-903 Conflicts with other Ordinances or Codes.

In the event the provisions of the International Property Maintenance Code

conflict with any other Ordinance or Code adopted by the City of Rocky Top the stricter Ordinance or Code will prevail.

Sec. 12-904 Violations and Penalty.

It shall be unlawful for any person to violate or fail to comply with any provision of the International Property Maintenance Code as herein adopted by reference and amended. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provisions of this code. The penalty for violations of the International Property Maintenance Code shall be punishable by a penalty not more than fifty (\$50.00) dollars. Each day a violation is allowed to continue shall constitute a separate offense.

Section 12: Title 12, titled "Building, Utility, Etc. Codes," of the Rocky Top Municipal Code is hereby amended by adding Title 12 Chapter 10, titled "Building Accessibility by Physically Disabled Person" section that shall read as follows:

Sec. 12-1001. Minimum specifications.

Any public building which is constructed, enlarged or substantially altered or repaired after the effective date of this ordinance shall be designed and constructed pursuant to specifications, approved by the responsible authority, making such building accessible to and usable by persons with disabilities. The minimum specifications shall be the Accessible and Usable Buildings and Facilities ICC A117.1-2009 Code thereto, which is hereby adopted by reference and shall become a part of this chapter as if copied herein verbatim, except as such code may be in conflict with other provisions of this chapter, in which event such other provisions of this chapter shall prevail.

The minimum specifications for a project shall be those in effect at the time the project is submitted to the responsible authority for final approval of the construction, enlargement, alteration or repair.

All auditoriums, theaters, gymnasiums, stadiums and other public entertainment facilities must provide accommodations in level or nearly level locations from which persons confined in wheelchairs may see and hear the offered entertainment as well as persons regularly seated in the facility.

Section 13: Pursuant to the requirements of the Tennessee Code Annotated one (1) copy of the International Fire Code, International Building Code, International Residential Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, International Energy Conservation Code, International Property Maintenance Code and the 2009 Accessibility and Usable Building and Facilities Code has been placed on file at Rocky Top City Hall and shall be kept there for the use and inspection of the public.

Section 14: There shall be a ninety (90) day grace period from the effective date of the ordinance to allow City Staff time to educate the development community and local contractors on the changes.

Section 15: Ordinance 500 shall take effect immediately after its passage, the welfare of the city requiring it.

Passed on first reading: 16th January 2020

Public Hearing: 20th February 2020

Passed on final reading: 20th February 2020

Approved:



Timothy Sharp, Mayor

Attested:



Kari Bates, City Recorder