

ORDINANCE NO. \_\_\_\_\_

**An Ordinance Amending Title 12 of the Building Municipal Code for The City of Charlotte ~~and the Municipal Code~~ and to Adopt the 2024 ICC Code & Applicable Editions**

**WHEREAS**, the Council and Mayor for the Town of Charlotte, based on the recommendation of the Planning Commission and staff having reviewed Building Code for the City and finding the necessity of adopting current standards;


**WHEREAS**, the International Code Council has effectively replaced the Southern Building Code Congress International and has developed model codes for construction and property development.

**WHEREAS**, it is the desire of the Mayor and the Council for the City of Charlotte to ensure that the construction of buildings, internal and external layouts of buildings, plumbing, energy conservation, life safety, accessibility, maintenance of existing housing, excavation, and other similar activities are conducted according to federal, state, and local standards.


Now, therefore, **BE IT ORDAINED BY THE CITY COUNCIL OF CHARLOTTE, TENNESSEE** that Title 12 of the City of Charlotte's Municipal Code, Ordinance #1457, be deleted in its entirety and replaced with the following:

(Codes as Attached & Exhibits)

This Ordinance shall take effect immediately after its final reading and approval, the public welfare requiring it.

  
Garland H. Breeden, Mayor

ATTEST:

  
Shari Wright, City Clerk

Approved as to form and content:

  
Kirk Vandivort - Town Attorney

Public Hearing: 5-26-2026

First Reading: 4-28-2026

Second Reading: 5-26-2026

1st

TITLE 12

**BUILDING, UTILITY, ETC., CODES**

**CHAPTER**

1. INTERNATIONAL BUILDING CODE
2. INTERNATIONAL RESIDENTIAL CODE
3. INTERNATIONAL PLUMBING CODE
4. INTERNATIONAL EXISTING BUILDING CODE
5. INTERNATIONAL ENERGY CONSERVATION CODE
6. EXCAVATION AND GRADING CODE
7. INTERNATIONAL PROPERTY MAINTENANCE CODE
8. ACCESSIBLE BUILDING AND FACILITIES CODE
9. INTERNATIONAL FIRE CODE
10. INTERNATIONAL FUEL GAS CODE & INTERNATIONAL MECHANICAL CODE
11. NATIONAL ELECTRICAL CODE
12. INTERNATIONAL SWIMMING POOL AND SPA CODE

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<sup>1</sup> Municipal code references

- Fire protection, fireworks, and explosives: title 7
- Planning and zoning: title 14.
- Streets and other public ways and places: title 16

## CHAPTER I

### INTERNATIONAL BUILDING CODE'

#### SECTION

- 12-101 Building Code Adopted
- 12-102 Modifications
- 12-103 Permit Fees
- 12-104 Available in Recorder's Office
- 12-105 Violations

#### 12-101 INTERNATIONAL BUILDING CODE ADOPTED

Pursuant to authority granted by Tennessee Code Annotated, Sections 6-54-501 through 6-54-506, and for the provisions of regulating the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenance connected or attached to such buildings or structures, and the scope and purpose of this code is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress, facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations, the International Building Code, 2024 edition, as prepared and adopted by International Code Council, Inc., see additions and revisions per State of Tennessee Fire Marshall Office (Exhibit A & B) all sections are consistent from the 2021 as presented, with 2024 IBC, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the International Building Code.

#### 12-102 MODIFICATIONS

Whenever the building code refers to the "Chief Appointing Authority" or the "Building Official", it shall be deemed to be a reference to the city council of the City of Charlotte. When the "Building Official" or "Director of Planning and Zoning" is named it shall, for the purposes of the International Building Code, mean such person as the city council shall have appointed or designated to administer and enforce the provisions of the International Building Code.

Add the following after the first sentence of section 3303.1:

Residential demolition projects shall be completed within 30 days from the date of permit issuance. Non-residential demolition projects shall be completed within 60 days from date of permit issuance. Additional time may be scheduled if requested by the applicant, if in the opinion of the building official, such request is reasonable given the circumstances of the demolition project.

#### 12-103 PERMIT FEES

~~The recommended schedule of permit fees set forth in Appendix "L" of the 2024 edition of the IRC is hereby adopted as the city's permit fee schedule. The most current building valuation data published by International Code Council, Inc. shall be used for evaluations.~~

The City of Charlotte shall enact by Resolution (as amended from time to time) a schedule of Permit Fees which shall be maintained by the Town Recorder.

#### **DEMOLITION FEE**

For the demolition of any one- or two-family residential building or accessory structures, the fee shall be \$100.00. All other structures shall be \$250.00.

A re-inspection fee of \$100.00 will apply to anyone that fails any required inspection on all phases of construction.

#### **12-104 AVAILABLE IN RECORDER'S OFFICE**

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

#### **12-105 VIOLATIONS**

It shall be unlawful for any person to violate or fail to comply with any provision of the International Building Code as herein adopted by reference and modified. Any violation of this chapter may be punishable by a fine not to exceed fifty dollars (\$50.00).



## Tennessee State Fire Marshal's Office Adopted Codes History

4/17/2025

### Appendix

#### 2021 International Building Code Amendments:

1. Remove Chapter 11 Accessibility.
2. The requirements of Section 423 Storm Shelters shall not be required.
3. Section 903.3.1.2 NFPA 13R sprinkler systems shall be replaced with the following:  
Automatic sprinkler systems in Group R occupancies may be installed throughout in accordance with NFPA 13R where the Group R occupancy meets all of the following conditions:
  - (i) Four stories or less above grade plane.
  - (ii) For occupancies other than Group R-2, the floor level of the highest story is 30 feet (9144 mm) or less above the lowest level of fire department vehicle access.  
  
For Group R-2 occupancies, the roof assembly is less than 45 feet (13716 mm) above the lowest level of fire department vehicle access. The height of the roof assembly shall be determined by measuring the distance from the lowest required fire vehicle access road surface adjacent to the building to the eave of the highest pitched roof, the intersection of the highest roof to the exterior wall, or the top of the highest parapet, whichever yields the greatest distance.
  - (iii) The floor level of the lowest story is 30 feet (9144 mm) or less below the lowest level of fire department vehicle access.  
  
The number of stories of Group R occupancies constructed in accordance with Sections 510.2 and 510.4 of the International Building Code shall be measured from grade plane.
4. For Group E occupancies in all jurisdictions in Tennessee, local education agencies, public charter schools, and non-public schools may allow classroom doors to be locked to prevent unwanted entry provided that the locking means meets the requirements in the National Fire Protection Association (NFPA) (2021) Section 15.2.2.4.1.

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Fire Prevention/State Fire Marshal's Office • 500 James Robertson Pkwy • 10<sup>th</sup> Floor Davy Crockett Tower • Nashville, TN 37243-1162  
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**EXHIBIT A**



## Tennessee State Fire Marshal's Office Adopted Codes History

4/17/2025

### International Building Code Amendments (continued):

5. For college and university instructional buildings in all jurisdictions in Tennessee, college and university administrators may allow classroom doors to be locked to prevent unwanted entry provided that the locking means meets the requirements in the NFPA (2021) Section 39.2.2.2.2.
6. Dwellings licensed by the Department of Human Services (DHS) as Family Home Daycares shall use Appendix AM of the 2021 International Residential Code.
7. Where ASCE 7-16 is referenced for seismic design or mapped ground accelerations, ASCE 7-22 mapped ground accelerations may be used to determine the S1 and Ss values.
8. The requirements for flammable gas shall be those found in the International Building Code (IBC), 2024 edition, published by the International Code Council (ICC), and shall include the following:
  - (i) For Chapter 2, the definition for Flammable Gas shall be replaced with the definition found in the 2024 International Building Code.
  - (ii) For flammable gases, Table 307.1(1) shall be replaced with Table 307.1(1) of the 2024 International Building Code.
  - (iii) For flammable gases, Section 307.4 High-hazard Group H-2 shall be replaced with Section 307.4 High-hazard Group H-2 of the 2024 International Building Code.
  - (iv) For flammable gases, Section 307.5 High-hazard Group H-3 shall be replaced with Section 307.5 High-hazard Group H-3 of the 2024 International Building Code.
  - (v) For flammable gases, Section 414.2.5 shall be replaced with Section 414.2.5 of the 2024 International Building Code.
  - (vi) For flammable gases, Table 414.5.1 shall be replaced with Table 414.5.1 of the 2024 International Building Code.

EXHIBIT B

## CHAPTER 2

### INTERNATIONAL RESIDENTIAL BUILDING CODE

#### SECTION

- 12-201 Building Code Adopted
- 12-202 Modifications
- 12-203 Permit Fees
- 12-204 Available in Recorder's Office
- 12-205 Violations

#### 12-201 INTERNATIONAL RESIDENTIAL CODE ADOPTED

Pursuant to authority granted by Tennessee Code Annotated, Sections 6-54-501 through 6-54-506, and for the provisions of regulating the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one-and two-family dwellings and townhouses not more than three stories above grade in height with a separate means of egress and their accessory structures, and the scope and purpose of this code is to provide minimum requirements to safeguard the public safety, health and general welfare through affordability, structural, strength, means of egress facilities, stability, sanitation, light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment of every building or structure or any appurtenance connected or attached to any building or structure, the International Residential Code for One and Two- Family Dwellings, 2024 edition, as prepared and adopted by International Code Council, Inc., except (see Exhibit A & Attachment) also add Appendix NE – Electrical Vehicle Charging Infrastructure as published. is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the International Residential Code. The publication document titled 2024 International Code Suggested Amendments produced by the National Association of Home Builders can be used as a guide, the most restrictive regulations or standards per adopted codes may apply per Building Official.

#### 12-202 MODIFICATIONS

Whenever the International Residential Code refers to the "Chief Appointing Authority" or the "Building Official," it shall be deemed to be a reference to the city council of the City of Charlotte. When the "Building Official" or "Director of Planning and Zoning" is named it shall, for the purposes of the International Residential Code, mean such person as the city council shall have appointed or designated to administer and enforce the provisions of the International Residential Code.

#### 12-203 PERMIT FEES

~~The recommended schedule of permit fees set forth in Appendix "L" of the 2024 edition of the IRC is hereby adopted as the city's permit fee schedule. The current building valuation Data published by International Code Council, Inc. shall be used.~~

The City of Charlotte shall enact by Resolution (as amended from time to time) a schedule of Permit Fees which shall be maintained by the Town Recorder.

**12-204 AVAILABLE IN RECORDER'S OFFICE**

Pursuant to the requirements of the Tennessee Code Annotated, Section 6-54-502, one (1) copy of the International 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.

**12-205 VIOLATIONS**

It shall be unlawful for any person to violate or fail to comply with any provision of the International Residential Code as herein adopted by reference and modified. Any violation of this chapter may be punishable by a fine not to exceed fifty dollars (\$50.00).

## EXHIBIT A

### 2024 I.R.C. Revisions

1. R202 DEFINITIONS: Windborne debris region areas within hurricane-prone regions located in accordance with the following:  
  

~~Within one (1) mile of the coastal mean high water line where the ultimate design wind speed is 130 M.P.H. or greater.~~
2. R302.1 Fire Separation Distance: This amendment would return the minimum fire separation distances between structures to those required before residential sprinklers became part of the International Residential Code. It also preserves the improves text from later editions regarding minimal fire-resistance ratings. ~~(Delete tables R302.1(1) and R302.1(2) and replace with the new table.) (See attachment)~~
3. R302.5.1 Opening Protection: This amendment removes the requirement for all doors separating a garage from the interior of a dwelling to be equipped with a self-closing or automatic closing device.
4. R306.3.6.1 Protection of Building Envelope: ~~Delete Entirely; An exterior door that meets the requirements of Section R609 shall be installed at the top of stairs that provide access to the building and that are enclosed with walls designed to break awa in accordance with Section R306.3.5 (To be deleted entirely from the 2024 International Residential Code)~~
5. R309.1 Automatic Sprinkler Systems: This amendment would delete the mandatory requirement for residential sprinklers from the 2024 International Residential Code. ~~(Delete section R309 entirely)~~
6. R316 Habitable Attics: This amendment removes the requirement that a habitable attic must be sprinkled to permit one to be constructed over a two-story dwelling or to provide one larger than one-third (1/3) of the floor area below.  
R316.3 Delete Exceptions 1; 1.1; 1.2; 4 and replace with the following exceptions:
  1. The aggregate area of the habitable attic is not greater than one third (1/3) of the floor area of the story below.
  2. The occupiable space is enclosed by the roof assembly above, knee walls, if applicable, on the sides and the floor/ceiling assembly below.
  3. The floor of the habitable attic does not extend beyond the exterior walls of the story below.
7. R403.1.6 Foundation Anchorage: This amendment provides an exception to the requirement for attaching bottom plates of braced wall panels on the interior of a dwelling to foundations with anchor bolts. The exception applies in low-wind, low-seismic areas where gypsum board is used as the bracing method for the interior wall in question. Revise as follows:

Add new exception #3

#3 Where the basic wind speed in accordance with figure (R301.2(4)A) does not exceed 115 miles per hour, the seismic design category is A or B and method "GB" in accordance with Section R602.10 is used for a braced wall line on the interior of the dwelling, anchor bolts shall not be required for the wood sole plates of the braced wall panels. Positive anchorage with approved fasteners shall be provided.

EXHIBIT A

**2. Fire Separation Distance**

This amendment would return the fire separation distances between structures to those required before residential sprinklers became part of the International Residential Code. It also preserves the improved text from later editions regarding minimum fire-resistance ratings.

**Revise as follows:**

**Delete Tables R302.1(1) and R302.1(2) and replace with new table.**

Exterior Wall Element		Minimum Fire Resistance Ratings	Minimum Fire Separation Distance
Walls	Fire-resistance rated	1-hour—tested in accordance with ASTM E119, UL 263, or Section 703.3 of the International Building Code with exposure from both sides.	0-feet
	Not fire-resistance rated	0-hours	3-feet <sup>a</sup>
Projections	Not allowed	N/A	< 2-feet
	Fire-resistance rated	1-hour on the underside, or heavy timber, or fire-retardant-treated wood. <sup>b, c</sup>	2-feet <sup>a</sup>
	Not fire-resistance rated	0-hours	3-feet
Openings in Walls	Not allowed	N/A	<3-feet
	Unlimited	0-hours	3-feet <sup>a</sup>
Penetrations	All	Comply with R302.4.	< 3-feet
		None required	3-feet <sup>a</sup>

**Table R302.1 Exterior Walls**

For SI: 1 foot = 304.8 mm.  
N/A = Not Applicable

a. For residential subdivisions and townhouses where all dwellings are equipped throughout with an automatic sprinkler system installed in accordance with Section P2904, the fire separation distance for exterior walls not fire-resistance rated and for fire-resistance-rated projections shall be permitted to be reduced to 0 feet, and unlimited unprotected openings and penetrations shall be permitted, where the adjoining lot provides an open setback yard that is 6 feet or more in width on the opposite side of the property line.

b. The fire-resistance rating shall be permitted to be reduced to 0 hours on the underside of the eave overhang if fireblocking is provided from the wall top plate to the underside of the roof sheathing.

c. The fire-resistance rating shall be permitted to be reduced to 0 hours on the underside of the rake overhang where vent openings that communicate with the attic are not installed in the overhang or gable wall.

**EXHIBIT A ATTACHMENT**

## CHAPTER 3

### INTERNATIONAL PLUMBING CODE<sup>1</sup>

#### SECTION

- 12-301 Plumbing Code Adopted
- 12-302 Modifications
- 12-303 Permit Fees
- 12-304 Available in Recorder's Office
- 12-305 Violations

#### **12-301 INTERNATIONAL PLUMBING CODE ADOPTED**

Pursuant to authority granted by Tennessee Code Annotated, Sections 6-54-501 through 6-54-506 and for the provisions of regulating the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of plumbing systems within this jurisdiction, this code shall also regulate nonflammable medical gas, inhalation anesthetic, vacuum piping, non-medical oxygen systems and sanitary and condensate vacuum collections systems. The purpose of this code is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of plumbing equipment and systems and the appurtenances thereto, within or without the City of Charlotte, when such plumbing is or is to be connected with the water or sewerage systems, the International Plumbing Code,<sup>2</sup> 2024 edition, as prepared and adopted by the International Code Council, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the International Plumbing Code.

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<sup>1</sup>Municipal Code references

Street excavations: title 16

#### **12-302 MODIFICATIONS**

Whenever the International Residential Code refers to the "Chief Appointing Authority" or the "Code Official," it shall be deemed to be a reference to the city council of the City of Charlotte. When the "Code Official" or "Director of Planning and Zoning" is named or referred to, it shall mean such person appointed or designated by the city council to administer and enforce the provisions of the International Plumbing Code.

#### **12-303 PERMIT FEES**

~~The recommended schedule of permit fees set forth in Appendix "A" of the 2024 edition of the International Plumbing Code is hereby amended and adopted as follows:~~

~~For issuing permit \_\_\_\_\_ \$100.00~~

For each plumbing fixture	\$ 10.00
For each building sewer	\$10.00
For each building sewer having to be replaced or repaired	\$10.00
For each water heater and/or vent	\$ 10.00
For installation, alteration or repair of water piping and/or water treating equipment.	\$10.00
For repair or alteration of drainage or vent piping	\$10.00
For vacuum breakers or backflow protective devices installed subsequent to the installation of the piping or equipment served	\$ 10.00
One to Five	\$ 10.00
Over Five, each	\$ 5.00
Re-inspection fee is additional.	\$100.00
_____ Above-ground swimming pool _____	\$ 100.00
_____ Inground Swimming pool _____	\$150.00

The City of Charlotte shall enact by Resolution (as amended from time to time) a schedule of Permit Fees which shall be maintained by the Town Recorder.

**12-304 AVAILABLE IN RECORDER'S OFFICE**

Pursuant to the requirements of Tennessee Code Annotated, Section 6-54-502, one (1) copy of the International Plumbing Code had been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

**12-305 VIOLATIONS**

It shall be unlawful for any person to violate or fail to comply with any provision of the International Plumbing Code as herein adopted by reference and modified. Any violation of this chapter may be punishable by a fine not to exceed fifty dollars (\$50.00).

## CHAPTER 4

### INTERNATIONAL EXISTING BUILDING CODE

#### SECTION

- 12-401 Existing Building Code Adopted
- 12-402 Modifications
- 12-403 Available in Recorder's Office
- 12-404 Violations

#### **12-401 INTERNATIONAL EXISTING BUILDING CODE ADOPTED**

Pursuant to authority granted by Tennessee Code Annotated, Sections 6-54-501 through 6-54-506, and for the provisions and scope of this code shall apply to the repair, alteration, change of occupancy, addition and relocation of existing buildings and the purpose or intent of this code is to provide flexibility to the permit the use of alternative approached to achieve compliance with minimum requirements to safeguard the public health, safety and general welfare so far as they are affected by the repair, alteration, change of occupancy, addition and relocation of existing buildings, the International Existing Building Code, 2024 edition as prepared and adopted by the International Code Council, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the International Existing Building Code.

#### **12-402 MODIFICATIONS**

Wherever the International Existing Building Code refers to the "Code Official" it shall mean the person appointed or designated by the city council to administer and enforce the provisions of the International Existing Building Code. Wherever the "Department of Law" is referred to it shall mean the city attorney. Wherever the "Chief Appointing Authority" is referred to it shall mean the city council.

#### **12-403 AVAILABLE IN RECORDER'S OFFICE**

Pursuant to the requirements of Tennessee Code Annotated, Section 6-54-502, one (1) copy of the International Existing Building Code with the above modifications has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

#### **12-404 VIOLATIONS**

It shall be unlawful for any person to violate or fail to comply with any provision of the International Existing Building Code as herein adopted by reference and modified. Any violation of this chapter may be punishable by a fine not to exceed fifty dollars (\$50.00).

## CHAPTER 5

### INTERNATIONAL ENERGY CONSERVATION CODE<sup>1</sup>

#### SECTION

- 12-501 Energy Conservation Code Adopted
- 12-502 Modifications
- 12-503 Available in Recorder's Office
- 12-504 Violations and Penalty

#### 12-501 INTERNATIONAL ENERGY CONSERVATION CODE ADOPTED

Pursuant to authority granted by Tennessee Code Annotated, Sections 6-54-501 through 6-54-506, and for the scope of this code applies to residential and commercial buildings and the purpose or intent of this code shall regulate the design and construction of buildings for the effective use of energy and is to provide flexibility to permit the use of innovative approaches and techniques to achieve the effective use of environmental requirements contained in other applicable codes or ordinances, the International Energy Conservation Code 2018 edition, as prepared and adopted by the International Code Council, Inc., except that :

1. Section R402.4.1.2 Testing is deleted and replaced with Section 402.4.2.1 Testing Option and Section 402.4.2.2 Visual Inspection Option from 2009 IECC.
2. Section R403.3.3 Duct Testing (Mandatory) and Section R403.3.4 Duct Leakage (Prescriptive) are optional.
3. Table 402.1.2 Insulation and Fenestration Requirements by Component and Table R402.1.4 Equivalent U-Factors are deleted and replaced with Table 402.1.1 Insulation and Fenestration Requirements by Component and Table 402.1.3 Equivalent U-Factors 2009 IECC. is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the International Energy Conservation Code.

#### 12-502 MODIFICATIONS

Wherever the International Energy Conservation Code refers to the "Chief Appointing Authority" or the "Code Official", it shall be deemed to the city council of the City of Charlotte. When "Code Official" 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 Energy Conservation Code. (Greater Dickson Gas Authority)

#### 12-503 AVAILABLE IN THE RECORDER'S OFFICE

Pursuant to the requirements of the Tennessee Code Annotated, Section 6-54-502, one (1) copy of the International Energy Conservation Code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

#### 12-504 VIOLATIONS

It shall be unlawful for any person to violate or fail to comply with any provisions of the

## CHAPTER 5

International Energy Conservation Code as herein adopted by reference and modified. Any violation of this chapter may be punishable by a fine not to exceed fifty dollars (\$50.00).

<sup>1</sup>State law reference

Tennessee Code Annotated, Section 13-19-106 requires Tennessee cities either to adopt a Model Energy Code, or to adopt local standards equal to or stricter than the standards in the energy code.

## CHAPTER 6

### EXCAVATION AND GRADING CODE<sup>L</sup>

#### SECTION

- 12-601 Excavation and Grading Code Adopted
- 12-602 Modifications
- 12-603 Available in Recorder's Office
- 12-604 Violations
- 12-605 Penalties
- 12-606 Fees

#### **12-601 EXCAVATION AND GRADING CODE ADOPTED**

Pursuant to authority granted by Tennessee Code Annotated, Sections 6-54-501 through 6-54-516, and for the purpose of setting forth rules and regulations to control excavation, grading and earthwork construction, including fills and embankments; establishes the administrative procedure for issuance of permits; and provides for approval of plans and inspection of grading construction. The City of Charlotte shall use Appendix J of the International Building Code, 2024 edition, as prepared and adopted by International Code Council, Inc., to be used as a guide, also any and all applicable codes, standards and policies set forth by the discretion of the City Engineer / Public Works Director / Engineering Department to apply and adhere to all required standards set forth by State of Tennessee Department of Conservation to the city's MS4 program in all developments is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the excavation and grading code.

#### **12-602 MODIFICATIONS**

The words "Building Official" in the appropriate excavation and grading code shall mean such person as the city council, Director of Planning & Zoning, Director of Public Works shall designate the City Engineer to enforce and administer the deemed appropriate excavation and grading code.

#### **12-603 AVAILABLE IN RECORDER'S OFFICE**

Pursuant to the requirements of the Tennessee Code Annotated, Section 6-54-502, one (1) copy of the standard excavation and grading code being utilized currently shall be placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

#### **12-604 VIOLATIONS**

It shall be unlawful for any person to violate or fail to comply with any provisions of the standard excavation and grading code utilized currently as herein adopted by reference and modified. Any violation of this chapter may be punishable by a fine not to exceed fifty dollars (\$50.00).

#### **12-605 PENALTIES**

Any person who shall violate or fail to comply with the excavation and grading code shall be guilty

of a misdemeanor and upon conviction thereof shall be fined under the general penalty clause for the Charlotte Municipal Code.

**12-606 FEES**

~~PLAN CHECKING AND GRADING PERMIT FEES. Per Ordinance #1540, and or any required fee(s) set forth by the City Engineer / Public Works Director / Engineering Department~~  
The City of Charlotte shall enact by Resolution (as amended from time to time) a schedule of Permit Fees which shall be maintained by the Town Recorder.

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<sup>1</sup>Municipal code references

- Fire protection, fireworks, and explosives: Title 7
- Planning and zoning: Title 14
- Streets and other public ways and places: Title 16

## CHAPTER 7

### INTERNATIONAL PROPERTY MAINTENANCE CODE

#### SECTION

- 12-701 Property Maintenance Code
- 12-702 Modifications
- 12-703 Available in Recorder's Office
- 12-704 Violations

#### **12-701 INTERNATIONAL PROPERTY MAINTENANCE CODE ADOPTED**

Pursuant to authority granted by Tennessee Code Annotated, Sections 6-54-501 through 6-54-506, the provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute 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 responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties, and the intent is to secure its expressive intent which is to ensure public health, safety and welfare in so far as they are affected by the continuing occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein, the International Property Maintenance Code, 2024 edition, as prepared and adopted by the International Code Council, Inc., is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the International Property Maintenance Code, (Also see Municipal Code regarding property maintenance concerns for City of Charlotte)

#### **12-702 MODIFICATIONS**

Whenever the International Property Maintenance Code refers to the "Chief Appointing Authority," or the "Applicable Governing Body," it shall be deemed to be a reference to the city council of the City of Charlotte. When the "Code Official" or the Director of Planning and Zoning" is named, it shall mean such person as the city council has appointed or designated to administer and enforce the provisions of the International Property Maintenance Code.

#### **12-703 AVAILABLE IN RECORDER'S OFFICE**

Pursuant to the requirements of the Tennessee Code Annotated, Section 6-54-502, one (1) copy of the International 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.

#### **12-704 VIOLATIONS**

It shall be unlawful for any person to violate or fail to comply with any provisions of the International Property Maintenance Code as herein adopted by reference and modified. Any violation of this chapter may be punishable by a fine not to exceed fifty dollars (\$50.00).

## CHAPTER 8

**ACCESSIBLE BUILDING AND FACILITIES CODE****SECTION**

- 12-801 Accessibility Code
- 12-802 Modifications
- 12-803 Available in Recorder's Office
- 12-804 Violations

**12-801 ACCESSIBILITY CODE**

Pursuant to authority granted by Tennessee Code Annotated, Sections 6-54-501 through 6-54-506, the purpose of this standard makes sites, facilities, buildings, and elements accessible to and usable by people with such physical disabilities as the inability to walk, difficulty walking, reliance on walking aids, blindness and visual impairment, deafness and hearing impairment, incoordination, reaching and manipulation disabilities, lack of stamina, difficulty interpreting and reacting to sensory information, and extremes of physical size. The intent of these sections is to allow a person with a physical disability to independently get to, enter, and use a site, facility, building, or element, the 2010 ADA Standards for Accessible Design (or most current applicable version), as prepared by the Department of Justice, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the Accessible and Usable Buildings and Facilities Code.

Per the 2004 ADA Accessibility Guidelines (ADAAG), all new construction (construction, modification or alterations) must be fully compliant with the ADAAG found in the Code of Federal Regulations at 28 C.F.R., Part 36, Appendix A.

Existing facilities predating adoption of current ADA standards that are intended for accessibility by the public, per Title 42, U.S. Code, are required to remove any architectural barriers that would otherwise bar use by the public.

With regard to historic properties (those properties that are listed or that are eligible for listing in the National Register of Historic Places, or properties designated as historic under state or local law), those facilities must still comply with the provisions of Title III of the ADA to the "maximum extent feasible" but if following the usual standards would "threaten to destroy the historic significance of a feature of the building" then alternative standards may be used.

Newly constructed or altered swimming pools, wading pools, and spas must have an accessible means of entrance and exit to pools for disabled people. However, the requirement is conditioned on whether providing access through a fixed lift is "readily achievable". Other requirements exist, based on pool size, include providing a certain number of accessible means of entry and exit per the current ADA standards. However, businesses are free to consider the differences in application of the rules depending on whether the pool is new or altered, or whether the swimming pool was in existence before the effective date of the new rule. Full compliance may not be required for existing facilities; Section 242 and 1009 of the current ADA standards outline such exceptions.

**12-802 MODIFICATIONS**

Whenever the Accessible and Usable Building and Facilities Code refers to the "Administrative Authority," or the Applicable Governing Body," it shall be deemed to be a reference to the city council of the City of Charlotte. When the "Building Official" or the "Director of Planning & Zoning" is named it shall mean such person as the city council has appointed or designated to administer and enforce the provisions of the applicable code.

**12-803 AVAILABLE IN RECORDER'S OFFICE**

Pursuant to the requirement of the Tennessee Code Annotated, Section 6-54-502, one (1) copy of the adopted Accessibility Code shall be placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

**12-804 VIOLATIONS**

It shall be unlawful for any person to violate or fail to comply with any provisions of the ICC Accessibility Code as herein adopted by reference and modified. Any violation of this chapter may be punishable by a fine not to exceed fifty dollars (\$50.00).

## CHAPTER 9

### INTERNATIONAL FIRE CODE

#### SECTION

- 12-901 Fire Code Adopted
- 12-902 Modifications
- 12-903 Permit Fees
- 12-904 Available in Recorder's Office
- 12-905 Violations

#### **12-901 INTERNATIONAL FIRE CODE ADOPTED**

Pursuant to authority granted by Tennessee Code Annotated, Sections 6-54-501 through 6-54-506, and for the purpose of this code is to establish the minimum requirements consistent with nationally recognized good practice for 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 and to protect buildings or structures or any appurtenance connected or attached building, the International Fire Code, 2024 edition, as prepared and adopted by International Code Council, Inc., see additions and revisions per State of Tennessee Fire Marshall Office (Exhibit A) all sections are consistent with the 2021 as presented to 2024 IFC, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the International Fire Code.

#### **12-902 MODIFICATIONS**

Whenever the fire code refers to the "Fire Code Official," it shall be deemed to be a reference to the city council of the City of Charlotte. When the "Fire Marshal", "Fire Code Official" , AHJ (Authority Having Jurisdiction), or "Director of Public Safety" is named it shall, for the purposes of the fire code, mean such person as the city council shall have appointed or designated to administer and enforce the provisions of the fire code.

#### **12-903 PERMIT FEES**

~~The recommended schedule of permit fees set forth in Appendix "L" of the 2024 edition of the IRC, and any applicable fees per City of Charlotte Fire Department and or City of Charlotte Fire Marshal is hereby adopted as the city's permit fee schedule. The most current building valuation data published by the International Code Council, Inc. shall be used.~~

The City of Charlotte shall enact by Resolution (as amended from time to time) a schedule of Permit Fees which shall be maintained by the Town Recorder.

#### **12-904 AVAILABLE IN RECORDER'S OFFICE**

Pursuant to the requirements of the Tennessee Code Annotated, Section 6-54-502, one (1) copy of the International Fire Code has been placed on file in the recorder's office and shall be kept there

**CHAPTER 9**

for the use and inspection of the public.

**12-905 VIOLATIONS**

It shall be unlawful for any person to violate or fail to comply with any provision of the International Fire Code as herein adopted by reference and modified. Any violation of this chapter may be punishable by a fine not to exceed fifty dollars (\$50.00).



## Tennessee State Fire Marshal's Office Adopted Codes History

4/17/2025

### 2021 International Fire Code Amendments (continued):

#### 2. Section 903.3.1.2 NFPA 13R sprinkler systems shall be replaced with the following:

Automatic sprinkler systems in Group R occupancies may be installed throughout in accordance with NFPA 13R where the Group R occupancy meets all of the following conditions:

- (i) Four stories or less above grade plane.
- (ii) For other than Group R-2 occupancies, the floor level of the highest story is 30 feet (9144 mm) or less above the lowest level of fire department vehicle access.

For Group R-2 occupancies, the roof assembly is less than 45 feet (13716 mm) above the lowest level of fire department vehicle access. The height of the roof assembly shall be determined by measuring the distance from the lowest required fire vehicle access road surface adjacent to the building to the eave of the highest pitched roof, the intersection of the highest roof to the exterior wall, or the top of the highest parapet, whichever yields the greatest distance.

- (iii) The floor level of the lowest story is 30 feet (9144 mm) or less below the lowest level of fire department vehicle access. The number of stories of Group R occupancies constructed in accordance with Sections 510.2 and 510.4 of the International Building Code shall be measured from grade plane.

#### 3. Appendix L (Requirements for Fire Fighter Air Replenishment Systems) shall be optional.

4. For Group E occupancies in all jurisdictions in Tennessee, local education agencies, public charter schools, and non-public schools may allow classroom doors to be locked to prevent unwanted entry provided that the locking means meets the requirements in the National Fire Protection Association (NFPA) (2021) Section 15.2.2.2.4.1.

5. For college and university instructional buildings in all jurisdictions in Tennessee, college and university administrators may allow classroom doors to be locked to prevent unwanted entry provided that the locking means meets the requirements in the NFPA (2021) Section 39.2.2.2.2.

#### 6. The requirements for flammable gas shall be those found in the International Fire Code (IFC), 2024 edition, published by the International Code Council (ICC), and shall include the following:

- (i) For Chapter 2, the definition for Flammable Gas shall be replaced with the definition found in the 2024 International Fire Code.
- (ii) For flammable gases, Table 911.1 shall be replaced with Table 911.1 of the 2024 International Fire Code.
- (iii) For flammable gases, Table 5003.1.1(1) shall be replaced with Table 5003.1.1(1) of the 2024 International Fire Code.

Fire Prevention/State Fire Marshal's Office • 500 James Robertson Pkwy • 10<sup>th</sup> Floor Dairy Crockett Tower • Nashville, TN 37243-1162  
Tel: 615-741-7190 • Fax: 615-253-3267 • [tn.gov/fire](mailto:tn.gov/fire)

EXHIBIT A

## CHAPTER 10

### INTERNATIONAL FUEL GAS CODE & INTERNATIONAL MECHANICAL CODE

#### SECTION

- 12-1001 International Fuel Gas & International Mechanical Code
- 12-1002 Modifications
- 12-1003 Permit Fees
- 12-1004 Available in Recorder's Office
- 12-1005 Violation and Penalty

#### **12-1001** INTERNATIONAL FUEL GAS & INTERNATIONAL MECHANICAL CODE

Pursuant to authority granted by Tennessee Code Annotated, Sections 6-54-501 through 6-54-506, and for the provisions of regulating the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenance connected or attached to such buildings or structures, and the scope and purpose of this code is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress, facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations, the International Fuel Gas & International Mechanical Code, 2024 edition, as prepared and adopted by International Code Council, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the International Fuel Gas & International Mechanical Code.

#### **12-1002** MODIFICATIONS

Wherever the International Fuel Gas & International Mechanical Code refers to the "Chief Appointing Authority" or the "Code Official", it shall be deemed to be a reference for the Greater Dickson Gas Authority. When "Code Official" is named or referred to, it shall mean the person appointed or designated by the Greater Dickson Gas Authority to administer and enforce the provisions of the International Fuel Gas & International Mechanical Code

#### **12-1003** PERMIT FEES

Permits fees are set forth by the Greater Dickson Gas Authority.

#### **12-1004** AVAILABLE IN RECORDER'S OFFICE

Pursuant to the requirements of the Tennessee Code Annotated, Section 6-54-502, one (1) copy of the International Fuel Gas Code & International Mechanical Code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

**12-1005 VIOLATION AND PENALTY**

It shall be a civil offense for any person to violate or fail to comply with any provision of the International Fuel Gas & International Mechanical Code as herein adopted by reference and modified. Any violation of any section of this chapter shall be punishable by a penalty set forth by the Greater Dickson Gas Authority.

CHAPTER 11

NATIONAL ELECTRICAL CODE

12-1100 NATIONAL ELECTRICAL CODE

The 2017 N.E.C. is adopted by the local utility provider. (Dickson Electric System).

## CHAPTER 12

### INTERNATIONAL SWIMMING POOL AND SPA CODE<sup>1</sup>

#### SECTION

- 12-1201 Building Code
- 12-1202 Modifications
- 12-1203 Permit Fees
- 12-1204 Available in Recorder's Office
- 12-1205 Violations

#### 12-1201

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#### INTERNATIONAL SWIMMING POOL AND SPA CODE

Pursuant to authority granted by Tennessee Code Annotated, Sections 6-54-501 through 6-54-506, and for the provisions of regulating to new and existing swimming pools and spas The adopted regulations are identified by The City of Charlotte. construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition any appurtenance connected or attached to such buildings or structures, and the scope and purpose of this code is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress, facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations, the International Swimming Pool & Spa Code, 2018 edition, as prepared and adopted by International Code Council, Inc., see additions and revisions: Chapter 1,2,3, :Sections 301,302,305,306 Chapter 7,8,11, and the IDEX, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the International Swimming Pool and Spa Code.

#### 12-1202

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#### MODIFICATIONS

Whenever the building code refers to the "Chief Appointing Authority" or the "Building Official", it shall be deemed to be a reference to the city council of the City of Charlotte. When the "Building Official" or "Director of Planning and Zoning" is named it shall, for the purposes of the International Building Code, mean such person as the city council shall have appointed or designated to administer and enforce the provisions of the International Swimming Pool and Spa Code.

## CHAPTER 12

### 12-1203 PERMIT FEES

~~The recommended schedule of permit fees set forth in Appendix "L" of the 2024 edition of the IRC is hereby adopted as the city's permit fee schedule, also any applicable fee's set forth in Ord-#1393, The most current building valuation data published by International Code Council, Inc. shall be used for evaluations.~~

The City of Charlotte shall enact by Resolution (as amended from time to time) a schedule of Permit Fees which shall be maintained by the Town Recorder.

### 12-1204 AVAILABLE IN RECORDER'S OFFICE

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

### 12-1205 VIOLATIONS

It shall be unlawful for any person to violate or fail to comply with any provision of the International Building Code as herein adopted by reference and modified. Any violation of this chapter may be punishable by a fine not to exceed fifty dollars (\$50.00).

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**RULES  
OF  
DEPARTMENTS OF COMMERCE AND INSURANCE  
DIVISION OF FIRE PREVENTION**

**CHAPTER 0780-02-23  
ONE- AND TWO-FAMILY DWELLINGS AND TOWNHOUSES**

**TABLE OF CONTENTS**

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0780-02-23-.05	Permits	0780-02-23-.13	Permit Issuing Agents
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**0780-02-23-.01 DEFINITIONS.**

**12-1205.1** For the purposes of this chapter, the following definitions are applicable. All other definitions shall be as provided by the building and electrical codes and standards currently adopted by the Department:

**12-1205.1.1** Addition means an increase in floor area or height of structure.

**12-1205.1.2** Construction means the erection of a new building containing a detached one (1) or two (2) family dwelling or townhouse, a change of occupancy of an existing building to a one (1) or two (2) family dwelling or townhouse or, after October 1, 2011, an addition to an existing detached one (1) or two (2) family dwelling or townhouse of thirty (30) square feet or more of interior space. The term "construction" shall not be construed to include excavation, site preparation or renovation. The term "construction" shall also not be construed to include the construction or placement of a modular or manufactured home under T.C.A. Title 68, Chapter 126; however, the term "construction" shall include any additional on-site construction to a modular or manufactured home.

**12-1205.1.3** Department means the Department of Commerce and Insurance.

**12-1205.1.4** Deputy State Building Inspector (DBI) means any person who meets the qualifications in T.C.A. § 68-120-101(f)(1) and (2) and is appointed by the Commissioner of Commerce and Insurance to perform inspections of one (1) and two (2) family dwelling and townhouse construction.

**12-1205.1.5** Division means the Division of Fire Prevention of the Department of Commerce and Insurance.

**12-1205.1.6** Fire renovation means a renovation required after a fire regardless of whether the walls must be reconstructed.

**12-1205.1.7** Local government means any city, county, town, municipal corporation, metropolitan government, or political subdivision of the state of Tennessee.

**12-1205.1.8** One (1) and two (2) family dwelling means a building that contains one (1) or two (2) dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied for living purposes.

**12-1205.1.9** Property owner's permit means permit applied for by a record owner of the property in order to build a one (1) family dwelling in which the owner intends to live upon completion.

- U) Renovation means interior or exterior painting, papering, tiling, carpeting, cabinet installation, counter top installation, reroofing, residing, glazing or replacing windows or doors, floor finishing, repairs to existing chimneys, stairs, porches, underpinnings, exterior siding or roof and similar activities, additions of exterior space and additions of less than thirty (30) square feet of interior space.
- (k) Townhouse means a single family dwelling unit constructed in a group of three (3) or more attached units that extends from foundation to roof, separated by a two (2) hour fire resistance rated wall assembly, not more than three (3) stories in height, with a separate means of egress, and an open space or public way on at least two (2) sides.
- (l) Transient occupant means a person who occupies a single dwelling unit for not more than thirty (30) days.

**Authority:** T.C.A. § 68-120-101(a), (b) and (d). **Administrative History:** Original rule filed March 29, 2010; effective June 27, 2010. Amendments filed November 4, 2016; effective February 2, 2017.

**0780-02-23-.02 ADOPTION BY REFERENCE.**

- (1) Unless otherwise provided by applicable law or the provisions of this chapter, the required minimum codes and standards for the construction of one (1) and two (2) family dwellings and townhouses, and additions thereto of thirty (30) square feet or more of interior space, in the state of Tennessee shall be those prescribed in the following publications:
  - (a) International Residential Code (IRC), 2009 edition, published by the International Code Council, Inc. (ICC), 500 New Jersey Avenue Northwest, 6<sup>th</sup> Floor, Washington, D.C., 20001, except for:
    - 1. Section R313, Automatic Fire Sprinkler Systems, pursuant to T.C.A. § 68-120-101(a)(8); and
    - 2. Chapters 34-43, relating to Electrical.
  - (b) International Energy Conservation Code (IECC), 2009 edition, published by the International Code Council, Inc., (ICC), except for:
    - 1. Section 402.4.2.1, Testing option; and
    - 2. Section 403.2.2, Sealing Mandatory.
  - (c) Amendments to the Codes and Standards:
    - 1. IRC, Section R314.4, Power Source, relating to Smoke Alarms, is amended by deleting Exception 2 and replacing it with the following language:

Exception 2. Interconnection and hard wiring of smoke alarms in existing areas shall not be required where the alterations or repairs do not result in the removal of interior walls or ceiling finishes exposing the structure.
    - 2. IECC, Table N1102.1, Insulation and Fenestration Requirements by Component, is amended by adding the following as footnote "I": "Log walls complying with

ICC400 and with a minimum average wall thickness of 5" or greater shall be.

(Rule 0780-02-23-.02, continued)

permitted in Zone 3 when a Fenestration U-Factor of .50 or lower is used, a Skylight U-Factor of .65 or lower is used, a Glazed Fenestration SHGC of .30 or lower is used, a 90 AFUE Furnace is used, an 85 AFUE Boiler is used, and a 9.0 HSPF Heat Pump (heating) and 15 SEER (cooling) are used.

3. IECC, Table N1102.1, Insulation and Fenestration Requirements by Component, is amended by adding the following as footnote "m": "Log walls complying with ICC400 and with a minimum average wall thickness of 5" or greater shall be permitted in Zone 4 when a Fenestration U-Factor of .35 or lower is used, a Skylight U-Factor of .60 or lower is used, a 90 AFUE Furnace is used, an 85 AFUE Boiler is used, and a 9.0 HSPF Heat Pump (heating) and 15 SEER (cooling) are used.
- (2) Paragraph (1) of this rule shall not be construed as adopting any provision of the cited publications which establishes:
    - (a) Any provision superseded by law.
    - (b) An optional or recommended, rather than mandatory, standard or practice; or
    - (c) Any agency, procedure, fees or penalties for administration or enforcement purposes inconsistent with these rules.
  - (3) The provisions of the cited publications adopted by reference in paragraph (1) shall govern the manner in which:
    - (a) The codes and standards are applied to construction of one (1) and two (2) family dwellings, townhouses and additions thereto of thirty (30) or more square feet of interior space as defined in this chapter.
    - (b) Occupancies and types of construction are classified for the purpose of determining minimum requirements of the codes and standards; and
    - (c) The specific requirements of the codes and standards may be modified to permit the use of alternate materials or methods of construction.

**Authority:** T.C.A. § 68-120-101(a), (b) and (d). **Administrative History:** Original rule filed March 29, 2010; effective June 27, 2010. Amendments filed November 4, 2016; effective February 2, 2017.

#### 0780-02-23-.03 CONFLICTS.

- (1) In the event of a conflict or inconsistency between the codes and standards adopted by reference in Tenn. Comp. R. & Regs. 0780-02-23-.02 and 0780-02-01-.02 (Electrical Installations), the most stringent provisions shall control.
- (2) Nothing in this rule shall abrogate any right of appeal granted under T.C.A. Title 68, Chapters 102 and 120.

**Authority:** T.C.A. § 68-120-101(a), (b) and (d). **Administrative History:** Original rule filed March 29, 2010; effective June 27, 2010. Amendments filed November 4, 2016; effective February 2, 2017.

#### 0780-02-23-.04 APPLICATION.

- (1) After October 1, 2010, the commencement of any construction, as defined in rule 0780-02-23-.01, of one- and two-family dwellings or townhouses undertaken shall be in compliance with the standards adopted by reference in rule 0780-02-23-.02.

(Rule 0780-02-23-.04, continued)

- (2) After October 1, 2011, the commencement of any construction, as defined in rule 0780-02-23-.01, of additions to one and two family dwellings or townhouses of thirty (30) square feet or more of interior space undertaken shall be in compliance with the standards adopted by reference in rule 0780-02-23-.02.

**Authority:** T.C.A. § 68-120-101(a), (b) and (d). **Administrative History:** Original rule filed March 29, 2010; effective June 27, 2010.

**0780-02-23-.05 PERMITS.**

- (1) After October 1, 2010, no construction of a one (1) or two (2) family dwelling or townhouse shall be started without securing a building permit from an issuing agent authorized by the Commissioner of Commerce and Insurance, except in an exempt jurisdiction or in the unincorporated areas of a county or in a municipality that have opted out of these provisions. The permit shall be secured in the area where the work is to be performed until a certificate of occupancy is issued. A separate permit shall be required for each unit of a townhouse. Issuing agents shall retain no more than fifteen dollars (\$15.00) for each issued permit. This fifteen-dollar (\$15.00) fee shall be retained from the applicable permit fee for inspection referenced in Tenn. Comp. R. & Regs. 0780-02-23-.08.
- (2) After October 1, 2011, no construction of an addition to a one (1) or two (2) family dwelling or townhouse of thirty (30) square feet or more of interior space shall be started without securing a building permit from an issuing agent authorized by the Commissioner of Commerce and Insurance, except in an exempt jurisdiction or in the unincorporated areas of a county or in a municipality that have opted out of these provisions. The permit shall be secured in the area where the work is to be performed until a certificate of occupancy is issued. Issuing agents shall retain no more than fifteen dollars (\$15.00) for each issued permit. This fifteen-dollar (\$15.00) fee shall be retained from the applicable permit fee for inspection referenced in Tenn. Comp. R. & Regs. 0780-02-23-.08.
- (3) A property owner's permit shall automatically expire upon completion of the work for which the permit was issued. All work done under such permit shall be subject to regular inspection requirements and fees and other applicable laws and regulations. Pursuant to T.C.A. § 62-6-103, an individual may obtain only one (1) property owner's permit within a twenty-four (24) month period.
- (4) (a) When applying for a permit, an applicant shall complete a form prescribed by the Department containing at least the following information:
  1. The location where the work will be performed, including street address, if available.
  2. A description of the work to be performed.
  3. The use and occupancy of the structure.
  4. The valuation of the project.
  5. The square footage of the construction; and
  6. The signature of the applicant.
- (b) When applying for a permit, an applicant shall present:
  1. Payment in an acceptable form in the amount of the permit fee; and

(Rule 0780-02-23-.05, continued)

2. Licensure pursuant to T.C.A. Title 62, Chapter 6 (except for a property owner's permit).
- (c) When applying for a permit, an applicant shall certify and have proof available, if requested, of:
  1. Availability of public sewer or a septic permit; and
  2. Any license or permit required by state law or local ordinance.
- (5) All building permits are non-transferable.
- (6) In the event more than one (1) rejection is issued during the building inspection process, an additional inspection permit shall be obtained for each subsequent rejection.
- (7) (a) A building permit shall be void if the authorized work is not commenced within one hundred eighty (180) days after its issuance. If the work authorized by a permit is commenced and then suspended or abandoned for a period of one hundred eighty (180) days a building permit shall be void. The Commissioner of Commerce and Insurance, or designee, is authorized to grant one (1) or more extensions of time, for period of not more than one hundred eighty (180) days each. All extensions shall be requested in writing and justifiable cause demonstrated.
- (b) Every building permit shall expire two (2) years from the date of issue or upon the issuance of the certificate of occupancy unless:
  1. The Commissioner of Commerce and Insurance, or designee, determines that substantial progress has been made in the work authorized by the permit; and
  2. The permit holder is granted an exception or extension after submitting a written request to the Commissioner of Commerce and Insurance, or designee.
- (c) No construction work for which a permit is required shall be commenced in any building or premises until a permit to perform such work is obtained.
- (8) The original permit, along with any other required state or local permit, shall be placed on site and readily available for inspection. Upon completion of a request form prescribed by the Department, a duplicate original permit may be obtained for a fee of ten dollars (\$10.00) in the event of a loss or destruction of the original permit.
- (9) It shall be the responsibility of all persons performing work on the site to comply with the required codes and standards.
- (10) The issuance of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this chapter or of any state law or regulation or any ordinance of the local jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this chapter, any state law or regulation or any ordinance of the local jurisdiction shall not be valid. The issuance of a permit based on construction documents or other data shall not prevent the Division from requiring the correction of errors in the construction documents or other data. The Division is also authorized to prevent occupancy or use of a structure where there is a violation of the chapter or any state law or regulation.

**Authority:** T.C.A. § 68-120-101(a), (b) and (d). **Administrative History:** Original rule filed March 29, 2010; effective June 27, 2010. Amendments filed November 4, 2016; effective February 2, 2017.

**0780-02-23-06 ISSUANCE OF PERMITS IN VIOLATION OF THIS CHAPTER.**

- (1) The Division may suspend or revoke a permit issued under the provisions of this chapter wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any state law or regulation or any of the provisions of this chapter.
- (2) Upon notice from the Division to the issuer, the issuer shall immediately revoke any permit issued in violation of state law or regulation or this chapter, and any construction on such project must cease until proper approval is obtained and a new permit issued pursuant to this chapter.

**Authority:** T.C.A. § 68-120-101(a), (b) and (d). **Administrative History:** Original rule filed March 29, 2010; effective June 27, 2010.

**0780-02-23-07 INSPECTIONS.**

- (1) Inspections of construction of one (1) family and two (2) family dwellings, townhouses begun after October 1, 2010, and additions thereto of thirty (30) square feet or more of interior space begun after October 1, 2011, will be conducted by deputy building inspectors appointed under contract with the Commissioner of Commerce and Insurance pursuant to T.C.A. § 68-120-101.
  - (a) Fees for such inspections for services in subparagraph (2)(a) are specified in rule 0780-02-23-08.
  - (b) Fees charged for additional inspections, including consultation inspections, slab inspections, plumbing, mechanical and gas inspections and inspections necessitated by more than one (1) rejection on the project, are specified in rule 0780-02-23-08.
- (2) (a) Inspections shall be required on:
  1. Foundations after poles or piers are set or trenches or basement areas are excavated and any required forms erected, and any required reinforcing steel is in place and supported prior to the placing of concrete. The foundation inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural support, equipment and special requirements for wood foundations. Monolith poured slabs shall be inspected as the footing for the structure.
  2. After October 1, 2011, plumbing and mechanical systems prior to covering or concealment, before fixtures or appliances are set or installed, and prior to or at the same time as the framing inspection.
  3. Frame after roof, framing, fire stopping, draft stopping, bracing rough in plumbing, rough in mechanical and rough in electrical are in place.
  4. Attached garages.
  5. Prefabricated walls.
  6. Fire renovations.
  7. Final after the permitted work is complete and prior to occupancy.

(Rule 0780-02-23-.07, continued)

- (b) If a slab foundation, other than a monolith pour, is to be used, an inspection of the slab shall be required in addition to the foundation inspection. Monolith pour, or monolith slab foundation that consists of a single concrete slab with thickened portions of slab under loadbearing walls, does not require a separate inspection.
- (c) Energy efficiency inspections shall occur during the required inspections specified in Tenn. Comp. R. & Regs. 0780-02-23-.08(2) as required by the adopted codes and standards.
- (3) It shall be the duty of the permit holder or agent thereof to notify the building inspector through the permit issuing agent that such work is ready for inspection. It shall be the duty of the person to request any inspections required to provide access to and means for inspection of such work.
- (4) Inspections shall be conducted in the order set out in paragraph (2) of this rule. Work shall not be done beyond the point indicated in each successive inspection without first obtaining approval of the building inspector. The building inspector, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with the adopted standards. Any portions that do not comply with the adopted codes and standards shall be corrected and such portions shall not be covered or concealed until authorized by the building inspector.
- (5) The Commissioner of Commerce and Insurance, or designee, may waive an inspection if an inspection letter approving the work acceptable to the Division is signed and submitted by an architect or engineer currently registered in the state of Tennessee.

**Authority:** T.C.A. § 68-120-101(a), (b) and (d). **Administrative History:** Original rule filed March 29, 2010; effective June 27, 2010. Amendments filed November 4, 2016; effective February 2, 2017.

**0780-02-23-.08 FEES .**

- (1) The fee shall be payable in full at the time of application for a building permit. The fee shall be determined based on actual expected construction costs; however, the actual costs shall not be less than the construction cost based on the latest available Building Valuation Data published by the International Code Council (using a 0.60 Cost Modifier, except for the footnotes). The fee for a permit for construction shall be as specified in the following table:

Total Construction Cost	Fee
\$0.00 to \$5,000	\$100
\$5,001 to \$100,000	\$350
\$100,001 to \$150,000	\$400
\$150,001 to \$200,000	\$450
\$200,001 to \$250,000	\$500
\$250,001 to \$300,000	\$550
\$300,001 AND UP	\$550 for the first \$300,000; plus \$50.00 for each additional fifty thousand dollars (\$50,000) above \$300,000 or fraction thereof.

(Rule 0780-02-23-.08, continued)

- (a) When the permit fee is to be collected from another state department or agency, the permit may be issued once all information needed to invoice or journal voucher the other state department or agency has been received.
  - (b) If the application for a building permit must be resubmitted because its issuance has become invalid under paragraph (3) of rule 0780-02-23-.05, the fee established in this rule shall be imposed.
- (2) After October 1, 2011, the fee for a plumbing and mechanical inspection shall be one hundred dollars (\$100.00) in addition to other applicable fees.
  - (3) The fee for a slab inspection, other than monolith pours, shall be one hundred dollars (\$100.00) in addition to other applicable fees.
  - (4) The fee for a prefabricated wall inspection shall be one hundred dollars (\$100.00) in addition to other applicable fees.
  - (5) The fee for a re-inspection necessitated by more than one (1) rejection on a project shall be one hundred dollars (\$100.00).
  - (6) The fee for a consultation inspection or a temporary certificate of occupancy shall be one hundred dollars (\$100.00).
  - (7) The Division may require appropriate documentation of costs (such as contractors' bids or invoices) if:
    - (a) In the Division's opinion, the construction cost of a project has been underestimated in a permit application based on the latest available Building Valuation Data published by the International Code Council (using a 0.60 Cost Modifier, except for the footnotes).
    - (b) After initial review, if such documentation warrants an additional permit charge it shall be computed, assessed, and paid for promptly and no further construction shall be authorized pursuant to the authority of the permit until payment is made.
  - (8) If a permit expires before completion of a project or a project is stopped before its completion, the permit holder shall be entitled to a refund of the inspection fees that would have been due to the deputy building inspector under their contract for any required inspection under Tenn. Comp. R. & Regs. 0780-02-23-.08 that was not performed, provided that the permit holder requests such refund on a form prescribed by the Division no less than sixty (60) days prior to the expiration of the permit.
  - (9) Any person who begins any work on any building or structure before obtaining the necessary permit required under this chapter shall be subject to an additional fee of one hundred percent (100%) of the required permit fee for each violation.

**Authority:** T.C.A. § 68-120-101(a), (b) and (d). **Administrative History:** Original rule filed March 29, 2010; effective June 27, 2010. Amendments filed November 4, 2016; effective February 2, 2017.

**0780-02-23-.09 CERTIFICATE OF OCCUPANCY.**

- (1) A new one (1) or two (2) family dwelling, townhouse, where construction began after October 1, 2010, or any additions thereto of thirty (30) square feet or more of interior space regulated under this chapter, where construction began after October 1, 2011, shall not be occupied until the Division has issued a certificate of occupancy.

(Rule 0780-02-23-.09, continued)

- (2) A certificate of occupancy shall be issued after the passage of all inspections required by this chapter and passage of the final electrical inspection.
- (3) The certificate of occupancy shall state:
  - (a) The building permit number.
  - (b) The address of the building.
  - (c) The name and address of the building owner.
  - (d) The name of the deputy building inspector.
  - (e) The edition of the codes and standards the building permit was issued under; and
  - (f) The date of issuance.
- (4) A temporary certificate of occupancy may be issued by the Division for a portion or portions of the construction that may be occupied safely prior to final completion of the building.
- (5) The Division may suspend or revoke a certificate of occupancy issued under the provisions of this chapter if the certificate of occupancy is issued in error, or on the basis of incorrect, inaccurate or incomplete information, or in violation of any state law or regulation or any of the provisions of this chapter.

**Authority:** T.C.A. § 68-120-101(a), (b) and (d). **Administrative History:** Original rule filed March 29, 2010; effective June 27, 2010. Amendments filed November 4, 2016; effective February 2, 2017.

#### 0780-02-23-.10 DISPUTE RESOLUTION.

- (1) Disputes that arise during the inspection process shall be resolved as follows:
  - (a) When a dispute arises as to the interpretation or applicability of a provision of the adopted codes and standards between the owner, designer or contractor on a project and the deputy building inspector inspecting the project, the dispute shall be submitted to the Director over residential inspections, or designee, for resolution.
  - (b) If the owner, designer or contractor disagrees with the decision of the Director over residential inspections, or designee, the dispute shall be submitted to the Director's supervisor within the Division for resolution.
  - (c) If the owner, designer or contractor disagrees with the decision of the Director's supervisor within the Division, the dispute shall be submitted to the Commissioner of Commerce and Insurance, or designee, for resolution.
  - (d) At any point during this process, the parties may agree to submit the dispute to the publisher of the applicable codes and standards for a written opinion.
- (2) The entire dispute resolution process set forth in paragraph (1) above shall be completed as quickly as possible, but no more than thirty (30) calendar days from the date that the dispute is first submitted for resolution, unless the dispute is submitted to the publisher of the codes and standards for an opinion.
- (3) If there are any fees charged by the publisher for rendering a written opinion, those fees shall be paid by the owner, designer or contractor of the project before a certificate of occupancy will be issued by the Division.

(Rule 0780-02-23-.10, continued)

**Authority:** T.C.A. § 68-120-101(a), (b) and (d). **Administrative History:** Original rule filed March 29, 2010; effective June 27, 2010. Amendments filed November 4, 2016; effective February 2, 2017.

#### 0780-02-23-.11 EQUIVALENCIES.

- (1) Wherever there are practical difficulties involved in carrying out the provisions of this chapter and the codes and standards adopted in this chapter, the Commissioner of Commerce and Insurance, or designee, shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the Commissioner of Commerce and Insurance, or designee, shall first find that the special individual reason makes the strict application of the codes and standards adopted in this chapter impractical and the modification is in compliance with the intent and purpose of the codes and standards adopted in this chapter and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and kept in the files of the Division.
- (2) The provisions of the codes and standards adopted in this chapter are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by the codes and standards, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the Commissioner of Commerce and Insurance, or designee, finds that the proposed design is satisfactory and complies with the intent of the codes and standards adopted in this chapter, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed by the codes and standards adopted in this chapter in quality, strength, effectiveness, fire resistance, durability and safety.

**Authority:** T.C.A. § 68-120-101(a), (b) and (d). **Administrative History:** Original rule filed March 29, 2010; effective June 27, 2010. Amendments filed November 4, 2016; effective February 2, 2017.

#### 0780-02-23-.12 LOCAL GOVERNMENT ENFORCING RESIDENTIAL BUILDING CODES AND STANDARDS.

- (1) Purpose. Pursuant to T.C.A. § 68-120-101, a local government may be responsible for adopting and enforcing residential building construction and fire safety codes and standards for one (1) and two (2) family dwellings, townhouses and additions thereto of thirty (30) square feet or more of interior space. The county or city is authorized to charge and receive a fee for each inspection performed. This rule sets forth the criteria by which local governments are authorized to adopt and enforce residential building codes and standards and procedures by which the Division may review such authorization.
- (2) Initial Authorization.
  - (a) On or before July 1, 2010, or upon subsequent adoption thereof, a local government meeting the requirements of T.C.A. § 68-120-101, to adopt and enforce residential building construction and fire safety codes and standards for one (1) and two (2) family dwellings, townhouses and additions thereto of thirty (30) square feet or more of interior space, shall provide the Division with the following information:
    1. The titles and editions of the residential building construction and fire safety codes and standards for one (1) and two (2) family dwellings and townhouses adopted and enforced by the local government.
    2. The number and types of inspections that will be conducted.

(Rule 0780-02-23-.12, continued)

3. A description of the permit issuance, enforcement and recordkeeping process for all residential inspection activities.
  4. The names of all persons who are employed by the local government to perform residential building inspections on the construction of one (1) and two (2) family dwellings, townhouses and additions thereto of thirty (30) square feet or more of interior space and who meet the training requirements of T.C.A. §§ 68-120-101(f)(1)(B), 68-120-113 and 68-120-118; and
  5. The Division may request any other documentation it deems necessary from a local government to evidence compliance with the requirements of T.C.A. §§ 68-120-101, 68-120-113 and 68-120-118, and may conduct an on-site review of the local government's residential building permit and inspection process.
- (3) Except as provided in T.C.A. § 68-120-101, or otherwise approved in writing by the state fire marshal, no city, county, town, municipal corporation, metropolitan government, or political subdivision of the state of Tennessee shall adopt or enforce any ordinance prescribing less stringent standards of fire prevention, fire protection, or building construction safety than those established hereunder. The residential building construction and fire safety codes and standards adopted by a local government shall be current within seven (7) years of the date of the latest edition published. Any amendments to the editions of the standards and codes adopted by the local government shall be designed to afford a reasonable degree of safety to life and property from fire and hazards incident to the design, construction, alteration, and repair of buildings or structures within the jurisdiction.
- (4) Review of Local Government Authorization.
- (a) For any local government that is authorized to adopt and enforce residential building construction and fire safety codes and standards for one (1) and two (2) family dwellings, townhouses and additions thereto of thirty (30) square feet or more of interior space, the Division will conduct a review of the local government's authorization at least once every three (3) years. The local government shall submit the following information on a form provided by the Division within thirty (30) days of its receipt of the form.
1. The titles and editions of the residential building construction and fire safety codes and standards for one (1) and two (2) family dwellings and townhouses adopted and enforced by the local government.
  2. The number and types of residential inspections that are conducted.
  3. A description of the permit issuance, enforcement and recordkeeping process for all residential inspection activities.
  4. The names of all persons who are employed by the local government to perform residential building inspections on the construction of one (1) and two (2) family dwellings, townhouses and additions thereto of thirty (30) square feet or more of interior space and who meet the training requirements of T.C.A. §§ 68-120-101(f)(1)(B), 68-120-113 and 68-120-118; and,
  5. The Division may request any other documentation it deems necessary from the local government to evidence compliance with the requirements of T.C.A. §§ 68-120-101, 68-120-113 and 68-120-118, and may conduct an on-site review of the local government's residential building permit and inspection process.

(Rule 0780-02-23- 12, continued)

- (b) Each local government selected for an on-site review pursuant to this paragraph shall be notified of the review in writing.
- (c) **Report of Review.**
  1. After conclusion of the review, the Division shall notify the local government in writing whether the local government's adopted residential building construction and fire safety codes and standards are current as required by law, whether there are any areas in which the local government is not adequately enforcing the adopted codes and standards, and whether the local government's personnel is properly performing inspections.
  2. If the local government has not adopted current residential building codes and standards, is not adequately enforcing the adopted codes and standards, or is not properly performing inspections, the notification shall contain recommending corrective action, and the local government shall be directed to submit a plan of corrective action to the Division within thirty (30) days after its receipt of the notification. The plan of corrective action shall be sufficiently detailed so as to ensure compliance with all requirements for initial authorization.
  3. Within thirty (30) days after receipt of the local government's plan of corrective action, the Division shall either approve or disapprove the plan. If the plan is approved, the Division may conduct periodic follow-up reviews to ensure continued compliance with the plan. If the plan is not approved, the Division may remove the local government's authorization to conduct building inspections on the construction of one (1) and two (2) family dwellings, townhouses and additions thereto of thirty (30) square feet or more of interior space.

**Authority:** T.C.A. § 68-120-101(a), (b) and (d). **Administrative History:** Original rule filed March 29, 2010; effective June 27, 2010. Amendments filed November 4, 2016; effective February 2, 2017.

#### 0780-02-23-.13 PERMIT ISSUING AGENTS.

- (1) All individuals, including all business entities, local governments and cooperatives, who undertake building permits under this chapter, must hold a current contract with the Department of Commerce and Insurance, as administered through the Division of Fire Prevention.
- (2) State deputy building inspectors and their immediate families are ineligible to become issuing agents. Additionally, without prior approval from the Department, no individual or business entity in any way related to or financially associated with any Department official will be allowed to become an issuing agent.

**Authority:** T.C.A. § 68-120-101(a), (b) and (d). **Administrative History:** Original rule filed March 29, 2010; effective June 27, 2010.

#### 0780-02-23-.14 LOCAL GOVERNMENT OPTING OUT OF THESE PROVISIONS.

Any local government opting out of the provisions of T.C.A. § 68-120-101 regarding residential building codes and standards for one (1) and two (2) family dwellings, townhouses and additions thereto of thirty (30) square feet or more of interior space shall submit to the Division the following:

- (1) A certified copy of the resolution opting out of these provisions.
- (2) The date of the next election for the legislative body; and

(Rule 0780-02-23-.14, continued)

- (3) The name and mailing address of the person responsible by law for recordkeeping for the legislative body and to whom any notifications should be sent.

**Authority:** T.C.A. § 68-120-101(b). **Administrative History:** Original rule filed March 29, 2010; effective June 27, 2010. Amendments filed November 4, 2016; effective February 2, 2017.

**0780-02-23-.15 DWELLING UNITS.**

- (1) A single dwelling unit providing complete independent living facilities including, but not limited to, permanent provisions for living, sleeping, eating, cooking and sanitation, may meet the requirements of a one (1) and two (2) family dwelling and shall not be subject to the provisions of Tenn. Comp. R. & Regs. 0780-02-03 (Review of Construction Plans and Specifications) if the dwelling unit:
  - (a) Are three (3) stories or less.
  - (b) Has a maximum occupancy of twelve (12) or fewer transient occupants; and,
  - (c) And it consists of a gross area of less than five thousand square feet (5,000).
- (2) A dwelling unit shall be in compliance with Paragraph (1) of this rule in order to qualify for classification as a one (1) or two (2) family dwelling unit. Any noncompliance with a single criterion may result in the dwelling unit being classified as nonresidential.
- (3) A boarding house or congregate living facility shall meet the requirements of the applicable standards adopted pursuant to T.C.A. § 68-120-101 and Tenn. Comp. R. & Regs. 0780-02-02 (Codes and Standards) and 0780-02-03 (Review of Construction Plans and Specifications).

**Authority:** T.C.A. § 68-120-101. **Administrative History:** New rule filed November 4, 2016; effective February 2, 2017.