

TITLE 12

BUILDING, UTILITY, ETC. CODES¹

CHAPTER

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3. STANDARD CODES ADOPTED.
4. NUMBERING OF BUILDINGS.
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CHAPTER 1

MISCELLANEOUS

SECTION

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- 12-106. Temporary/partial occupancy.
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¹Charter references

- Publication of ordinances: § 34.
- Public buildings: § 7.19.
- Regulation and inspection of buildings: § 7.26.
- Regulations of public utilities: § 7.15.
- Sanitation charged against abutting property: § 7.18.

State law references

- Building regulations: Tennessee Code Annotated, § 68-120-101, et seq.
- Contractors Licensing Act of 1994, Tennessee Code Annotated, § 62-6-101, et seq.
- Local licensing of builders and contractors: Tennessee Code Annotated, § 7-62-101, et seq.
- Ordinances incorporating by reference: Tennessee Code Annotated, § 6-54-501, et seq.
- Public building authorities: Tennessee Code Annotated, § 12-10-101, et seq.

- 12-110. Appeals.
- 12-111. Provisions.
- 12-112. Fire district.

12-101. Applicability of title. The provisions of this title shall apply to any and all activities related to work being done in the construction, installation, repair or alteration of structures and electrical, plumbing, steamfitting, gas or mechanical systems, within the corporate limits of Johnson City. (Ord. #3442, March 1997)

12-102. Business license and bond required. Before any person shall engage in the business of building, plumbing, steamfitting, electrical wiring, gas installations or mechanical installations, he shall first obtain the proper business license and deposit with the city a good and sufficient surety bond in the sum of ten thousand dollars (\$10,000.00), to be approved by the board of commissioners, conditioned that the person engaged in the said business will faithfully observe all the laws pertaining to the craft, and further, that the city shall be indemnified and saved harmless from any and all loss, harm, and injury of any kind or nature whatsoever arising from any act or omission committed by any person in connection with the said business. (Ord. #3442, March 1997)

12-103. Permits. (1) Requirement. A person, firm or corporation shall not erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any sign, building or structure, nor shall any person, firm or corporation install, enlarge, alter, repair, move, improve, remove, convert or replace any gas system, plumbing system, electrical system or mechanical system of a building or structure, or cause the same to be done, without first obtaining a permit for such project from the chief building official. No plumbing permit or inspection shall be required for the replacement of a plumbing fixture, as long as no drainage pipe, drainage vent, or water supply is being installed or rerouted. No electrical permit shall be required for the installation or replacement of equipment such as lamps and of electrical utilization equipment approved for connection to suitable permanently installed receptacles, replacement of switches, fuses, light fixtures, and other minor maintenance and repair work, provided no additional increase in circuit ampacity is required. No electrical permit shall be required for the process of manufacturing, testing, servicing, or repairing electrical equipment or apparatus. The foregoing exceptions do not relieve any person, firm, or corporation from the obligation to meet all applicable code requirements regarding the work performed. Notwithstanding any provision to the contrary, the chief building official in his/her discretion may require permits on any of the foregoing listed items, when he/she deems it necessary for the public's safety and welfare.

(2) Drawings and specifications to be submitted for review. When required by the chief building official, two (2) or more copies of specifications and

of drawings drawn to scale with sufficient clarity and detail to indicate the nature and character of the work shall accompany the application for a permit. Such drawings and specifications shall be in a form approved by the chief building official such as traditional paper drawings or electronic graphic files submitted on CD or other equivalent storage media.

(3) Permit fees and assessments. Permit fees and assessments under this title shall be fixed from time to time by the board of commissioners and posted in the office of the chief building official. (Ord. #3442, March 1997, as replaced by Ord. #4113-05, July 2005, and amended by Ord. #4758-20, Jan. 2021 *Ch13_05-06-21*)

12-104. Inspections. (1) Requirements. It shall be the duty of the chief building official to inspect or cause to be inspected, and reject or approve, all work for which permits are required and to issue, or cause to be issued, orders for the modification, repair or improvement of any construction, installation, equipment or appliances not in conformity with the requirements of this title.

(2) Inspection fees. An inspection fee as fixed from time to time by the board of commissioners and posted in the office of the chief building official shall be imposed on any contractor/owner for the third and each additional inspection of the same type and location. Such fees are to be paid prior to such third or subsequent inspection. (Ord. #3442, March 1997)

12-105. Right of entry. Whenever necessary to make an inspection or enforce any of the provisions of this title, or whenever the chief building official or his or her authorized representative has reasonable cause to believe that there exists in any building, structure or upon any premises any condition or code violation which makes such building, structure or premises unsafe, dangerous or hazardous, the chief building official or his or her authorized representative may enter such building, structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the official by this title, or as provided by law. If such building, structure or premises is occupied, he or she shall first present proper credentials and request entry. If such building, structure or premises is unoccupied, he or she shall first make a reasonable effort to locate the owner or other persons having charge or control of the building, structure or premises and request entry. If such entry is refused, or such person cannot be found, the chief building official or his or her designee shall have recourse to every remedy provided by law or equity to secure entry. When the chief building official or his or her designee shall have first obtained proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having or asserting charge, care or control of any building, structure or premise shall fail or neglect to promptly permit entry thereto by the chief building official or his or her authorized representative. (Ord. #3442, March 1997)

12-106. Temporary/partial occupancy. A temporary/partial certificate of occupancy may be issued for a portion or portions of a building which may safely be occupied prior to final completion of the project as deemed necessary by the chief building official and provided:

(1) A monetary amount in the form of an irrevocable letter of credit or a cashier's check made payable to the City of Johnson City to cover the cost of completing said project is deposited with the city, or a performance bond may be provided on commercial/industrial projects if the contractor is in good standing with the board of building codes; and

(2) A contract is executed with the contractor, property owner, and the city stipulating the date of final completion and remedial actions for non-compliance. The amount of said deposit and completion date shall be determined by the chief building official or his/her representative. Upon completion of the project within the specified time limit, and approval by the chief building official, said monetary amount in its entirety shall be returned to the responsible agent or agency at the earliest possible date. If work is not completed as specified by city codes and ordinances, the city shall use the deposited amount to complete work as necessary to conform to code requirements or seek appropriate remedy through the courts as permitted by law. The party assigned the permit and the property owner shall be responsible and pay for any city administrative or legal fees and court costs associated with obtaining a proper final certificate of occupancy. (Ord. #3442, March 1997)

12-107. Unsafe buildings. All buildings or structures which are unsafe, unsanitary, or not provided with adequate egress, or which constitute a fire hazard and are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health by reason of inadequate maintenance, neglect, dilapidation, obsolescence, or abandonment, are hereby declared unlawful. (Ord. #3442, March 1997)

12-108. Chief building official to disconnect dangerous building systems. The chief building official shall have the right to summarily disconnect any dangerous, hazardous, defective or unsafe electrical wiring systems, gas system or mechanical system, in or upon any building, structure or premises from its source of supply, and the chief building official shall have the right to summarily disconnect a potable water supply to any building when the plumbing system becomes defective causing sewage to accumulate and thereby presenting a health hazard to the occupants thereof. When such disconnection has been made after following procedures, if any, prescribed by law, the system shall not be reconnected to its source of supply until a certificate of occupancy has been issued by the chief building official. (Ord. #3442, March 1997)

12-109. Issuance to certain dealers, installers. In order to protect the public safety, no permit shall be issued for the installation of gas appliances except to qualified licensed gas appliance dealers or to a qualified and licensed installing agency. (Ord. #3442, March 1997)

12-110. Appeals. Any person taking exception to any decision rendered by the chief building official in construing the provisions of this chapter may appeal to the Johnson City Board of Building Codes within (20) days from the date of receipt of a certificate of occupancy by filing a written appeal with the city recorder and paying a filing fee of fifty dollars (\$50.00). Failure to file such appeal within the prescribed twenty (20) day period shall constitute a waiver. Should the appellant prevail in the appeal, the fifty dollar (\$50.00) fee shall be returned. (Ord. #3442, March 1997)

12-111. Provisions. The provisions of this title shall be strictly construed, and in the event of any conflict between any of the provisions of this title or of any code adopted by incorporation into the code of the City of Johnson City, the most stringent of said provisions shall apply. (Ord. #3442, March 1997)

12-112. Fire district. The fire limit boundaries are hereby established as being coextensive with the boundaries of the B-2 Central business district of the City of Johnson City, Tennessee. (as added by Ord. #4113-05, July 2005)

CHAPTER 2

BOARD OF BUILDING CODES

SECTION

- 12-201. Creation and appointment.
- 12-202. Procedure.
- 12-203. Removal from office.
- 12-204. Powers.
- 12-205. Availability of printed copies.
- 12-206. Fees generally.

12-201. Creation and appointment. A board of building codes is hereby established and shall supersede reference to any board in any code adopted by reference in this chapter. The board shall consist of seven (7) members as follows:

- One (1) Professional Registered Engineer;
- One (1) Electrical Contractor;
- One (1) Plumbing Contractor;
- One (1) Mechanical/Gas Contractor; One
- (1) Residential Building Contractor;
- One (1) Commercial Building Contractor;
- One (1) Registered Architect.

Each board member, shall be a resident of the City of Johnson City and shall have at least five (5) years experience engaged in such business in the city. Each board member shall be licensed by appropriate governmental jurisdiction in their respective trade or profession. Board members shall be appointed by the board of commissioners for terms of three (3) years, initially appointed as follows:

- Two (2) members for a term of one (1) year;
- Two (2) members for a term of (2) years;
- Three (3) members for a term of three (3) years.

Vacancies shall be filled for any un-expired term by the board of commissioners. Failure of any members to continue to reside in the city shall cause that member's seat to be vacant. The term "resident" as such herein shall mean "one who actually lives in the City of Johnson City, Tennessee, as distinguished from his/her domicile or place of temporary sojourn." (Ord. #3442, March 1997)

12-202. Procedure. Meetings of the board of building codes shall be held on the first Tuesday of each month. Called meetings may be held upon the call of the chairman, chief building official, or concurrence of any three (3)

members of the board. The board members shall elect by majority vote a chairman and vice-chairman. The chairman or, in his absence the vice-chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall adopt rules of procedure and shall keep records of applications and action thereon as well as minutes of all proceedings, which shall be public records. (Ord. #3442, March 1997)

12-203. Removal from office. The board of commissioners shall have the authority to remove any member of the board of building codes pursuant to this chapter for non-feasance, misfeasance or malfeasance in office. Furthermore, the board of commissioners may remove any member who misses three (3) regularly scheduled meetings within one (1) calendar year. (Ord. #3523, Nov. 1997)

12-204. Powers. The board of building codes shall have the following powers:

(1) Administrative review. The board shall hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination or refusal made by the chief building official or other administrative official in the interpretation, implementation or enforcement of any provision of this title. Decisions shall be rendered by majority vote of the board and shall be administratively final.

(2) Johnson City Tradesman Certification. It shall be unlawful for any plumber, steamfitter, gas installer, mechanical installer, or electrician to receive a business license or permit to practice his trade or profession in the city without first having passed an examination to be given or authorized to be given by an appropriate testing authority by the board of building codes and having had issued to him a Johnson City Tradesman Certification and bond and business license to practice and engage in such business or profession for which he is licensed. If the contractor is Tennessee State Licensed within the appropriate trade, he is exempt from certification testing as defined in this subsection.

(3) Johnson City Tradesman Certification Card. The board shall issue a Johnson City Tradesman Certification Card or work privilege card to persons passing appropriate testing requirements as determined and administered by the board to conduct business pursuant to this chapter within the corporate limits of Johnson City. The board of building codes shall have the right to prescribe the form of individual identification on job sites sufficient to evidence trade qualifications and authorization to practice the same. The evidence shall be presented upon request to representatives of the agency in authority. If the contractor is Tennessee State Licensed within the appropriate trade, he shall be exempt from certification identification as defined in this subsection.

(4) Revocation of certification. The board shall hold public hearings for consideration of any cancellation, revocation or suspension of trade certifications, in a process as specifically outlined in § 12-204(7) of this chapter.

(5) Certification--owner/occupant. Nothing in this chapter shall prevent the owner of a single family residence who occupies such property as his principal residence from performing work within his own property boundaries. However, with the exception of installation of sewer and water lines connecting to mobile homes, it shall be unlawful for any such owner/occupant of a single family structure or accessory structure to perform work on plumbing (to include installation of residential water and sewer lines), electrical, structural construction or mechanical systems within his own property boundaries without first having passed an examination (modified for single family structures) to be given by the board, chief building official, or his/her designee, and having received the necessary permits issued to said owner/occupant. If the examination is failed, such owner/occupant must wait a period of ten (10) days before retesting. Examinations and certification are not permitted hereunder for gas systems.

(6) Exception--utility lines. Sanitary sewer and water service lines for commercial and industrial sites may be installed from public water and sewer connections at the property line to within three (3) feet of the building. These lines may be installed by non-certified utility contractors. Such contractors, however, must hold a current Tennessee State License as a utility contractor.

(7) Revocation. A city certification issued under this chapter shall be subject to cancellation, revocation or suspension by the board of commissioners after recommendation of the board of building codes for infraction or violation of the requirements of any section of this code relating to the trade or practice of the trade, profession or craft as mentioned in the license, or if, in the majority judgment of the board of commissioners the licensee has shown himself unqualified or has become disqualified to practice his trade, profession or craft in the proper way and manner. Any certification may be cancelled, revoked, or suspended only after a show cause hearing is held by the board of commissioners upon issuance of a ten (10) day written notice to the certification holder advising of such hearing.

(8) Terms. Any Johnson City Tradesman Certification, once issued under § 12-204(2), shall continue in effect for a period of one (1) year unless and until cancelled or revoked in the manner provided.

(9) Fees--generally. Individuals holding a Johnson City Tradesman Certification shall pay an annual fee or a reinstatement fee if applicable in the amount as established from time to time by the board of commissioners for the privilege of conducting work within the boundaries of the city. A work permit shall not be issued to conduct work within the city until this fee is satisfied and a current certification card or work privilege card is issued by the board of building codes. All fees charged by the city under this chapter shall be paid directly to the city and deposited into the general fund. If the contractor is

Tennessee State Licensed within the appropriate trade, he shall be exempt from fees assessed pursuant to this subsection, but shall register with the city and pay an appropriate charge to be set by the board of commissioners for such registration. (Ord. #3442, March 1997, as amended by Ord. #3463, March 1997, and Ord. #4758-20, Jan. 2021 *Ch13_05-06-21*)

12-205. Availability of printed copies. Ordinance No. 3442, being title 12 of the Code of the City of Johnson City, Tennessee, shall be copied in one (1) volume and printed. Copies shall be on sale at the office of the city recorder at a cost per copy fixed from time to time by resolution by the board of commissioners. (Ord. #3442, March 1997)

12-206. Fees—generally. Fees for hearing appeals, considering regulatory changes, special called meetings and publication fees shall be established from time to time by resolution by the board of commissioners. (Ord. #3442, March 1997)

CHAPTER 3

STANDARD CODES ADOPTED

SECTION

12-301. Codes adopted.

12-301. Codes adopted. The following codes are hereby adopted by reference as though they were copied herein fully:

(1) International Building Code, 2018 edition and appendix D, Fire district. To be amended as follows:

Chapter 13, Energy Efficiency is Deleted and International Energy Conservation Code as adopted in Section 12-301(9) of this code shall apply.

(2) International Residential Code, 2018 edition, with appendix Q, Tiny Homes. To be amended as follows:

Section R313 Automatic Fire Sprinkler Systems is not mandatory, pursuant to T.C.A § 68-120-101(a)(8).

Chapters 34-43 relating to Electrical Installations are deleted and replaced with National Electrical Code, NFPA 70, 2017 edition as published by the National Fire Protection Association and adopted in section 12-301(8) of this code shall apply

Section R314.6 Power Source relating to Smoke Alarms is amended to create Exception 3 that shall read: "Exception 3. Interconnection and hardwiring 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."

Chapter 11, Energy Efficiency is deleted and International Energy Conservation Code as adopted in Section 12-301(9) of this code shall apply.

(3) International Existing Building Code, 2018 edition. To be amended as follows:

Section 1201.4 Flood Hazard Areas The historic building exception shall be deleted.

(4) International Fire Code, 2018 edition with appendices A, B, C, D, E, F, G, H, I, J, K, L, M, & N. To be amended as follows:

Section 503.2.1 Dimensions is amended by adding Exception #1: Existing public roads, streets, or lanes may be continued in use as a fire access road at their existing dimensions, if approved by the City Manager in consultation with the Fire Chief.

Section 507.5.1 and Section 912.2 Where Required are amended by adding as follows: "Fire department connections for each sprinkler or

standpipe system shall be located not more than 100 feet (30m) from the nearest fire hydrant connected to an approved water supply."

(5) International Mechanical Code, 2018 edition. Adopted with no amendments.

(6) International Fuel Gas Code, 2018 edition. To be amended as follows:

Section 404.3 Prohibited locations is amended by adding a sentence as follows: "The gas line must be installed in a ditch separate from other utility lines unless approved by the authority having jurisdiction."

(7) International Plumbing Code, 2018 edition. Adopted with no amendments.

(8) National Electrical Code, NFPA 70, 2017 edition as published by the National Fire Protection Association. To be amended as follows:

Section 110.24, Available Fault Current shall be optional;

Arc Fault Circuit Interrupters (AFCIs) shall be optional for bathrooms, laundry areas, garages, unfinished basements which are portions or areas of the basement not intended as habitable rooms and limited to storage, work or similar area, and for branch circuits dedicated to supplying refrigeration equipment;

Section 210.5 (C) shall be amended by adding: "Means of identification of ungrounded conductors shall be color coded as follows:

- (a) 120/208 Volt wiring systems: Phase 1 Black, Phase 2 Red, Phase 3 Blue, Neutral White
- (b) 277/480 Volt wiring systems: Phase 1 Brown, Phase 2 Orange, Phase 3 Yellow, Neutral Gray, Ground Wire Green
- (c) All boxes and enclosures for emergency systems and fire alarm systems shall be permanently marked. The color red shall be used for fire alarm systems (NEC Article 760.30). The color orange shall be used for emergency systems."

Section 230.71 (A) is amended by adding a sentence at the end of the section as follows: "Meter centers installed for multiple occupancy residential structures with more than six meters shall require a main

breaker or disconnect be installed. Structures with multiple meter centers shall have shunt trip breakers and Knox switches installed to disconnect all services from each location."

Section 334.12 is amended by adding #11: "Cable NM, type NMC NMB and type NMS" as defined in Article 334 of the National Electrical Code shall not be permitted for use in the following applications:

- (a) Group R1 Residential Hotels and Motels;
- (b) Buildings, other than Residential;
- (c) Other building types where prohibited by the National Electrical Code;
- (d) All buildings over three stories; and
- (e) All buildings located in the fire district as defined by the City Zoning Code. Conduit, raceways and wire-ways shall be metallic for all non-residential buildings unless for special applications.

(9) International Energy Conservation Code. To be applied as follows:

- (a) 2018 edition Chapter 4 [RE] Residential Energy Efficiency shall apply to all one and two-family dwellings and townhouses. To be amended as follows:

Section R402.4.1.2 Testing is deleted and replace with Section 402.2.1 Testing Options and Section 402.4.2.2 Visual Inspection Option from 2009 IECC
Section R403.3.3 Duct Testing (Mandatory) and **Section R403.3.4 Duct Leakage (Prescriptive)** are optional

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 from 2009 IECC**

Section R402.4.4 Rooms Containing Fuel-Burning Appliances is deleted in its entirety.

- (b) **2012 edition Chapter 4 [CE]** Commercial Energy Efficiency shall apply to all commercial occupancy classifications not addressed in 12-301(9)(c) below.
- (c) **2006 edition of the IECC** shall apply to the following occupancy classifications: Moderate-hazard factory industrial, Group F-1; Low-hazard factory industrial, Group F-2; Moderate-hazard storage, Group S-1; and, Low-hazard storage, Group S-2

(10) International Property Maintenance Code, 2018 edition. Adopted with no amendments.

(11) International Pool and Spa Code, 2018 edition. Adopted with no amendments. (Ord. #3523, Nov. 1997, as amended by Ord. #3663, Feb. 1999, replaced by Ord. #4113-05, July 2005, and Ord. #4295-07, Jan. 2008, amended by Ord. #4300-08, April 2008, replaced by Ord. #4371-10, Feb. 2010, amended by Ord. #4492-13, July 2013, replaced by Ord. #4509-13, Oct. 2013, amended by Ord. #4620-16, Nov. 2016, and replaced by Ord. #4758-20, Jan. 2021 ***Ch13_05-06-21, and amended by Ord. #4850-23, 2023***)

CHAPTER 4

NUMBERING OF BUILDINGS

SECTION

12-401. Intent.

12-402. General responsibility.

12-403. Placement of numbers generally.

12-404. Approval of remodeling or construction.

12-401. Intent. It is the intent of this chapter that the respective numbers provided for herein shall be placed on all buildings. (Ord. #3442, March 1997)

12-402. General responsibility. The city's building inspection division shall be responsible for determining the correct numbering of properties located within the corporate limits of the city. (Ord. #3442, March 1997)

12-403. Placement of numbers generally. Property address numbers shall be placed conspicuously above, or at the side of the proper door of each building, or each unit of the building which has an outside entrance, so that the number can be plainly seen from the street line. Numbers shall be a minimum of four inches (4") in height for residential and six inches (6") in height for commercial with the principal strokes of numbers not less than one-half ($\frac{1}{2}$ ") of an inch wide. Numbers shall be a contrasting color to their background. Should the distance from the street line to the door inhibit discernment of numbers placed on the building, then the numbers should be placed upon a gate post, fence, post, sign or other appropriate place easily seen from the street line in addition to numbers placed on the building. In residential subdivisions that have requirements for certain types of mailboxes mounted at the street with address numbers affixed to them, such shall be considered as meeting the intent of this code if approved by the fire official. (Ord. #3442, March 1997, as replaced by Ord. #4295-07, Jan. 2008)

12-404. Approval of remodeling or construction. No final approval for the remodeling or construction of buildings shall be granted by the city building inspection division until conspicuous numbers are in place as specified in § 12-403. (Ord. #3442, March 1997)

CHAPTER 5**PROPERTY MAINTENANCE BOARD OF APPEALS****SECTION**

12-501. Creation and appointment.

12-502. Procedure.

12-503. Powers.

12-501. Creation and appointment. The property maintenance board of appeals is hereby established and shall be filled by members of the board of dwelling standards. (as added by Ord. #4521-13, Feb. 2014)

12-502. Procedure. Meetings of the board shall be held on the fourth Thursday of each month at 7:00 P.M. as needed. The procedures for hearings shall be the same as used for board of dwelling standards hearings. (as added by Ord. #4521-13, Feb. 2014)

12-503. Powers. The property maintenance board of appeals shall hear and decide appeals on interpretation of the International Property Maintenance Code, the applicability of a provision of the International Property Maintenance Code, and/or the satisfaction of the requirements of the International Property Maintenance Code, by other means. For purposes of this chapter, International Property Maintenance Code, shall mean the currently adopted International Property Maintenance Code, or any subsequent property maintenance code hereinafter adopted by the City of Johnson City. (as added by Ord. #4521-13, Feb. 2014)