

## **ORDINANCE 2012-14**

**AN ORDINANCE OF THE CITY OF BRENTWOOD, TENNESSEE PROVIDING THAT THE CODE OF ORDINANCES OF THE CITY OF BRENTWOOD BE AMENDED BY REVISING SECTIONS 14-66, 14-67, 14-68, 14-72, 14-91, 14-116, 14-141, AND 14-166 AND BY ADDING A NEW SECTION TO BE NUMBERED 14-73, IN REGARD TO THE ADOPTION OF BUILDING, ENERGY, MECHANICAL, GAS, HOUSING AND PLUMBING CODES, ALONG WITH ADA STANDARDS FOR ACCESSIBLE DESIGN; BY RENUMBERING ARTICLES VIII AND IX OF CHAPTER 14 AS ARTICLES IX AND X RESPECTIVELY; AND BY INSERTING A NEW ARTICLE VIII, IN REGARD TO THE ADOPTION OF A SWIMMING POOL AND SPA CODES**

**WHEREAS**, various codes establishing standards for construction and occupancy of structures are adopted in Chapter 14 of the Code of Ordinances of the City of Brentwood; and

**WHEREAS**, it is necessary to amend said chapters in order to adopt new and improved building standards to better protect the public health, safety and welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF BRENTWOOD, TENNESSEE, AS FOLLOWS:**

**SECTION 1.** That section 14-66 of the Code of Ordinances of the City of Brentwood shall be amended to read as follows:

**Sec. 14-66. Adopted.**

Pursuant to authority granted by T.C.A. §§ 6-54-502 and 13-19-105 through 13-19-107, inclusive, and for the purpose of regulating the construction, alteration, repair, use, occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the following building codes are hereby adopted and incorporated by reference as part of this Code, and are hereinafter collectively referred to as "the building code."

- (1) Residential – International Residential Code, 2012 edition, as prepared and adopted by the International Code Council, including appendices E, and F and the International Energy Conservation Code, 2009 edition, as prepared and adopted by the International Code Council.
- (2) Commercial – International Building Code, 2012 edition, and the International Energy Conservation Code, 2009 edition, as prepared and adopted by the International Code Council. Applications shall include all commercial and service institution structures, and all residential occupancies other than single family residences and multiple single family residences (townhouses). If there is any conflict between the codes adopted in this section and the fire code adopted pursuant to Chapter 26, the stricter standard shall apply.

- (3) Accessibility – The 2010 ADA Standards for Accessible Design, for all commercial and service institution structures and all residential occupancies other than single-family residences.

**SECTION 2.** That section 14-67 of the Code of Ordinances of the City of Brentwood shall be amended to include the following definitions:

*Attic space* means the unfinished space between the ceiling and/or wall assembly of the top story and the roof assembly.

*Permanent protective barrier* means a railing, fence or heavy shrubbery installed at abrupt grade elevation changes, such as atop retaining walls and topographic features where danger of a fall exists.

*Draft-stop* means a material, device or construction installed to restrict the movement of air within open spaces of concealed areas of building components such as crawl spaces, floor-ceiling assemblies, roof-ceiling assemblies and attics.

**SECTION 3.** That section 14-68 of the Code of Ordinances of the City of Brentwood shall be amended to read as follows:

**Sec. 14-68. Amendments.**

The building code adopted by this article is amended as provided in this section:

- (1) All exceptions within the International Residential Code and International Building Code which allow for the application of the International Existing Building Code are deleted.
- (2) *Subsections R105.1 Required and 105.1 Required* of the International Residential Code, 2012 edition, and International Building Code, 2012 edition, respectively, are amended by adding the following provisions to both subsections: For structures which have been in existence for more than 75 years or which are part of historically significant sites designated as such by resolution of the board of commissioners, no permit for demolition or removal shall be issued until a waiting period of 90 days from the date of application for such permit. Such waiting period shall be enforced pursuant to the general police powers of the city. During such waiting period, the city shall determine whether there are feasible alternatives for preserving the intrinsic aesthetic and historical qualities of the site, including but not limited to the use of eminent domain to acquire the property for public use. The waiting period may be waived by the city manager in the event of exigent circumstances. In determining the appropriateness of the waiver, the city manager may consider any hazardous condition of the structure and the potential for gross injustice to the property owner.
- (3) *Subsections R112 Board of Appeals and 113 Board of Appeals* of the International Residential Code, 2012 edition, and the International Building Code, 2012 edition, respectively, are deleted.

- (4) *Subsections R313 Automatic Fire Sprinkler Systems Required* of the International Residential Code, 2012 edition is deleted. Requirements for residential fire sprinkler systems established in the city's Code of Ordinances shall remain in effect in lieu of said subsection.
- (5) *Subsection R807 Required* of the International Residential Code, 2012 edition is amended by adopting the following additional provisions: Access to attic spaces must be provided through permanent stationary stairs from the floor below or pull-down attic stair, measuring at least 25 inches by 54 inches, and rated for 350 pounds. Attic spaces exceeding 2,000 square feet require two accesses, to be placed apart from each other by a distance of not less than one-half of the length of the maximum overall diagonal dimension of the attic area. If a second attic access is required, the rough-framed dimensions shall not be less than 30 inches by 30 inches.
- (6) *Subsection R1003.9 Required* of the International Building Code is amended by adding the following provision: *Fireplace chase-flue isolated from attic space.* A fireplace chase-flue within the attic space shall be draft-stopped. Draft-stopping materials shall not be less than ½ inch gypsum board, 3/8 in wood structural panels or other materials approved by the building inspector and shall be adequately supported. Penetrations through draft-stopping materials shall be supported and sealed with approved materials to maintain the integrity of the assembly.
- (7) *International Building Code subsection 1013 and International Residential Code subsection R312*, respectively, are amended by adding the following provisions to both subsections: A permanent protective barrier such as heavy shrubbery or a permanent guardrail shall be required when there is an abrupt grade elevation change of more than 30 inches but less than 60 inches. For grade elevation changes exceeding 60 inches, a permanent guardrail meeting the design standards established by the International Code Council shall be required.
- a. If shrubbery is used as a permanent protective barrier, it shall meet the following requirements:
    - 1. The shrubbery shall be a minimum of 36 inches in height for residential construction and 42 inches in height for commercial construction.
    - 2. The shrubbery shall be an evergreen species approved by the city and having foliage of sufficient density to act as a safety barrier 12 months out of the year.
  - b. A guard rail used as a permanent protective barrier for commercial construction must have a minimum height of 42 inches and be designed in accordance with International Code Council standards.
  - c. A guard rail used as a permanent protective barrier for residential construction must a minimum height of 36 inches and be designed in accordance with International Code Council standards.

- d. Notwithstanding the foregoing, permanent protective barriers are not required for the following spaces, unless otherwise required by the planning commission:
    - 1. Isolated landscaped areas located within residentially zoned parcels which are not part of an ingress/egress route.
    - 2. Designated open space areas within a subdivision.
    - 3. Scenic easement areas.
    - 4. Planters.
  - e. Barrier protection for commercial uses, having a minimum height of 36 inches, shall be required for patio seating areas in close proximity to vehicular traffic, provided, however, that if the patio surface is located more than 15 feet from vehicular traffic, a barrier is not required, unless otherwise required by the planning commission.
  - f. All guardrails shall be maintained in a safe, structurally sound and upright condition, and present a uniform appearance so as not to constitute a hazard, blight or condition of disrepair or neglect. Landscaping and shrubbery used as a permanent protective barrier shall be maintained to insure its viability. Any dead plantings shall be replaced to restore the required screen.
- (8) All electrical requirements and references within the building code adopted under this article are stricken and replaced with the standards enforced by the state fire marshal.
- (9) Fire code requirements and references located within the building code adopted under this article are stricken and replaced with standards required under NFPA 1 and NFPA 101, published by the National Fire Protection Association.

**SECTION 4.** That subsection (e) of section 14-72 of the Code of Ordinances of the City of Brentwood shall be amended to read as follows:

(e) *Starting work without permit.* Where work for which a permit is required by this Code is started or proceeded with prior to obtaining the permit, the fees herein specified shall be doubled, provided that such doubled fee shall not be less than \$100.00. Payment of a doubled fee shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work nor from any other penalties prescribed herein.

**SECTION 5.** That Chapter 14, Article III of the Code of Ordinances of the City of Brentwood is hereby amended by adding a new section 14-73, said new section to read as follows:

**Sec. 14-73. Temporary certificate of occupancy fee.**

A \$2,000.00 fee shall be required for the issuance of a temporary certificate of occupancy for residential and commercial construction. Upon re-inspection, a sum of \$1,500.00 will be refunded to

the person or entity that originally paid the fee, if all outstanding items are resolved within 60 days of issuance of the temporary certificate of occupancy and a full certificate of occupancy is subsequently issued as a result of such re-inspection.

**SECTION 6.** That section Chapter 14, Article IV, section 14-91 of the Code of Ordinances of the City of Brentwood shall be amended to read as follows:

**Sec. 14-91. Adopted.**

Pursuant to authority granted by T.C.A. § 6-54-502, and for the purpose of providing practical minimum standards for the safeguarding of persons and of buildings and their contents from hazards arising from the use of electricity for light, heat, power, radio, signaling, or for other purposes, the National Electrical Code, 2008 edition, as prepared by the National Fire Protection Association, is hereby adopted and incorporated by reference as a part of this Code and is hereinafter referred to as the electrical code; provided further that the electrical code shall incorporate all modifications employed by the Office of the State Fire Marshal, Department of Commerce and Insurance, State of Tennessee and the most current version of "Special Guidelines for Electrical Installation", of the City of Brentwood. The 2008 National Electrical Code, as adopted, and including all modifications referred to in this section, supersedes any conflicting provisions concerning electrical standards that may be contained within other adopted building codes.

**SECTION 7.** That section Chapter 14, Article V, section 14-116 of the Code of Ordinances of the City of Brentwood shall be amended to read as follows:

**Sec. 14-116. Adopted.**

Pursuant to authority granted by T.C.A. § 6-54-502, and for the purpose of providing practical minimum standards for mechanical and gas supply components in construction so as to secure the public safety, health and general welfare, the International Mechanical Code, 2012 edition, including Appendix B, as prepared and adopted by the International Code Council Inc., and the International Fuel Gas Code, 2012 edition, as prepared and adopted by the International Code Council, Inc., are hereby adopted and incorporated by reference as a part of this Code and are hereinafter referred to as "the mechanical code" and "the gas code," respectively.

**SECTION 8.** That Chapter 14, Article VI, section 14-141 of the Code of Ordinances of the City of Brentwood be amended to read as follows:

**Sec. 14-141. Adopted.**

Pursuant to authority granted by T.C.A. § 6-54-502, and for the purpose of securing the public safety, health and general welfare through structural strength, stability, sanitation, adequate light and ventilation in dwellings, structures or premises used as such, the International Property Maintenance Code, 2012 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 housing code."

**SECTION 9.** That Chapter 14, Article VII, section 14-166 of the Code of Ordinances of the City of Brentwood shall be amended to read as follows:

**Sec. 14-166. Adopted.**

Pursuant to authority granted by T.C.A. § 6-54-502, and for the purpose of regulating plumbing installation, including alterations, repairs, equipment, appliances, fixtures, fittings, and the appurtenances thereto, within or without the city, when such plumbing is or is to be connected with the municipal water or sewerage system, the International Plumbing Code, 2012 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 plumbing code."

**SECTION 10.** That Chapter 14, of the Code of Ordinances of the City of Brentwood is hereby amended by renumbering Articles VIII and IX as Articles IX and X respectively, and adding a new Article VIII, to be titled "Swimming Pool and Spa Code" and to read as follows:

**ARTICLE VIII. SWIMMING POOL AND SPA CODE**

**Sec. 14-181. Adopted.**

Pursuant to authority granted by T.C.A. § 6-54-502, and for the purpose of securing the public safety, health and general welfare by regulating swimming pools and spas, along with fixtures, fittings, and the appurtenances thereto, the International Swimming Pool and Spa Code, 2012 edition, including Appendices A and B for identifying suction entrapment hazards, 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 swimming pool code."

**Sec. 14-182. Available in the recorder's office.**

Pursuant to the requirements of T.C.A. § 6-54-502, one copy of the swimming pool code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

**Sec. 14-183. Permit required for doing swimming pool and spa work.**

No swimming pool or spa work shall be undertaken within the city until a permit therefor has been issued by the city.

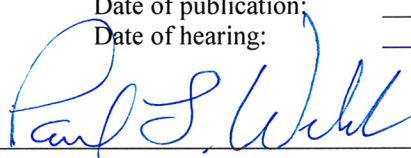
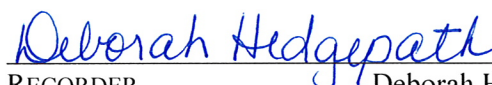
**Sec. 14-184. Compliance with code required.**

It shall be unlawful for any person to violate or fail to comply with any provision of the swimming pool code as adopted by reference and modified in this article.

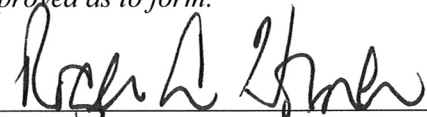
**SECTION 11.** In case of conflict between this ordinance or any part hereof, and the whole or part of any existing ordinance of the City, the provision that establishes the higher standard shall prevail.

**SECTION 12.** If any section, subsection, clause, provision or portion of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, subsection, clause, provision or portion of this ordinance.

**SECTION 13.** That this ordinance shall take effect on January 1, 2013, or upon publication of notice of final passage, whichever occurs later, the general welfare of the City of Brentwood, Williamson County, Tennessee, requiring it.

PASSED:	1st reading	<u>11/12/2012</u>	PLANNING COMMISSION	<u>n/a</u>
	2nd reading	<u>11/26/2012</u>	NOTICE OF PASSAGE	
			Notice published in:	<u>Williamson A.M.</u>
			Date of publication:	<u>11/30/2012</u>
PUBLIC HEARING				
	Notice published in:	<u>n/a</u>		
	Date of publication:	<u>                    </u>		
	Date of hearing:	<u>                    </u>	EFFECTIVE DATE	<u>1/1/2013</u>
				
MAYOR		Paul L. Webb	RECORDER	Deborah Hedgepath

*Approved as to form:*

	
CITY ATTORNEY	Roger A. Horner