

Title 12

BUILDING, UTILITY, ETC. CODES

Chapter 1 RESIDENTIAL CODE¹

12-101. Residential code adopted.

~~Pursuant to the authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, as amended, Chapters 1-9, 11, 33, and 42, together with Appendices F, G, H, and J (but only as applied to the adopted chapters) of the International Residential Code, 2018 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code, and may hereinafter referred to as the residential code.~~

~~Pursuant to authority granted by Tennessee Code Annotated, §§ 8-6-54-501 through 6-54-506 as 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 International Residential Code, 2024 edition but only as applies to Chapters 1-11, 33, and 42 as published by the International Code Council, is hereby adopted and incorporated by reference as part of this code, and may hereinafter be referred to as the residential code.~~

(Ord. #2004-18, Sept. 2005, as amended by Ord. #2012-199, March 2012, and replaced by Ord. #2014-216, July 2014)

(Ord. No. 2021-01, § 1, 5-20-2021)

12-102. Amendments specific to the International Residential Code.

- (1) Notwithstanding the foregoing, the following sections of the **2024** International Residential Code are not adopted herein:
 - (a) ~~Section R313, relating to sprinkler systems.~~ Section R309, relating to automatic sprinkler systems.
 - (b) ~~Section R315, relating to carbon monoxide alarms.~~ Section R311, relating to carbon monoxide alarms.
 - (c) Section R105.2, relating to work exempt from permit
 - (d) Section R108.5, regarding refunds

(2) Notwithstanding the foregoing, the following sections of the International Residential Code are amended as follows:

- ~~(a) Section AJ501.3, relating to the applicability of the International Residential Code to existing buildings and structures, is amended such that when the total area of all the work areas included in an alteration exceeds sixty six percent (66%) of the area of the dwelling unit, the work shall be considered a reconstruction and shall comply with the requirements of the residential code for reconstruction work.~~
- (a) Section R101.1 Title, is amended by deleting the phrase "[Name of Jurisdiction]" and inserting "the City of Forest Hills, Tennessee."
- (b) Section 103.1 Creation of agency, is amended to read: "The City Manager is charged with the implementation, administration, and enforcement of the Building Code and referenced codes and standards. The Building Inspector or Code Enforcement Officer shall assume the duties of the Building Official"
- (c) Section R106.1 Submittal documents, strike "two or more sets, or in" and also strike "where allowed by the building official."
- (d) Section R114.1 Authority, is amended to add: "Stop work or stop inspection orders may be issued for violations of the municipal code and shall remain in place until the violations are abated."
- (e) Table R301.2 Climatic and geographic design criteria, add the following: ground snow load "25 Psf", wind design speed "110", topographic effects "No", special wind region "No", windborne debris zone "No", seismic design category "D2", weathering "moderate", frost line depth "18", termite "moderate to heavy", winter design temperature "26 F", ice barrier underlayment required "Yes", flood hazards "as shown on the latest adopted FEMA FIRM", air freezing index 26 degrees F, mean annual temp 51.4 degrees F...", manual design criteria elevation (feet) "1,000", latitude (degrees north) "36", elevation "1,000", latitude degrees north "36", winter heating 97.5% dry bulb "16", summer cooling 1% dry bulb "84", coincident wet bulb "77", indoor design temp "65", design temp cooling "77", design grains 54% RH "34", design grains 50% RH "41", design grains 45% RH "47", daily range "H".
- (f) Section R403.1.1 Minimum size, (footings) is amended by deleting "12" inches in width and inserting "20 (twenty)"; and deleting "6" in depth and inserting "8 (eight)".
- (g) Section R403.1.3.5.1 Steel reinforcement, is amended to add this sentence: "The minimum steel reinforcement for footings and monolithic slab footings is 2 pieces of #4 rebar spaced horizontally. A State of Tennessee licensed engineer shall design slabs-above-ground."
- (h) In Section 408 Under Floor Space, insert "R408.9 Positive drain. A minimum 3- inch positive drain shall be installed at the lowest point(s) of the foundation wall."
- (i) Section R507.3.1 Minimum size, (deck footing) insert "however, the minimum size shall not be less than 24 (twenty-four) inches by 24 (twenty-four) inches" after "Table R507.3.1."

(Ord. #2004-18, Sept. 2005, as replaced by Ord. #2014-216, July 2014)

12-103. Available in recorder's office.

Pursuant to the requirements of Tennessee Code Annotated, § 6-54-202, one copy of the residential code has been placed on file in the recorder or city manager's office and shall be kept there for the use and inspection of the public.

(Ord. #98-149, July 1999, as replaced by Ord. #2014-216, July 2014)

12-104. Violations and penalty.

It shall be a civil offense to violate any provision of this chapter, which civil offense shall be punishable by a civil penalty of not more than \$50.00 and costs for each separate violation. In addition to a civil penalty, the city manager shall be empowered to issue a stop work order on any and all active permits associated with the construction (including, but not limited to, all building and land disturbance permits) pending the responsible party or parties bringing such construction, use, or activity into compliance with this chapter. Furthermore, the city manager and the city attorney are authorized to seek injunctive relief to prohibit violations of this chapter.

(Ord. #2004-18, Sept. 2005, as replaced by Ord. #2014-216, July 2014)

Chapter 2 BUILDING CODE²

12-201. Building code adopted.

~~Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, the International Building Code, 2018 edition, together with Appendices E, I, J, and K, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the building code.~~

Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, 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 International Building Code, 2024 edition as published by the International Code Council is adopted and incorporated by reference as part of this code, and is hereafter referred to as the building code, except as modified as follows:

- (1) Section R101.1 Title, is amended by deleting the phrase "[Name of Jurisdiction]" and inserting "the City of Forest Hills, Tennessee."
- (2) Section 102.6 Existing structures, is amended to read: "Retroactive enforcement of the adopted codes is prohibited with respect to any building or structure that conformed to the construction safety standards legally effective at the time of construction, unless the nonconformity to current standards poses a serious life safety hazard, as set forth by Resolution of the Board of Commissioners. However, any addition or alteration to, or change of occupancy in, such nonconforming building or structure after the effective date this adoption shall comply with currently adopted codes to the extent of the scope of work, or in the case of change of use or occupancy, to the complete extent of the codes applicable to that use or occupancy, subject to the Building Official's interpretation of the intent of the code."
- (3) Sections 103.2 and 103.3 are deleted. Hiring policy and job descriptions are as described in the City's Policy and Procedure Manual.

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- (4) Section 707.2 Materials. is amended to read: "Fire barriers shall be of materials permitted by the building type of construction. Intumescent coatings may not be used as the sole method of providing a fire resistance rated assembly and must be utilized as described in a specifically laboratory tested listing."
 - (5) Section 708.2 Materials, is amended to read: "Fire partitions shall be of materials permitted by the building type of construction. Intumescent coatings may not be used as the sole method of providing a fire resistance rated assembly and must be utilized as described in a specifical laboratory tested listing."
 - (6) Section 708.7 Penetrations, is amended to add: "Wiring and combustible piping greater than 2 inches penetrating fire-rated corridors must pass through a metal sleeve fire caulked and supported according to its listing."
 - (7) Section 713.2 Construction, is amended to add: "Shaft enclosures may not be used to support adjacent floor assemblies in type V construction."
 - (8) Section 2308.9.8 Pipes in walls, is amended to add: "In Residential occupancies of type V construction greater than 2 stories, the maximum pipe size to penetrate top plates and sole plates in bearing walls, shear walls, and/or fire-rated wall assemblies shall be 2 inches. Larger pipe sizes shall be contained in chases or shaft enclosures as appropriate."

(Ord. #2004-18, Sept. 2005, as amended by Ord. #2012-199, March 20125, and replaced by Ord. #2014-216, July 2014)

(Ord. No. 2021-01, § 1, 5-20-2021)

12-202. Available in recorder's office.

Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one copy of the residential code has been placed on file in the recorder or city manager's office and shall be kept there for the use and inspection of the public.

(Ord. #2004-18, Sept. 2005, as replaced by Ord. #2014-216, July 2014)

12-203. Violations and penalty.

It shall be a civil offense to violate any provision of this chapter, which civil offense shall be punishable by a civil penalty of not more than \$50.00 and costs for each separate violation. In addition to a civil penalty, the city manager shall be empowered to issue a stop work order on any and all active permits associated with the construction (including, but not limited to, all building and land disturbance permits) pending the responsible party or parties bringing such construction, use, or activity into compliance with this chapter. Furthermore, the city manager and the city attorney are authorized to seek injunctive relief to prohibit violations of this chapter.

(Ord. #2004-18, Sept. 2005, as replaced by Ord. #2014-216, July 2014)

Chapter 3 LOCAL AMENDMENTS TO RESIDENTIAL CODE AND BUILDING CODE³

12-301. Officials.

Within the residential code and the building code, as adopted, amended, revised and supplemented by chapters 1 and 2 of this title, when reference is made to the duties of certain officials named therein, that designated official of the City of Forest Hills, Tennessee, who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of said code are concerned. For the avoidance of doubt, if it is unclear which Forest Hills official has responsibility for enforcing the said code, such responsibility will belong to the city manager or his or her designee.

(Ord. #2004-18, Sept. 2005, as amended by Ord. #2012-199, March 2012, and replaced by Ord. #2014-216, July 2014)

12-302. Interference with officials.

It shall be unlawful for any person, whether owner or occupant, to refuse to permit the entry of any building official of the City of Forest Hills or to interfere in any manner with the performance of the duties of such official.

(Ord. #2004-18, Sept. 2005, as replaced by Ord. #2014-216, July 2014)

12-303. Certificate of occupancy required.

It shall be unlawful to occupy any structure without having first obtained a certificate of occupancy. Anyone occupying a structure without having first obtained such certificate shall be subject to a civil penalty of \$50.00 and may be forced to vacate the premises.

(Ord. #2004-18, Sept. 2005, as replaced by Ord. #2014-216, July 2014)

12-304. Resolution of conflicts.

Where the terms of the residential code or the building code conflict with the terms of the Forest Hills Municipal Code, the Zoning Code, the Subdivision Regulations of the Planning Commission of Forest Hills, or any other properly adopted ordinance, regulation, or policy of the City of Forest Hills, the terms of the code, ordinance, regulation, or policy of the City of Forest Hills will apply.

(as added by Ord. #2014-216, July 2014)

12-305. Plumbing, electrical, gas and mechanical permits.

Notwithstanding anything in this title to the contrary, inspections and permits related to plumbing, electrical, and gas and mechanical construction covered by and subject to the provisions of the codes adopted by the

Metropolitan Government of Nashville and Davidson County, ~~Tennessee~~ and are administered ~~and inspected~~ by the ~~Metropolitan Department of Codes Administration~~ Nashville Codes and Building Safety Department.

(as added by Ord. #2014-216, July 2014)

12-306. Appeals.

- (1) The ~~board-of-zoning-appeals~~ Board of Zoning Appeals shall have full power and authority to hear appeals and to apply and construe the provisions of this title, specifically including chapters 1 and 2, and to apply and construe the provisions of this title in all matters properly brought before it.
- (2) Appeals to the ~~board-of-zoning-appeals~~ Board of Zoning Appeals may be taken by persons adversely affected by any determination made by the city manager or building inspector in the enforcement of this title, and the board shall at its next regular meeting consider all appeals filed in accordance with the published schedule of the ~~board-of-zoning-appeals~~ Board of Zoning Appeals.

(as added by Ord. #2014-216, July 2014)

Chapter 4 PERMITS AND APPLICATIONS

12-401. Permit fees.

Each application for a building permit, for any permit required under this municipal code or by any resolution of the ~~board-of-commissioners~~ Board of Commissioners, for an application for consideration and action by the ~~planning commission, board-of-zoning-appeals, or board-of-commissioners~~, Planning Commission, Board of Zoning Appeals, or Board of Commissioners for any other permit or application must be accompanied by the fee established for such permit by resolution by the Forest Hills Board of Commissioners. All resolutions or ordinances, including, but not limited to, any fee schedule established by any model code adopted by the city, in conflict herewith are hereby repealed.

(as replaced by Ord. #2014-216, July 2014)

12-402. Reimbursement of additional expenses.

- (1) All permit applicants and/or permit holders shall be responsible for and shall reimburse the city for all actual review costs, charges, and expenses incurred by the city or its agents in excess of the permit or application fee, including but not limited to engineering review, engineering oversight and project site inspection or reinspection charges, costs or fees assessed by the city engineer, his agents, employees or appointed designees, by the city attorney, or by any other designated professional consultant rendering services ancillary to the foregoing for and on behalf of the city.
- (2) All reimbursements shall be paid to the city within 15 days from the date of billing by the city. In the event said reimbursement charges are not paid timely, any permit issued or approval granted shall be suspended and no work may proceed thereunder until said fees or charges are fully paid.

(as replaced by Ord. #2014-216, July 2014)

12-403. Payment of fees and reimbursements.

All fees shall be paid by the permit applicant or permit holder with the filing of all applications. No permit shall be issued, nor any application considered by the city, its ~~board of commissioners~~ Board of Commissioners, its ~~planning commission~~ Planning Commission, or its ~~board of zoning appeals~~ Board of Zoning Appeals, unless and until the city receives payment in full of the applicable fee, cost, or charge.

(as replaced by Ord. #2014-216, July 2014)

12-404. Violations.

- (1) It shall be a civil offense to commence any construction or other work without a required permit. Whenever a permit is required and work has commenced prior to obtaining the required permit(s), the city may issue a stop work order and all such work shall cease. No further work shall recommence or continue, nor shall such stop work order be rescinded, until the required fees are paid.
- (2) Where work has commenced prior to obtaining the required permit(s), or where work has continued unabated or has recommenced following the issuance of a stop work order, the applicable fee shall be doubled.
- (3) The payment of any fine shall not relieve any person or entity from fully complying with the requirements of this chapter or from any other penalties provided for in the municipal code.
- (4) Failure to comply with a stop work order shall result in a minimum fine of \$50.00 for each day said stop work order is violated. Each day that a violation continues shall be considered a separate offense and an additional violation.
- (5) The fines imposed by this chapter are intended to be remedial in nature, to recover the expense incurred by the city in enforcing its ordinances, for the purpose of deterrence, and to protect the public health, safety and welfare of the residents of the city. Subsequent compliance may result in a reduction and/or elimination of any imposed fine.

(as replaced by Ord. #2014-216, July 2014)

12-405. Conflict of interest.

It is and shall constitute a conflict of interest for the city engineer and/or city attorney to perform any service on behalf of an owner, developer and/or applicant as described herein, and all services performed by the city engineer and/or city attorney shall be deemed rendered solely for and on behalf of the city.

(as replaced by Ord. #2014-216, July 2014)

12-406. Minimum permit fee.

Any permit fee imposed by the zoning ordinance, this chapter, or any other city ordinance and not otherwise discussed herein shall bear a minimum fee amount of \$250.00.

(as replaced by Ord. #2014-216, July 2014)

12-407. Permit expiration and renewal.

All permits issued by the City of Forest Hills shall expire 18 months from the date of issuance, unless otherwise noted on the face of the permit. Should the permit holder desire to continue or recommence work following the expiration of any permit, said permit holder shall **apply for a renewal or** ~~and~~ obtain a new permit and shall pay the applicable permit fees, in accordance with the terms of this chapter.

(as replaced by Ord. #2014-216, July 2014)

Chapter 5 DEMOLITION, REMOVAL AND TRANSPORTATION OF BUILDINGS AND STRUCTURES AND LAND DISTURBANCE

12-501. Supplemental provisions.

This chapter is being adopted to supplement the provisions of the International Building Code and International Residential Code and any amendments thereto.

(as replaced by Ord. #2014-216, July 2014, and Ord. #2015-220, Feb. 2015)

12-502. Definitions.

- (1) *Applicant* means any owner, person, persons or entities or representative of such person, persons or entities who apply to the city for any of the permits, certificates or approvals of any kind required by the city or any of its rules, regulations or ordinances.
- (2) *Assignee* means the holder of any contract or option for acquisition of any lot in the city.

(as replaced by Ord. #2014-216, July 2014, and Ord. #2015-220, Feb. 2015)

12-503. Purpose.

The purpose of this chapter is to establish and enact further rules and regulations regarding the demolition, removal and transportation of any house, residence, building, accessory building or structure within the jurisdiction of the city and the disturbance of any land on any lot within the jurisdiction of the city. In addition to provisions and requirements of the building code and residential code (and any amendments thereto), the additional provisions set forth herein shall apply.

(as replaced by Ord. #2014-216, July 2014, and Ord. #2015-220, Feb. 2015)

12-504. Demolition of structures.

Prior to commencing demolition of any house, residence, building or structure on any lot in the city, the applicant must first obtain a demolition permit from the city. Issuance of a demolition permit shall be conditioned upon the following:

- (1) The applicant must first deliver a written demolition contract containing all of the information and provisions set forth in § 12-506 herein;

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- (2) The contractor must deliver evidence of commercial general liability insurance insuring the contractor and naming the city as an additional insured; and
 - (3) The applicant, or contractor, must deliver a performance bond, letter of credit, or other liquidated securities in the amount of the contract price guaranteeing the contractor's performance.

(as replaced by Ord. #2014-216, July 2014, and Ord. #2015-220, Feb. 2015)

12-505. Removal and transportation of structure.

The city manager shall not grant a permit to any applicant or assignee to remove and relocate any house, residence, building or structure, in whole or in part, or to disturb any land on any lot incidental thereto until the applicant has delivered to the city:

- (1) A written removal or relocation contract containing all of the information and provisions set forth in § 12-506 herein;
- (2) Evidence that all permits required by local, state or federal governments for use of any rights-of-way have been obtained;
- (3) A guarantee of future location for the relocated structure;
- (4) A route plan for reaching said future location;
- (5) Any other materials and information reasonably necessary to give the city assurance that the removal and relocation will be accomplished in all material ways as represented.

(as added by Ord. #2014-216, July 2014, and replaced by Ord. #2015-220, Feb. 2015)

12-506. Demolition contract requirements.

Each contract for demolition or removal and relocation must include the following provisions and information:

- (1) The contractor's name and license number;
- (2) The contract price;
- (3) A description of the method of demolition and debris removal;
- (4) The time for performance;
- (5) Provisions for erosion prevention and sediment control measures to be utilized during and after demolition;
- (6) Provisions for establishing ground cover following demolition, including, but not limited to, planting of grass and other landscaping.

(as added by Ord. #2014-216, July 2014, and replaced by Ord. #2015-220, Feb. 2015)

12-507. Maintenance bond requirements.

The city manager may require the applicant to deliver a landscape maintenance bond to ensure the establishment and proper maintenance of ground cover following demolition or removal and relocation. The amount of said bond shall not exceed \$5,000.00.

(as added by Ord. #2014-216, July 2014, and replaced by Ord. #2015-220, Feb. 2015)

Chapter 6 [DELETED]

(This chapter was deleted by Ord. #2014-216, July 2014)

Chapter 7 [DELETED]

(This chapter was deleted by Ord. #2014-216, July 2014)