

Local Amendments to the 2012 International Building Code

Section 12-101. Building code adopted. is hereby amended by deleting the following language:

“...International Building Code, 2006 edition...”

and replacing it with the following:

“...International Building Code, 2012 edition...”

Section 12-102. Amendments. is hereby deleted in its entirety and replaced with the following:

- (1) The International Building Code, 2012 Edition, is hereby amended by deleting the current Exception as contained in Section 101.2 Scope and replacing it with the following language:

“Exception: Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than two stories above grade plane in height with a separate means of egress, not exceeding four dwelling units attached, nor more than one dwelling unit per lot and their accessory structures shall comply with the International Residential Code.”

- (2) Section 101.2.1 of the International Building Code, 2012 Edition, is hereby amended by adding the following language:

“Appendix B: Board of Appeals and Appendix C: Group U – Agricultural Buildings are hereby adopted. All other appendices as contained in this code may be utilized at the discretion of the Building Official in accordance with Section 104.11.”

- (3) Add a new Section 101.2.2 to the International Building Code, 2012 Edition, to read as follows:

“All references to flood prone areas contained within this code shall comply with Hendersonville’s duly adopted Flood Insurance Program requirements as shown on the current Flood Insurance Rate Maps (FIRM) or the Flood Boundary and Floodway Maps (FBFM) provided by the National Flood Insurance Program. Any conflicts between the requirements contained herein and those contained in the Flood Insurance Program, the duly adopted Flood Insurance Program shall apply.”

- (4) All references to “*Department of Building Safety*” contained in Section 103 of the International Building Code, 2012 Edition, as well as any other such references throughout said code, shall be construed to be the “*Department of Building and Codes.*”
- (5) Section 104.10.1 of the International Building Code, 2012 Edition, is hereby deleted without substitution.

- (6) Section 105.2 of the International Building Code, 2012 Edition, is hereby amended by deletion of the last sentence “Permits shall not be required for the following:” and the included lists, to be replaced by the following language:

“The Building Official is authorized to establish and then publish a list of activities and/or projects which may or may not require a permit.

- (7) Section 3001.1 Scope of the International Building Code, 2012 Edition, is hereby amended by the addition of the following subsection:

“3001.1.1 Permitting and inspections. Any elevator regulated by the State of Tennessee must be inspected and comply with all applicable State regulations. Any conflict between this code and State Law, State Law will prevail.”

- (8) Chapter 31 Special Construction of the International Building Code, 2012 Edition, is hereby amended by deleting Sections 3107 Signs, 3108 Telecommunication and Broadcast Towers, and 3109 Swimming Pool Enclosures and Safety Devices.

- (9) Section 3301.1 Scope of the International Building Code, 2012 Edition, is hereby amended by adding the following language:

“The provisions of this chapter shall not apply when in conflict with the Tennessee Occupational Safety and Health Act (TOSHA) or other applicable local, State or Federal requirements affecting safeguards during construction.

- (10) Section 3410 Moved Structures is hereby amended by adding the following new subsections:

“3410.2 Moving Permit. A building, or part, shall not be moved into, or out of, the city limits of the City of Hendersonville without first obtaining the required Moving Permit. Buildings which are moved through the city limits of the City of Hendersonville are not required to obtain a City of Hendersonville Moving Permit but must coordinate with all local emergency services regarding time, date and route.

***3410.2.1 Written application.** Prior to obtaining the required Moving Permit, an applicant must first complete a written application which contains the following information:*

- 1. Description of the building to be moved.*
- 2. The extreme dimensions of length, width and height (loaded and unloaded) of the building.*
- 3. The present and proposed location of the building.*
- 4. The approximate time said building will be upon the streets or public right of ways, and a detailed description of the proposed route from its present location to the new location.*

***3410.2.2 Permit refusal.** If in the opinion of the City of Hendersonville, the moving of any such building may cause serious injury to persons or property or serious damage to*

the roadways or other public improvements, or the building to be moved has deteriorated to less than 50% of its current value by fire or other elements, or the moving of the building will in any way violate any requirements of this code or other applicable law or regulation, the Moving Permit may be denied. Once a permit has been denied, it is prohibited for any building to be moved on or by way of the public right of ways.

3410.2.3 Bond required. *As a condition precedent to the issuance of a Moving Permit, the City of Hendersonville requires a Permit Bond to be executed in accordance with Section 20 Chapter 10 of the Municipal Code. In addition to the regular terms of said Permit Bond, it should additionally indemnify the City of Hendersonville against any damage caused by the moving of such building to any streets, curbs, sidewalks, trees, highways and any other public property which may be affected by the moving of said building. The Permit Bond shall also be deemed to insure the strict compliance with the terms of said permit, which includes, but is not limited to the approved route, the limit of time in which to effect such move and the repair of the building should it remain in the City of Hendersonville. Liquidated damages not to exceed \$50.00 per day may be assessed for each and every day of delay in completing such move or in repairing any damages to public property and/or public improvement or in clearing all public streets, alleys or highways of all debris occasioned thereby or completing the required repairs of the building moved should it remain in the City of Hendersonville.*

3410.2.4 Notice of permit. *Upon issuance of said Moving Permit, the moving contractor shall give notice to the Police Department and all others whose property may be affected by such moving. The notice shall indicate the route that will be taken, starting time, approximate time of completion and contact information.*

3410.2.5 Public safety requirements

3410.2.5.1 *Any building being moved, whether or not a Moving Permit was issued, shall not be allowed to remain in or on the streets or public right of ways for more than 48 hours without prior permission of the City of Hendersonville.*

3410.2.5.2 *Any building which occupies any portion of public property at any time shall at all times have sufficient safeguards to protect the public.*

3410.2.5.3 *All flagging, lighting, warning lights or other safety features where required by the City of Hendersonville shall be considered to be a minimum level of safety for the general public. Additional safety precautions may be warranted based on each individual situation.*

3410.2.5.4 *Additional escorts may be required by the City of Hendersonville.*

3410.2.5.5 *In the event a building must remain on public property for an extended period of time, the Moving Permit holder must contact the City of Hendersonville and/or the public entity controlling said property. All safeguards as prescribed by the City of Hendersonville shall be in place for the duration.*

3410.2.5.6 *The City at any time may establish additional safety guidelines or procedures to insure the safety, health and welfare of the general public or property prior to, during and after any such move.*

3410.2.6 Improvements by owner. *The owner of any house, building, or structure that is to be moved into the jurisdiction of the City of Hendersonville shall make all improvements required for said house, building or structure to fully comply with the applicable requirements of the adopted code within 90 days from the date of the issuance of said Moving Permit. Extensions may be granted by the Building Official if deemed reasonable and justified provided the delay is or was caused by matters beyond the control of the owner or house mover. When a building is moved within the jurisdiction of the City of Hendersonville, all moving permit applications shall be accompanied by an application for a building permit, accompanied by complete plans and specifications showing any and all improvements proposed for said house, building, or structure, signed by the owner or the owner's agent.”*

11. Appendix B is hereby amended by deleting Sections B101.2, B101.2.1 and B101.2.2 and replacing with the following language:

“B101.2 Membership of board. *The board of appeals shall consist of seven persons appointed by the Board of Mayor and Aldermen. The requirement with respect to ward representation does not apply to this Board.*

B101.2.1 Qualifications. *At least one member shall be an architect and/or engineer, one member a building contractor, one member a plumbing contractor, one member a mechanical and/or gas contractor, and one member at large from the public. ”*