

ORDINANCE

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KNOXVILLE TO AMEND THE KNOXVILLE CITY CODE, CHAPTER 6, ARTICLE III, § 6-57 BY AMENDING THE 2018 INTERNATIONAL FUEL GAS CODE TO MAKE ADJUSTMENTS TO THE ADMINISTRATIVE PROVISIONS.

ORDINANCE NO: O-35-2022

REQUESTED BY: Plans Review

PREPARED BY: Law Department

APPROVED ON 1ST

READING: 3-8-2022

APPROVED ON 2ND

READING: 3-22-2022

APPROVED AS AN EMERGENCY

MEASURE: _____

MINUTE BOOK: 86 PAGE _____

WHEREAS, Tennessee Code Annotated §§ 6-54-501 through 6-54-506 provides for the adoption of any building code or portions thereof by a municipality by reference; and

WHEREAS, the 2018 edition of the *International Fuel Gas Code* was previously adopted and amended by the Knoxville City Council (the “Fuel Gas Code”); and

WHEREAS, the proposed amendments create one central fee schedule and remove the existing fee schedule from the Code, simplifying the Code overall; and

WHEREAS, the new fee schedule will be adopted by Council resolution and made available to the public online; and

WHEREAS, the proposed amendments also simplify City subcontractor license requirements so that they are more in alignment with the State of Tennessee’s requirements; and

WHEREAS, the proposed amendments also remove conflicting or confusing language from the Code; and

WHEREAS, the proposed amendments were evaluated by staff, discussed with stakeholders, and a public meeting was held on September 30, 2021; and

WHEREAS, staff recommends adoption of the amendments as proposed, with an implementation date of April 1, 2022; and

WHEREAS, one (1) copy of the 2018 edition of the *2018 International Fuel Gas Code*, with amendments as set forth herein, has been filed in the office of the City Recorder fifteen (15) days prior to the adoption of this Ordinance, and has been kept available for public use, inspection and examination, in accordance with Tennessee Code Annotated § 6-54-502.

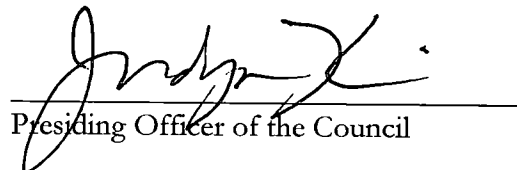
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KNOXVILLE:

SECTION 1: The text of the Knoxville City Code, Chapter 6, Article III, § 6-57 regarding the Fuel Gas Code of the City of Knoxville is hereby amended as shown on the attached Exhibit A, which is incorporated herein by reference.

SECTION 2: This Ordinance shall take effect on April 1, 2022, the welfare of the City requiring it.



Recorder



Presiding Officer of the Council

ARTICLE III. GAS CODE

Sec. 6-56. Adopted.

The International Fuel Gas Code, 2018 edition, and Appendices A, B, C, and D, as modified by the provisions of this article, is hereby adopted as the Fuel Gas Code of the City of Knoxville ("fuel gas code") and is made a part of this article by reference as though copied herein in full.

(Ord. No. O-146-99, §§ 1, 6, 5-4-99; Ord. No. O-79-07, § 1, 4-24-07; Ord. No. O-223-2012, § 1, 12-11-12; Ord. No. O-178-2018, § 1, 11-20-18)

Sec. 6-57. Amendments.

The code adopted by this article is amended as set out in this section:

Amend *Chapter 1, Scope and Administration*, as follows:

Amend *Section [A] 101.1 Title* by adding the "City of Knoxville" as the name of jurisdiction.

Amend *Section 103 (IFGC)* to rename the section as "Department of Plans Review and Inspections."

Amend *Section 103 General* by deleting the text of the section in its entirety and substitute the following:

The Department of Plans Review and Inspections is hereby created and the official in charge thereof shall be known as the building official, also known as the code official.

Amend *Section [A] 103.4 Liability* by adding the following as the first sentence:

The inspection or permitting of any work by any jurisdiction, under the requirements of any section of this code, shall not be construed in any court as a warranty of the physical condition of such building or plan or their adequacy.

Delete the text of *Section [A] 103.4.1 Legal Defense* in its entirety and substitute the following:

No jurisdiction or any employee thereof shall be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building or plan, or for any failure of any component of such, which may occur subsequent to such inspection or permitting. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

Amend *Section 104 (IFGC)* to rename the section as "Duties and Powers of the Building Official."

Amend the text of *Section [A] 106.5.3 Expiration* by deleting the last sentence and substituting the following:

Every permit issued shall become invalid after 365 days. Permits may be renewed annually.

Delete *Section [A] 106.5.4 Extensions* in its entirety without substitution.

Delete the text of *Section [A] 106.6.1 Work commencing before permit issuance* in its entirety and substitute the following:

Any person who commences ~~any~~ work on a gas system ~~without~~ before obtaining the necessary permits shall be subject to ~~an additional assessment of 100% of the usual permit fee~~ fees indicated in the Fee Schedule, as adopted by City Council, in addition to the required permit fees. ~~Where such permit fees exceed \$1,000 that part of the permit fee in excess of \$1,000 shall not be doubled.~~

Delete the text of *Section [A] 106.6.2 Fee schedule* in its entirety and substitute the following:

The ~~non-refundable fee~~ fees for a gas work shall be incorporated into, as appropriate, a mechanical permit or plumbing as identified in the Fee Schedule, as adopted by City Council. ~~permit for new construction, addition, alteration, or repair to existing gas systems shall be based upon the following schedule.~~

Gas Permit Fees:

~~For issuing each gas permit\$35.00~~

~~Each Gas Appliance\$5.00~~

~~{See Gas Application Form for List of Appliances}~~

~~Each appliance outlet shall be counted as one appliance in figuring the total permit fee, whether or not the appliance is actually installed at the time the gas system is installed.~~

~~Gas Piping Only (No Appliances Included)\$10.00~~

~~In addition, fees for heating, ventilating, ductwork (installation without heating/cooling equipment), air-conditioning and refrigeration systems or alterations or replacement and/or additions shall also be based upon total Btuh and/or kilowatts input of all appliances at the rate of ten dollars per one hundred thousand Btuh (and/or 30 Kilowatts) or fraction thereof.~~

Reinspection fees:

~~Required Inspections & First ReinspectionNo Charge~~

~~Second Reinspection\$25.00~~

~~Third Reinspection\$50.00~~

~~Each Subsequent Reinspection\$50.00~~

~~A reinspection is defined as an inspection made by the Gas Inspector after the request has been made by the license holder or agent thereof for deficiencies noted at a prior inspection.~~

~~Upon the occasion of an inspection or reinspection, a written notification of deficiencies should be filed with the permit holder.~~

~~Permit Renewal: When a permit expires it may be renewed annually until work is complete. Permit renewals are a minimum fee of \$50.00 or a maximum fee of 25% of the original permit fee not to exceed \$1,000.00.~~

~~Amending permit/application: When a permit has been issued and a supplemental plans revision is applied for, each supplemental plans review, which involves additional work not originally applied for, shall require a separate permit for the additional work.~~

~~Board Fees: When a notice of appeal is filed under Section 109.3 of this code it shall be accompanied by a non-refundable fee as follows:~~

~~One and Two Family Dwellings\$100.00~~

~~All Other Structures\$200.00~~

~~Special inspection fees: When a special inspection not associated with an issued gas permit is made (such as on-site or other special request), the applicant shall first pay a Special Inspection Fee of \$50.00 per inspection per site as determined by the Chief. Inspections associated with an issued gas permit scheduled outside of normal business hours are subject to a special inspection fee of \$50.00 per inspection.~~

Delete the text of *Section [A] 106.6.3 Fee refunds* in its entirety and substitute the following:

The building official is authorized to establish a refund policy.

Renumber *Section [A] 107.4.1* as *[A] 107.4.2*.

Add a newly created *Section [A] 107.4.1* entitled "Certificate of Completion" to read as follows:

Upon satisfactory completion of a permit, a Certificate of Completion may be issued to the permit holder. This certificate is proof that the permit has received a Final Inspection, and for certain types of permits, is proof of release for use and of authorization for connection to a utility system.

Delete the text of *Section 109 Means of Appeal* in its entirety and substitute the following:

[A] 109.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a Construction Appeals Board (hereinafter referred to as the "board"). The board shall be appointed by the Mayor and shall hold office at his or her pleasure. The board may adopt rules of procedure for conducting business.

[A] 109.2 Limitations on authority. A person shall have the right to appeal a decision of the building official to the board. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.

[A] 109.3 Application. The application for appeal shall be filed on a form obtained from the building official within thirty (30) days from the calendar date the decision is rendered by the building official. Application for appeal must be filed within ten (10) days prior to the monthly meeting date. In the case of a building or structure that, in the opinion of the building official, is unsafe or dangerous, the building official may, in the order, limit the time for such appeals to a shorter period.

[A] 109.4 Qualifications. The board shall consist of nine (9) members appointed by the Mayor and who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction. This board shall consist of the following:

1. (1) State Registered Architect
2. (1) Contractor with a Building Contractor's License

3. (1) Person with experience, training and full knowledge of fire service and/or knowledge of the applicable fire prevention codes as adopted by the City who shall have had at least 10 years' experience within the field represented

4. Consumer Representative

5. State Licensed Mechanical Engineer

6. Licensed ~~Class 1 Gas~~/Mechanical Contractor

7. Licensed Plumbing Contractor ~~Class 1 Master Plumber~~

8. State Licensed Electrical Engineer

9. Licensed Electrical Contractor

[A] 109.5 *Terms*. Board members shall be appointed to staggered terms of five (5) years each, provided that members may be appointed to terms shorter than five (5) years when necessary to provide for staggered terms. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Board members may continue to serve until reappointed or replaced. Official misconduct, neglect of duty, or continued absence of any member from required meetings of the Board shall, at the discretion of the Mayor, render any such member subject to immediate removal from office.

[A] 109.6 *Quorum and Voting*. A simple majority of the board shall constitute a quorum. In varying any provision of this code, the affirmative votes of the majority present, but not less than three affirmative votes, shall be required. If the board's vote results in a tie, the motion shall fail. In the event of a tied vote, the board shall not be required to continue the item for consideration at a future meeting. A board member shall not act in a case in which said member has a personal, financial, or other interest and shall recuse himself or herself from all participation when the matter is formally presented to the Board for consideration. Any board member who has been recused shall immediately leave the room or shall be seated with the other members of the public who are present. The recused board member shall not give testimony in favor or in opposition of any application being considered by the board. Once the matter has been concluded, the member shall be reseated with the board.

[A] 109.7 *Secretary of the Board*. The building official or designee shall act as secretary of the Board and shall make a detailed record of all of its proceedings, which shall set forth the reasons for its decision, the vote of each member, the absence of a member, and any failure of a member to vote.

Add a newly created *Section 111 (IFGC)* entitled "License Requirements of Contractors" to read as follows:

[A] 111.1 *Contractor's Responsibilities*. It shall be the duty of every contractor who shall make contracts for the installation or repairs of buildings or structures for which a permit is required, to comply with state or local rules and regulations concerning licensing which the applicable governing authority may have adopted.

~~[A] 111.2 *Enforcement of State Requirements*. All contractors whose contract exceeds \$25,000 must provide a company name, current state license number, the state assigned license limit, and the state assigned classification to the department prior to a permit being issued. All contractors performing work on residential structures, as defined by the State, whose contract is more than \$3,000 and less than \$25,000, must be licensed by the State as a Home Improvement Contractor and provide to the department the company name and the current state license number prior to a permit being issued or be licensed by the City of Knoxville in the craft for which a permit is requested. All owners and contractors must provide evidence of workman's compensation coverage, when required by Tennessee Code Annotated, prior to the~~

~~permit being issued. Nothing in this section shall prohibit an owner from securing a permit, without a licensed contractor, provided they fall within the definition of owner as defined by Tennessee Code Annotated.~~

[Note for Council, to be removed and not codified: As a recognized exempt jurisdiction by the State of Tennessee, the City is not involved in the enforcement of state regulations. The City is audited by the State to ensure it remains in good standing with respect to State regulations.]

[A] 111.3 *License and Registration.* All contractors requesting permits must be licensed by the City annually and complete such forms and pay such fees ~~as required by the Chief~~ identified in the Fee Schedule adopted by Council. Applications and fees are to be submitted to the City of Knoxville Department of Plans Review and Building Inspections.

[A] 111.4 *Necessity of License.* . No person, firm, or corporation shall engage in or work at a business of gas installation or gas contracting in the Knoxville city limits, unless duly licensed by the City or excepted as provided herein. ~~Before any person shall engage in the installation of gas systems, the license holder, as set forth herein, shall be qualified and a license shall be obtained. In the case of a firm or corporation engaged in the business of gas work, the employee of such firm or corporation supervising said gas work shall be examined and required to obtain a Class 1 Commercial Gas; or Class 5 Special State Gas License. No person, firm, or corporation shall engage in or work at the business of gas installation in the City of Knoxville as a Commercial Gas Contractor, or Special State Gas Contractor unless such person, who shall be the license holder and an employee for said firm or corporation, first submits an application to the Board, as required, attesting to his or her experience and qualifications in such trade, and where required, passes an examination prior to receiving a license in accordance with the provisions of this code.~~

~~At the time of filing the application, each applicant for a gas license shall pay a non-refundable application fee. Any applicant who fails to successfully pass the first examination may be reexamined on one or more occasions at any subsequent date of a licensing examination. If an applicant fails to obtain a license within one (1) year from the date of passing the examination the applicant shall be required to submit to and pass another exam before being issued a license. Licenses will be issued on a calendar year basis and may be renewed upon application and payment of the renewal fee. Except for Class 5 Special State Gas Licenses, failure to renew prior to February 1 following the expiration date shall subject such person to a double fee if renewed between the period of February 1 and June 30. After July 1, the licensee will be required to successfully pass the appropriate examination prior to being issued a new license. Exceptions will be made for holders of city mechanical license who are prevented from engaging in mechanical construction in the city by reason of their employment with the city as a mechanical inspector. On the occasion of the termination of their employment with the city, their license will be reactivated upon their written request within ninety (90) days of their aforesaid termination and payment of the appropriate annual fee.~~

Exceptions:

1. Nothing in this ordinance shall prohibit a homeowner from securing a ~~gas~~ permit to install, alter or replace the homeowner's gas system at the homeowner's principle single-family residence provided:
 - a. The residence is not a manufactured home or a condemned house, a town house or a condominium or a fire-damaged residence.
 - b. Such work is done by the homeowner and/or immediate family, such as parents, grandparents, brothers, sisters, and children.

- c. ~~The residence is owned and presently occupied by the homeowner~~ The work is not associated with a residence that is for sale, lease, rent, or other similar purpose.
 - d. The same homeowner may not be issued more than one (1) ~~gas~~ permit in any five (5) year period at different locations.
 - e. In the event the homeowner's work is found to be unacceptable, the homeowner's ~~gas~~ permit shall be voided by the ~~Chief~~ building official.
2. Any person who holds a license issued by a governmental organization having a test standard and grade requirement equal to or superior to that of this code may be issued a similar license without another examination subject to meeting all conditions established by the building official.
 3. Companies licensed by the State as CMC; CMC-A; and CMC-C gas contractors will be permitted to perform gas work within their state classifications without local testing.

[A] 111.4.1 *License Requirements.* Each license issued in accordance with the provisions of this ordinance shall specify the name of the person who has passed the appropriate examination as provided herein, and such person shall be designated as the license holder. ~~All Gas License holders shall post and maintain a \$10,000 bond payable to the City of Knoxville before being issued the first permit.~~ A license holder shall not hold a ~~gas~~ mechanical or plumbing license for more than one company, firm, or corporation at the same time; ~~except in~~ in the event a license holder becomes disabled due to illness or accident, dies, or is no longer employed by the company for which the person is the license holder, ~~The~~ the company may petition the ~~Board~~ building official for approval to employ another license holder to supervise all work under existing permits for a period not to exceed ninety (90) days. No additional permits may be issued during this ninety (90) day period.

When ~~any~~ gas work is being performed, the appropriately licensed ~~gas~~ mechanical contractor, ~~or mechanical installer, plumbing contractor, or plumbing installer~~ shall be responsible for and in charge of the work. It shall be the responsibility of the ~~every~~ licensed ~~gas~~ mechanical contractor, ~~or mechanical installer, plumbing contractor, or plumbing installer~~ to ensure Code compliant work and installation.

[Note for Council, to be removed and not codified: The language above matches the state requirements for licensing, protects the public by ensuring that all contractors are qualified to do the work hired for, removes confusion between the state and City requirements, removes unnecessary hurdles and barriers, and streamlines the process.]

[A] 111.4.2 *Class of Contractor's License Classifications.* Any person who performs any gas work in the Knoxville city limits ~~City of Knoxville~~ shall be the holder of, or employed by the holder of, one of the following listed ~~gas~~ mechanical licenses:

A Mechanical Contractor License shall entitle the holder thereof to engage in the business of and to secure permits for the installation, alteration, maintenance and repair of refrigeration and gas HVAC systems as authorized by Tennessee Code Annotated § 62-6-111.

To qualify for a Mechanical Contractor License a person shall possess a valid state mechanical license with a classification of CMC or CMC-C.

A Mechanical Installer License shall entitle the holder thereof to engage in the business of and to secure permits for the installation, alteration, maintenance and repair of refrigeration and gas

HVAC systems as authorized by Tennessee Code Annotated § 62-6-111 for projects less than \$25,000.

To qualify for a Mechanical Installer License a person shall demonstrate four (4) years relevant experience with relevant references and either (1) a passing score for the state CMC or CMC-C examination without the business and law management exam or (2) a passing score for the state LLE examinations.

A Plumbing Contractor License shall entitle the holder thereof to engage in the business of and to secure permits for the installation, alteration, maintenance and repair of plumbing and gas piping systems as authorized by Tennessee Code Annotated § 62-6-111.

To qualify for a Plumbing and Gas Piping Contractor License a person shall possess a valid state plumbing license with a classification of CMC or CMC-A.

A Plumbing Installer License shall entitle the holder thereof to engage in the business of and to secure permits for the installation, alteration, maintenance and repair of plumbing and gas piping systems as authorized by Tennessee Code Annotated § 62-6-111 for projects less than \$25,000.

To qualify for a Plumbing and Gas Piping Installer License a person shall demonstrate four (4) years relevant experience with relevant references and either (1) a passing score for the state CMC or CMC-A examination without the business and law management exam or (2) a passing score for the state LLP examinations.

~~Class 1 Commercial Gas: A Class 1 Commercial Gas license shall entitle the holder to engage in the business of contracting to perform gas heating and gas air conditioning work and to secure permits for the installation, alteration, maintenance and repair of gas fixtures, appliances and systems.~~

~~To qualify for the Class 1 Commercial Gas examination, the applicant shall have a minimum of four (4) years' experience in the gas trade.~~

~~The annual license fee for a Class 1 Commercial Gas license shall be \$150.00.~~

~~Class 5 Special State: A Class 5 Special State Gas license shall entitle the holder to engage in the business of gas work and to secure permits for the installation, alteration, maintenance and repair of gas systems as authorized by Tennessee Code Annotated § 62-2-111.~~

~~The annual license fee for a Class 5 Special State Gas license shall be as follows:~~

~~CMC\$150.00~~

~~CMC-A\$150.00~~

~~CMC-C\$150.00~~

~~Inactive Gas License: This license shall apply to all classifications within this code.~~

~~A person who is 62 years of age or older and who has held an active license with the City of Knoxville for at least twenty (20) years may apply for an Inactive Gas License prior to the license expiration date and grace period upon payment of a fee of fifty dollars (\$50.00).~~

~~No person holding an inactive license shall engage in the business of contracting to perform any gas work previously authorized by an active license.~~

~~To change an inactive license to an active license, a person shall pay the appropriate license fee and comply with all the requirements of the Board; provided, however, a licensee may return to active status from inactive status on only one (1) occasion.~~

[A] 111.4.3 *Violations.* Any person who performs any gas work in the ~~City of Knoxville~~ Knoxville city limits shall be a licensed ~~gas~~ mechanical contractor, licensed mechanical installer, plumbing contractor, or plumbing installer, or employee thereof. It shall be unlawful for any person holding a ~~gas~~ mechanical or plumbing license issued hereunder to allow the use of the same directly or indirectly by any other person for the purpose of obtaining a permit to do ~~any~~ gas work in the ~~City of Knoxville~~ Knoxville city limits. Any ~~gas~~ license holder who shall violate a provision of this code or fail to comply with any of the provisions thereof or violate a detailed statement of plan submitted and approved thereunder, shall be subject to license suspension or revocation as determined by the building official. ~~penalized by one or more of the following: verbal reprimand by the Chief; verbal reprimand by the Board; a fine, as imposed by the Board, not to exceed \$250.00; or license suspension or revocation as determined by the Board.~~

(Ord. No. O-146-99, §§ 2—5, 5-4-99; Ord. No. O-175-01, § 1, 5-29-01; Ord. No. O-491-02, § 1, 12-10-02; Ord. No. O-182-04, § 1, 10-12-04; Ord. No. O-79-07, § 2, 4-24-07; Ord. No. O-223-2012, § 2, 12-11-12; Ord. No. O-23-2016, § 1, 2-2-16; Ord. No. O-41-2018, § 1, 3-27-18; Ord. No. O-178-2018, § 1, 11-20-18)