

ORDINANCE

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KNOXVILLE TO AMEND THE KNOXVILLE CITY CODE, CHAPTER 6, ARTICLE IID, § 6-55.01 BY AMENDING THE 2018 INTERNATIONAL SWIMMING POOL AND SPA CODE TO MAKE ADJUSTMENTS TO THE ADMINISTRATIVE PROVISIONS.

ORDINANCE NO: O-36-2022

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 Swimming Pool and Spa Code* was previously adopted and amended by the Knoxville City Council (the “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 Swimming Pool and Spa 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.

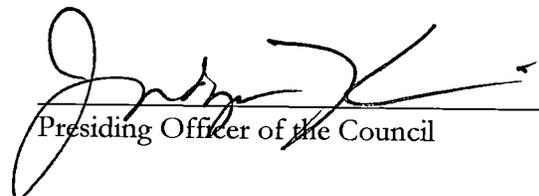
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KNOXVILLE:

SECTION 1: The text of the Knoxville City Code, Chapter 6, Article IID, § 6-55.01 regarding the Swimming Pool and Spa 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

EXHIBIT A

ARTICLE IID. INTERNATIONAL SWIMMING POOL AND SPA CODE

Sec. 6-55. Adopted.

The International Swimming Pool and Spa Code, 2018 edition as modified by the provisions of this article, is hereby adopted as the Swimming Pool and Spa Code of the City of Knoxville ("swimming pool and spa code") and is made a part of this article by reference as though copied herein in full.

(Ord. No. O-173-2018, § 2, 11-20-18)

Sec. 6-55.01. Amendments.

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

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

Amend *Section 103* to rename the section "Duties and Powers of the Building Official."

Delete the text of *Section [A] 103.1 Creation of enforcement agency* 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.

Delete the text of *Section [A] 103.4 Liability* in its entirety and substitute the following:

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. The building official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. 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* to rename the section "Duties and Powers of the Building Official."

Amend the text of *Section [A] 105.5.3 Expiration* by deleting the last two sentences and substituting the following:

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

Delete the text of *Section [A] 105.6.1 Work commencing before permit issuance* and substitute the following:

Any person who commences ~~any~~ work on a building or structure ~~without before~~ obtaining the necessary permits shall be subject to ~~an additional assessment of 100% of the usual permit fee~~ fees as indicated in the Fee Schedule, as adopted by City Council resolution, 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] 105.6.2 Fee schedule* in its entirety and substitute the following:

~~On buildings or structures requiring a permit, a fee~~ **The fees for building or structure work shall be as identified in the Fee Schedule, as adopted by City Council resolution.** ~~each permit shall be paid as required, in accordance with this section:~~

~~1. Plans review fees: Application for approval shall be accompanied by a non-refundable fee in accordance with the following schedule:~~

~~**One and Two Family Dwellings**~~

~~New\$60.00~~

~~Additions\$35.00~~

~~Swimming Pool and Accessory Structures\$35.00~~

~~**All other Buildings and Structures**~~

~~\$0.00 up to and including \$50,000.99 total valuation\$55.00~~

~~\$50,001.00 up to and including \$100,000.99 total valuation\$110.00~~

~~\$100,001.00 up to and including \$200,000.99 total valuation\$220.00~~

~~\$200,001.00 up to and including \$300,000.99 total valuation\$330.00~~

~~\$300,001.00 up to and including \$500,000.99 total valuation\$440.00~~

~~\$500,001.00 up to and including \$1,000,000.99 total valuation\$550.00~~

~~\$1,000,001.00 up to and including \$1,500,000.99 total valuation\$660.00~~

~~\$1,500,001.00 up to and including \$2,000,000.99 total valuation\$770.00~~

~~\$2,000,001.00 up to and including \$2,500,000.99 total valuation\$880.00~~

~~\$2,500,001.00 up to and including \$3,000,000.99 total valuation\$990.00~~

~~\$3,500,001.00 or more total valuation\$1,100.00~~

~~After the submitted plans have been reviewed, an additional \$100.00 review fee per additional review will be charged after the second revision to the original plan submitted (if revisions are necessary).~~

~~2. Building permit fees: The non-refundable fee for a building permit for new construction, additions, alteration, or repair to existing structures shall be based upon total valuation of such construction, addition, alteration or repair in accordance with the following schedule. If circumstances warrant, the Building Official may consider a request for refund and the amount to be refunded, if any. The following fees are based on total value of labor and materials:~~

~~Expand~~

Valuation	Permit Fee
\$0.00 up to and including \$100.99 total valuation	No Fee
\$101.00 up to and including \$2,000.99 total valuation	\$50.00
\$2,001.00 up to and including \$50,000.99 total valuation	\$50.00 for the first \$2,000 plus \$4.50 for each additional thousand or fraction thereof
\$50,001.00 up to and including \$100,000.99 total valuation	\$266.00 for the first \$50,000 plus \$4.00 for each additional thousand or fraction thereof
\$100,001.00 up to and including \$500,000.99 total valuation	\$466.00 for the first \$100,000 plus \$3.50 for each additional thousand or fraction thereof
\$500,001.00 up to and including \$1,000,000.99 total valuation	\$1,866.00 for the first \$500,000 plus \$3.00 for each additional thousand or fraction thereof
\$1,000,001.00 or more total valuation	\$3,366.00 for the first \$1,000,000 plus \$2.50 for each additional thousand or fraction thereof

Add a newly created *Section [A] 105.6.2.1* entitled "Reinspection" to read as follows:

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 Building 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.

Add a newly created *Section [A] 105.6.2.2 Permit renewal* to read as follows:

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.

Add a newly created *[A] 105.6.2.3 Temporary permit* to read as follows:

When a temporary building or structure is requested as noted Section 108 of the International Building Code or as noted in the City of Knoxville Code of Ordinance Chapter 25, an application shall be submitted for a Temporary Permit. Such permit shall include a time limit not to exceed three hundred sixty five (365) days per temporary permit, with portable buildings limited to three (3) consecutive three hundred sixty five (365) day permits. The non-refundable fee for this permit is \$100.00.

Add a newly created *Section [A] 105.6.2.4 Moving permit* to read as follows:

When a building or structure is to be moved into or out of the City of Knoxville, an application shall be submitted for a Moving Permit. The non-refundable fee for this permit is \$100.00. This fee shall be in addition to any permit required for the foundation and repair or renovation of the building.

Add a newly created *Section [A] 105.6.2.5 Demolition permit* to read as follows:

~~When a building or structure is to be demolished, an application shall be submitted for a Demolition Permit. The non-refundable fee for this permit shall be as follows:~~

~~Demolition for any building or structure housing one or two families: \$30.00 for the first story plus \$20.00 for each additional story~~

~~Demolition of any building or structure housing more than two families, commercial, schools, institutional, assembly storage or industrial uses: \$55.00 for the first story and \$25.00 for each additional story~~

~~Add a newly created Section [A] 105.6.2.6 Board fees to read as follows:~~

~~A notice of appeal filed under Section 108.3 of this Code shall be accompanied by a non-refundable fee as follows:~~

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

~~Maximum Number of Separate Code Sections4~~

~~All Other Structures\$200.00~~

~~Maximum Number of Separate Code Sections4~~

~~Add a newly created Section [A] 105.6.2.7 Special inspection fees to read as follows:~~

~~When a special inspection not associated with an issued building permit, such as On-Site Liquor, or other special requests, is made the applicant shall first pay a Special Inspection Fee of \$50.00 per inspection. Inspections associated with an issued building permit scheduled outside of normal business hours are subject to a special inspection fee of \$50.00 per inspection.~~

~~Add a newly created Section [A] 105.6.2.8 Other fees to read as follows:~~

~~Administrative letter for code compliance\$50.00~~

~~Zoning Letter\$50.00~~

~~Board of Zoning Appeals:~~

~~Variance Application\$250.00~~

~~Appeal\$130.00~~

~~Variance Applications\$500.00~~

~~(may be filed one week past the deadline)~~

~~**Administrative Review Committee:**~~

~~Review~~

~~Value of Work: \$0—\$500\$50.00~~

~~Value of Work: \$500.01—\$5,000\$100.00~~

~~Value of Work: \$5,000.01—\$50,000\$500.00~~

~~Value of Work: \$50,000.01 and above\$1,000.00~~

Delete the text of *Section [A] 105.6.3 Fee refunds* in its entirety and substitute the following:

The building official is authorized to establish a refund policy.

Delete the text of *Section 108 Means of Appeal* in its entirety and substitute the following:

[A] 108.1 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] 108.2 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] 108.3 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] 108.4 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] 108.5 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] 108.6 *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] 108.7 *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 109* entitled License Requirements of Contractors to read as follows:

[A] 109.1 *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] 109.2 *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. 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.

[A] 109.3 *License/registration.* All contractors requesting permits must be licensed ~~and/or registered~~ by the ~~city~~ **annually- state** and complete such forms and pay such fees ~~as required by the Building official.~~ **identified in the Fee Schedule adopted by City Council resolution. Applications and fees are to be submitted to the City of Knoxville Department of Plans Review and Building Inspections.**

(Ord. No. O-173-2018, § 2, 11-20-18)