

**ORDINANCE 2025-04**

**Sponsor:** Clary

**AN ORDINANCE AMENDING THE HENDERSONVILLE MUNICIPAL CODE TITLE 12, TO ADOPT A REVISED EDITION OF THE BUILDING AND MAINTENANCE CODES**

**WHEREAS**, in compliance with State law, the City desires to amend its Building and Maintenance Codes found in Title 12:

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMAN OF THE CITY OF HENDERSONVILLE, TENNESSEE**, as follows:

Section One: That Title 12 of the Hendersonville Municipal Code is hereby deleted in its entirety and replaced with the following language:

**TITLE 12**

**BUILDING, UTILITY, ETC. CODES**

**CHAPTER**

- 1 BUILDING CODE**
- 2 INTERNATIONAL RESIDENTIAL CODE**
- 3 PLUMBING CODE**
- 4 MECHANICAL CODE**
- 5 INTERNATIONAL FUEL GAS CODE**
- 6 INTERNATIONAL ENERGY CONSERVATION CODE**
- 7 INTERNATIONAL POOL AND SPA CODE**
- 8 INTERNATIONAL EXISTING BUILDING CODE**
- 9 HOUSING CODE**
- 10 RESERVED**
- 13 ELECTRICAL CODE**
- 14 GREEN BUILDING INCENTIVE PROGRAM**

**CHAPTER 1**

**BUILDING CODE<sup>1</sup>**

**SECTION**

- 12-101. Building Code adopted.**
- 12-102. Amendments.**
- 12-103. Available in recorder's office.**

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<sup>1</sup>Cross reference(s)—Fire protection, fireworks, and explosives: title 7; Planning and zoning: title 14; Streets and other public ways and places: title 16; Utilities and services: title 18.

#### **12-101. Building Code adopted.**

Pursuant to authority granted by Tennessee Code Annotated, § 6-54-502, the International Building Code, 2021 edition as prepared and adopted by the International Code Council, is hereby adopted, and incorporated by reference as though copied herein.

1. Section 101.1 Title is amended to read as follows:

101.1 Title. These regulations shall be known as the Building Code of the City of Hendersonville, hereinafter referred to as "this code."

#### **12-102. Amendments.**

- (1) Section 101.2.1 Appendices is amended to read as follows:

*101.2.1 Appendices.* Appendix B is adopted. Appendix C is adopted. Appendix I is adopted. All adopted appendices are subject to modifications elsewhere herein, if any.

- (2) Section 104.10.1 Flood hazard areas is deleted and replaced to read as follows:

*104.10.1 Flood hazard areas.* 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.

- (3) Section 105.5 Expiration is amended to read as follows:

*105.5 Expiration.* Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant in writing one extension for a period not more than 180 days. The extension shall be requested in writing and justifiable cause demonstrated.

- (4) Section 202 is amended to add the following definition:

The requirements for flammable gas shall be those found in the International Building Code (IBC), 2024 edition, published by the International Code Council (ICC), and shall include the following:

- (a) For Chapter 2, the definition for Flammable Gas shall be replaced with the definition found in the 2024 International Building Code.
- (b) For Flammable gases, Table 307.1(1) shall be replaced with Table 307.1(1) of the 2024 International Building Code.
- (c) For flammable gases, Section 307.4 High-Hazard Group H-2 shall be replaced with Section 307.4 High-Hazard Group H-2 of the 2024 International Building Code.
- (d) For flammable gases, Section 307.5 High-Hazard Group H-3 shall be replaced with Section 307.5 High-Hazard Group H-3 of the 2024 International Building Code.
- (e) For flammable gases, Section 414.2.5 shall be replaced with Section 414.2.5 of the 2024 International Building Code.
- (f) For flammable gases, Section 414.5.1 shall be replaced with Section 414.5.1 of the 2024 International Building Code.

- (5) Section 1612.3 Establishment of flood hazard area is deleted and replaced to read as follows:

*1612.3 Establishment of flood hazard areas.* 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.

(6). Section 3001.1 Scope is amended by the addition of the following language:

*3001.1 Scope.* This chapter governs the design, construction, installation, alteration and repair of elevators and conveying systems and their components. Any elevator regulated by the State of Tennessee is required to be inspected and comply with applicable State regulations. Any conflict between this code and State Law, State Law shall be enforced.

#### **12-103. Available in recorder's office.**

Pursuant to the requirements of Tennessee Code Annotated § 6-54-502, one (1) copy of the herein adopted code has been placed on file in the recorder's office for the use and inspection of the public.

## **CHAPTER 2** **INTERNATIONAL RESIDENTIAL CODE**

### **SECTION**

#### **12-201. International Residential Code adopted.**

#### **12-202. Amendments.**

#### **12-201. International Residential Code adopted.**

Pursuant to authority granted by Tennessee Code Annotated, § 6-54-502 the International Residential Code, 2021 edition, as promulgated by the International Code Council is hereby adopted by reference as though copied herein.

#### **12-202. Amendments.**

(1) Section R101 is amended to read as follows:

*R101.1 Title.* These provisions shall be known as the *Residential Code for one- and two-family Dwellings* of the City of Hendersonville and shall be cited as such and will be referred to herein as "this code."

(2) Section R102.5 Appendix is amended to read as follows:

*R102.5 Appendices.* Appendix A is adopted. Appendix B is adopted. Appendix C is adopted. Appendix G is adopted. Appendix H is adopted. Appendix J is adopted. Appendix N is adopted. Appendix O is adopted. Appendix P is adopted.

(3) Section R105.5 Expiration is amended to read as follows:

*R105.5 Expiration.* Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The

building official is authorized to grant in writing one extension for a period not more than 180 days. The extension shall be requested in writing and justifiable cause demonstrated.

- (4) Section N1102.4.1.2 (R402.4.1.2) Testing is replaced with Section N1102.4.2.1 Testing Option and Section N1102.4.2.2 Visual Inspection from 2009 IRC.
- (5) Section N1103.3.3 (R403.3.3) Duct Testing (Mandatory) and Section N1103.3.4 (R403.3.4) Duct Leakage (Prescriptive) are optional.
- (6) Table N1102.1.2 (R402.1.2) Insulation and Fenestration Requirement by Component and Table N1102.1.4 (R402.1.4) Equivalent U-Factors from 2018 IRC are replaced with Table N1102.1 Insulation and Fenestration Requirements by Component and Table N1102.1.2 Equivalent U-Factor from 2009 IRC.
- (7) Section N1102.4.4 (R402.4.4) Rooms Containing Fuel-Burning Appliances is deleted in its entirety.
- (8) Table N1102.1 Insulation and Fenestration Requirements by Component in the 2009 edition is adopted and amended by adding the following as footnote "l": "Log walls complying with ICC400 and with a minimum average wall thickness of 5" or greater shall be permitted in Zone 3 when a Fenestration U-Factor of .50 or lower is used, a Skylight U-Factor of .65 or lower is used, a Glazed Fenestration SHGC of .30 or lower is used, a 90 AFUE Furnace is used, an 85 AFUE Boiler is used, and a 9.0 HSPF Heat Pump (heating) and 15 SEER (cooling) are used."
- (9) Table N1102.1 Insulation and Fenestration Requirements by Component in the 2009 edition is adopted and amended by adding the following as footnote "m": "Log walls complying with ICC400 and with a minimum average wall thickness of 5" or greater shall be permitted in Zone 4 when a Fenestration U-Factor of .35 or lower is used, a Skylight U-Factor of .60 or lower is used, a 90 AFUE Furnace is used, an 85 AFUE Boiler is used, and a 9.0 HSPF Heat Pump (heating) and 15 SEER (cooling) are used."
- (10) Section R109.1.3 Floodplain inspections is amended to read as follows:  
*R109.1.3 Floodplain inspections.* For construction in flood hazard areas as established by Table R301.2(1) or the City of Hendersonville's adopted Flood Insurance Program whichever is more restrictive, upon placement of the lowest floor, including basement, and prior to further vertical construction, the building official shall require submission of documentation, prepared, and sealed by registered design professional, of the elevation of the lowest floor, including basement, required in Section R322.
- (11) Table R301.2(1) Climatic and Geographic Design Criteria is amended to read as follows:
  - Table R301.2(1) Climatic and Geographic Design Criteria.
  - Ground Snow Load — 15 pounds
  - Wind Speed — 90 mph, 3 second wind gusts
  - Seismic Design — Category "B"
  - Weathering — Severe
  - Frost Line Depth — 12 inches
  - Termite — Moderate to Heavy
  - Winter Design Temperature — 14 degrees, Fahrenheit
  - Ice Barrier Underlayment Required — No
  - Flood Hazard — See City of Hendersonville Flood Plain Ordinance

- Air Freezing Index — 332
- Mean Annual Temperature — 59.2 degrees Fahrenheit

(12) Section R309.3 is amended to read as follows:

For buildings located in flood hazard areas as established by Table R301.2(1) or the City of Hendersonville's adopted Flood Insurance Program whichever is more restrictive, garage floors shall be one of the following:

- (a) Elevated to or above the design flood elevation as determined in accordance with Section R322.
- (b) Located below the design flood elevation provided that the floors are at or above grade on not less than one side, are used solely for parking, building access or storage, meet the requirements of Section R322 and are otherwise constructed in accordance with this code.

(13) Section R313 is deleted in its entirety.

(14) Section R322.1 is deleted and replaced as follows:

*R322.1 General.* Buildings and structures constructed in whole or part in floodplains designated on the Flood Insurance Rate Maps (FIRM) or the Flood Boundary and Floodway Maps (FBFM) provided by the National Flood Insurance Program shall comply with Hendersonville's duly adopted Flood Insurance Program requirements.

(15) Section R602.6.1 Drilling and notching of top plate is amended as follows:

*R602.6.1 Drilling and notching of top plate.* Where piping or ductwork is placed in or partly in an exterior wall or interior load-bearing wall, necessitating cutting, drilling or notching of the top plate by more than 50 of the width, a galvanized metal tie not less than 0.054 inch thick (16 gage) and 1 ½" inches wide shall be fastened across and to the plate at each side of the opening with not less than eight 10d nails having a minimum length of 1 ½" inches at each side or equivalent. The metal tie must extend not less than six inches past the opening and two inches below the top plate.

(16) Section R802.11.1.3 Rafter tie is added to read as follows:

*R802.11.1.3 Rafter tie.* All rafters shall have a rafter tie.

(17) Section P2603.5 Freezing is amended as follows:

*P2603.5 Freezing.* In localities having a winter design temperature of 32 degrees Fahrenheit or lower as shown in Table R301.2(1) of the International Residential Code, a water, soil or waste pip shall not be installed outside a building, in exterior walls, in attics or crawl spaces, or in any other place subject to freezing temperature unless adequate provision is made to protect it from freezing by insulation or heat or both. Water service pipe shall be installed not less than 18 inches deep and not less than 6 inches below the frost line.

(18) Section P2603.5.1 Sewer depth is amended as follows:

*P2603.5.1 Sewer depth.* Building sewers that connect to private sewage disposal systems shall be not less than 18 inches below finished grade at the point of septic tank connection. Building sewers shall be not less than 18 inches below grade. The width of trenches shall be a minimum of 12 inches wide for pipes four inches and smaller. The depth of service field lines shall comply with the requirement as set forth by the Sumner County Environmental Office. If the outlet from the tank as a stepdown in grade to the service field lines, then the minimum require depth shall apply.

(19) Section P2704.1.2 Shower and bathtub sets; a new section is added to read as follows:

*P2704.1.2 Shower and bathtub sets.* Shower and bathtubs set head-to-head shall be prohibited except where adequate access is provided for repairs and/or maintenance.

(20) Section P2718.1 Waste connection is amended to read as follows:

*P2718.1 Waste connection.* The discharge from clothes washing machine shall be through an air break. The trap and fixture drain for the associated standpipe shall be a minimum of 2 inches in diameter. The clothes wash machine drainage piping shall be independent and serve no other fixtures. If the clothes wash machine drainage pipe serves other fixtures, the horizontal drainage piping shall be a minimum of 3 inches in diameter.

(21) Section P2801.6.1 Pan size and drain is amended to read as follows:

*P2801.6.1 Pan size and drain.* Pan size and drain. The pan shall be not less than 1 ½ inches in depth and shall be of sufficient size and shape to receive all dripping or condensate from the tank or water heater. The water heater within the pan shall have a minimum clearance of 2 inches on all sides. The pan shall be drained by indirect waste pipe having a diameter of not less than ¾ inch. Piping for safety pan drains shall be of those materials listed in Table 605.4. Exception: Clearance around drainage pan may be reduced if structural conditions exist and approved by the code official.

(22) Section 2801.6.3 Pan drain platform. A new section is added to read as follows:

*2801.6.3 Pan drain platform.* Water heater pan drain platform shall rest on a solid smooth surface to allow for proper drainage of the water heater pan.

(23) Section 2902.3.8 Backflow strainer; a new section added to read as follows:

*2902.3.8 Backflow strainer.* Backflow preventers shall have a horizontal in-line strainer. The strainer shall be integral or installed upstream of the device. Valves shall be installed for servicing of the strainer.

(24) Section 3005.2.7 Manholes is amended to read as follows:

*P3005.2.7 Manholes.* Manholes and manhole covers shall be of an approved type. Manholes located inside or outside a building shall have gas-tight covers that require tools for removal.

(25) Table P3005.4.2 footnote "c" is amended to read as follows:

*Table P3005.4.2 footnote "c".* No building sewer shall be less than 4 inches in size.

(26) Section M1806 Clothes Dryer Cleanout is added to read as follows:

*M1806.1 Clothes Dryer Cleanout.* Each vertical dryer vent riser shall be provided with means for cleanout. A recessed dryer vent box may serve as a cleanout.

(27) Section G2406.4 Outdoor Gas Appliance and Fire Pits is added to read as follows:

*G2406.4 Outdoor Gas Appliances and Fire Pits.* Outdoor gas appliances or fire pits shall be approved and listed for outdoor use. Outdoor gas appliances or fire pits shall be firmly supported and shall extend a minimum of 4 inches above the ground. Outdoor gas appliances or fire pits that do not extend 4 inches above the ground shall be provided with adequate drainage to prevent water accumulation within or around the appliance.

### **CHAPTER 3**

### **PLUMBING CODE<sup>2</sup>**

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<sup>2</sup>Cross reference(s)—Street excavations: title 16; Water system administration: title 18

## SECTION

### **12-301. Plumbing code adopted.**

### **12-302. Amendments.**

#### **12-301. Plumbing code adopted.**

Pursuant to authority granted by Tennessee Code Annotated, § 6-54-502, the 2021 Edition of the International Plumbing Code as prepared by the International Code Council is hereby adopted by reference as though copied herein.

#### **12-302. Amendments.**

(1) Section 101.1 Title is amended as follows:

*101.1 Title.* These regulations shall be known as the Plumbing Code of the City of Hendersonville hereinafter referred to as "this code."

(2) Section 109.2 Fee schedule is amended as follows:

*109.2 Fee Schedule.* The fees for all plumbing work shall be as indicated in the adopted fee ordinance.

(3) Section 109.5 Fee refunds Subsections 2 and 3 are amended as follows:

*109.5 Fee refunds.* The code official shall authorize the refunding of fees as follows:

- a. Not more than fifty (50%) percent of the permit fee paid where work has been done under a permit issued in accordance with this code.
- b. Not more than ninety (90%) percent of the plan review fee paid where an application for permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

(4) Section 115.4 Violation penalties is amended as follows.

*115.4 Violation penalties.* Any person who shall violate a provision of this code or shall fail to comply with any of the requirements of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

(5) Section 113.1 Stop work orders is amended as follows.

*113.1 Stop work orders.* Upon notice from the code official, work on any plumbing system that is being performed contrary to the provision of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's authorized agent, or to the person performing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine as indicated the adopted fee schedule.

(6) Section 305.4.1 Sewer depth is amended as follows:

*305.4.1 Sewer depth.* Building sewers that connect to private sewage disposal systems shall be installed not less than 18 inches below finished grade at the point of septic tank connection. Building sewers shall be installed not less than 18 inches below grade.

(7) Section 401.4 Limited access. A new subsection is added to read as follows:

*401.4 Limited access.* Shower or bathtubs set head-to-head shall be prohibited. Exception. When adequate space for maintenance and repairs as determined by the code official is provided.

(8) Section 413.3 Size of floor drains is amended as follows:

*413.3 Size of floor drains.* Floor drains shall have drain outlet not less than 3 inches. Exception: Floor drains may be 2 inches when approved by the code official based upon structural or special conditions.

(9) Section 427 Fixture controls. A new section is added.

*Section 427.1 Fixture controls.* Faucets and diverters shall be installed so that the flow of hot water from the fittings corresponds to the left-hand side of the fitting.

(10) Section 503.1 Cold water line valve is amended to read as follows:

*503.1 Cold water line valve.* The cold-water branch line from the main water supply line to each hot water storage tank or water heater shall be provided with a valve, located in the same room or compartment near the equipment and serving only the hot water storage tank or water heater.

The valve shall not interfere or cause a disruption of cold-water supply to the remainder of the cold-water system.

(11) Section 504.7.1 Pan size and drain is amended as follows.

*504.7.1 Pan size and drain.* The pan shall be not less than 1 ½ inches in depth and shall be of sufficient size and shape to receive all dripping or condensate from the tank or water heater. The water heater within the pan shall have a minimum clearance of 2 inches on all sides. The pan shall be drained by indirect waste pipe having a diameter of not less than ¾ inch. Piping for safety pan drains shall be of those materials listed in Table 605.4. Exception: Clearance around drainage pan may be reduced if structural conditions exist and approved by the code official.

(12) Section 504.7.3 Pan drain platform. A new section is added to read as follows:

*504.7.3 Pan drain platform.* Water heater pan drain platform shall rest on a solid smooth surface to allow for proper drainage of the water heater pan.

(13) Section 608.15.2 Protection of backflow preventers is amended to read as follows:

*608.15.2 Protection of backflow preventers.* Backflow preventers shall not be located in areas subject of freezing except where they can be removed by means of unions or are protected from freezing by heat, insulation or both.

Backflow shall have an approved strainer upstream of the device or integral within the device.

(14) Section 614 Private outside watermains and fire supply services. A new section is added to read as follows:

- a. *614.1 Private outside watermains and fire supply services.* Private outside watermains and fire supply lines not maintained by a public authority shall comply with this section.
- b. *614.2 Permits.* Private outside watermains and fire supply services shall require a plumbing permit from the jurisdiction.
- c. *614.3 Installation.* Installation of all private outside watermains and fire supply services shall comply with the requirements of this code. Nonmetallic piping shall be provided with a minimum fourteen (14) AWG approved tracer wire that shall terminate above ground at each end of the piping.



- d. *614.4 Testing.* Combined fire supply services and water mains shall be tested under a 200-psi test for a period of not less than two hours. Water service piping only shall be tested under a 100-psi test for not less than 15 minutes. The tests shall be performed with water.
- e. *614.5 Inspection.* The permit holder shall request an inspection from the jurisdiction. No work shall be covered until approved by the jurisdiction.

(15) Table 710.1(1) is amended adding footnote "b" that reads as follows:

*Table 710.1(1) footnote "b."* Gravity flow building sewer lines shall be a minimum pipe size of 4 inches.

(16) Section 717 Forced main sewer system. A new section is added to read as follows:

*717 Forced main sewer systems.* All forced main sewer system may be of material approved for sewers by this code. Nonmetallic sewer piping shall be installed with a minimum 14 AWG approved tracer wire that shall terminate above ground at each end of the piping.

(17) Section 804 Grease waste drainage and vent piping system. A new section is added to read as follows:

*804.1 Grease waste drainage piping system.* Piping of grease waste drainage and vent systems shall be identified by approved marking at intervals of 5 feet.

(18) Section 805 Chemical drainage and vent piping system. A new section is added to read as follows:

*805.1 Chemical drainage and vent piping system.* Piping of chemical drainage and vent system shall be identified by approved marking at intervals of 5 feet.

(19) Section 903.1 Roof extension is amended to read as follows:

*903.1 Roof extension.* Open vent pipes that extend through a roof shall terminated not less than 12 inches above the roof. Where a roof is to be used for assembly or as a promenade, observation deck, sunbathing deck or similar purposes, open vent pipes shall terminate not less than 7 feet above the roof.

(20) Section 1003.3.5.3 Grease interceptors flow control devices. A new subsection is added to read as follows:

*1003.3.5.3 Flow control devices.* Flow control devices installed in a concrete slab shall be provided with removable access panel for repair or maintenance.

## **CHAPTER 4**

### **MECHANICAL CODE<sup>3</sup>**

#### **SECTION**

**12-401. Mechanical code adopted.**

**12-402. Amendments.**

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<sup>3</sup>Cross reference(s)—Street excavations: title 16; Water system administration: title 18

Editor's note(s)—Copies of this code (and any amendments) may be purchased from The International Code council, 5203 Leesburg Pike, Suite 600, Falls Creek, VA 22041-3405

**12-401. Mechanical Code adopted.**

Pursuant to the authority granted by Tennessee Code Annotated, § 6-54-502, the 2021 edition of the International Mechanical Code as prepared by the International Code Council is hereby adopted by reference as though copied herein.

**12-402. Amendments.**

(1) Section 101.1 Title is amended to as follows:

These regulations shall be known as the Mechanical Code of the City of Hendersonville, hereinafter referred to as "this code."

(2) Section 109.2 Fee is amended as follows:

*109.2 Fees.* The fees for all mechanical work shall be as indicated in the adopted fee ordinance.

(3) Section 109.6 Fee refund subsection 2 & 3 is amended as follows:

*109.6 Fee refunds.* The code official shall authorize the refunding of fees as follows:

1. Not more than fifty (50%) percent of the permit fee paid where work has been done under a permit issued in accordance with this code.
2. Not more than ninety (90%) percent of the plan review fee paid where an application for permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

(4) Section 115.4 Violation penalties is amended to read as follows:

*115.4 Violation penalties.* Any person who shall violate a provision of this code or shall fail to comply with any of the requirements of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

(5) Section 113.2 Stop work order is amended as follows:

*113.2 Stop work orders.* Upon notice from the code official, work on any mechanical system that is being performed contrary to the provision of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's authorized agent, or to the person performing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine as indicated the adopted fee schedule.

(6) Section 504.3 Cleanout is amended to read as follows:

Each vertical riser shall be provided with means for cleanout. Cleanouts shall be a minimum of 5 feet above the floor.

Exception: A recessed dryer vent box can be used as a cleanout provided it is accessible without moving the appliance.

**CHAPTER 5**  
**INTERNATIONAL FUEL GAS CODE<sup>4</sup>**

**SECTION**

**12-501. Gas code adopted.**

**12-502. Amendments.**

**12-501. Gas Code adopted.**

Pursuant to authority granted by Tennessee Code Annotated, 6-54-502, the International Fuel Gas Code, 2021 edition as prepared and adopted by the International Code Council, is hereby adopted, and incorporated by reference as though copied herein.

**12-502. Amendments.**

(1) Section 101.1 Title is amended as follows:

*101.1 Title.* These regulations shall be known as the Fuel Gas Code of the City of Hendersonville, hereinafter referred to as "this code."

(2) Section 109.2 Fee schedule is amended as follows:

*109.2 Fees.* The fees for work shall be as indicated per the adopted fee ordinance.

(3) Section 109.3 subsection 2 & 3 is amended as follows:

1. Not more than fifty (50%) percent of the permit fee paid where work has been done under a permit issued in accordance with this code.
2. Not more than ninety (90%) percent of the plan review fee paid where an application for permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

(4) Section 115.4 Violation penalties is amended to read as follows:

*115.4 Violation penalties.* Any person who shall violate a provision of this code or shall fail to comply with any of the requirements of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

(5) Section 116.2 Stop work order is amended as follows:

*116.2 Stop work orders.* Upon notice from the code official, work on any mechanical system that is being performed contrary to the provision of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's authorized agent, or to the person performing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the

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<sup>4</sup>Editor's note(s)—Copies of this code (and any amendments) may be purchased from the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Creek, VA 22041-3405

structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine as indicated the adopted fee schedule.

## **CHAPTER 6.** **INTERNATIONAL ENERGY CONSERVATION CODE**<sup>5</sup>

### **SECTION**

**12-601. International Energy code adopted.**

**12-602. Amendments.**

**12-601. International Energy Conservation Code adopted.**

Pursuant to authority granted by Tennessee Code Annotated, 6-54-502, the International Energy Conservation Code, 2021 edition as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as though copied herein.

**12-602. Amendments.**

(1) Section 101.1 Title is amended as follows:

*101.1 Title.* These regulations shall be known as the Energy Conservation Code of the City of Hendersonville hereinafter referred to as "this code."

(2) International Energy Conservation Code (IECC), 2021 edition, published by the ICC, except that:

1. Section R402.4.1.2 Testing is deleted and replaced with Section 402.4.2.1 Testing Option and Section 402.4.2.2 Visual Inspection Option from 2009 IECC.
2. Section R403.3.3 Duct Testing (Mandatory) and Section R403.3.4 Duct Leakage (Prescriptive) are optional.
3. Table 402.1.2 Insulation and Fenestration Requirements by Component and Table R402.1.4 Equivalent U-Factors are deleted and replaced with Table 402.1.1 Insulation and Fenestration Requirements by Component and Table 402.1.3 Equivalent U-Factors 2009 IECC.

(3) Paragraph (1) of this rule shall not be construed as adopting any provision of the cited publications which establishes:

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<sup>5</sup>State law reference(s)—Tennessee Code Annotated, § 13-19-106 requires Tennessee cities either to adopt the Model Energy Code, 1992 edition, or to adopt local standards equal to or stricter than the standards in the energy code.

Cross reference(s)—Fire protection, fireworks, and explosives: title 7. Planning and zoning: title 14; Streets and other public ways and places: title 16. Utilities and services: title 18.

Editor's note(s)—Copies of this code (and any amendments) may be purchased from The Council of American Building Officials, 5203 Leesburg, Pike Falls Church, Virginia 22041; Authority: T.C.A. § 68-120-101(a), (b), and (d). Administrative History: Original rule filed March 29, 2010; effective June 27, 2010. Amendments filed November 4, 2016; effective February 2, 2017. Amendments filed April 17, 2020; effective July 16, 2020.

- (a) Any provision superseded by law;
  - (b) An optional or recommended, rather than mandatory, standard or practice; or
  - (c) Any agency, procedure, fees, or penalties for administration or enforcement purposes inconsistent with these rules.
- (4) The provisions of the cited publications adopted by reference in paragraph (1) shall govern the manner in which:
- (a) The codes and standards are applied to construction of one (1) and two (2) family
  - (b) Occupancies and types of construction are classified for the purpose of determining minimum requirements of the codes and standards; and
  - (c) The specific requirements of the codes and standards may be modified to permit the use of alternate materials or methods of construction.

## **CHAPTER 7**

### **INTERNATIONAL POOL AND SPA CODE**

#### **SECTION**

**12-701. International Pool and Spa Code adopted.**

**12-702. Amendments.**

#### **12-701. International Pool and Spa Code adopted.**

Pursuant to authority granted by Tennessee Code Annotated, § 6-54-502, the International Swimming Pool and Spa Code, 2021 edition as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as though copied herein.

#### **12-702. Amendments.**

- (1) Section 101.1 Title is amended as follows:

*101.1 Title.* These regulations shall be known as the Swimming Pool and Spa Code of the City of Hendersonville hereinafter referred to as "this code."

- (2) Section 108.2 Fee schedule is amended as follows:

*108.2 Fees.* The fees for work shall be as indicated per the adopted fee ordinance.

- (3) Section 108.6 Fee refunds is amended as follows:

- 2. Not more than fifty (50%) percent of the permit fee paid where work has been done under a permit issued in accordance with this code.
- 3. Not more than ninety (90%) percent of the plan review fee paid where an application for permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

- (4) Section 113.4 Violation penalties is amended to read as follows:

*113.4 Violation penalties.* Any person who shall violate a provision of this code or shall fail to comply with any of the requirements of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents

or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

(5) Section 114.2 Stop work order is amended as follows:

*114.2 Stop work orders.* Upon notice from the code official, work on any mechanical system that is being performed contrary to the provision of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's authorized agent, or to the person performing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine as indicated the adopted fee schedule.

(6) Section 202 Residential Swimming Pool definition is hereby replaced to read as follows:

202 Residential Swimming Pool means any structure that is intended for swimming or recreational bathing and contains water over thirty-six inches (36") deep, including, but not limited to, in-ground, above-ground, and on-ground swimming pools, hot tubs and non-portable spas.

(7) *Section 320.1 Backwash water or draining water.* Backwash water and draining water shall be discharged to the sanitary or storm sewer, or into an approved disposal system on the premises, or shall be disposed of by other means approved by state or local authority. Water discharge shall not be directly or indirectly drained across adjacent properties. Direct connections shall not be made between the end of the backwash line and the disposal system. Drains shall discharge through an air gap.

## **CHAPTER 8**

### **INTERNATIONAL EXISTING BUILDING CODE<sup>6</sup>**

#### **SECTION**

**12-801. International Existing Building Code adopted.**

**12-802. Amendments.**

#### **12-801. The International Existing Building Code adopted.**

Pursuant to authority granted by Tennessee Code Annotated, 6-54-502, the International Existing Building Code, 2021 edition as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as though copied herein.

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<sup>6</sup>Cross reference(s)—Fire protection, fireworks, and explosives: title 7; Planning and zoning: title 14; Streets and other public ways and places: title 16; Utilities and services: title 18.

Editor's note(s)—Copies of this code (and any amendments) may be purchased from The International Code Council, 5203 Leesburg Pike, Suite 600, Fall Creek, VA 22041-3405.

## **12-802. Amendments.**

(1) Section 101.1 Title is amended as follows:

*101.1 Title.* These regulations shall be known as the Existing Building Code of the City of Hendersonville herein after referred to as "this code."

(2) Section 105.1.3 Moving permit; is added to read as follows:

*105.1.3 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.

(3) Section 105.1.4 Written application; is added to read as follows:

*105.1.4 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-way, and a detailed description of the proposed route from its present location to the new location.

(4) Section 105.1.5 Permit refusal; is added to read as follows:

*Section 105.1.5 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 rights-of-way.

(5) Section 105.1.6 Bond required; is added to read as follows:

*Section 105.1.6 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 ensure 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 affect such move and the repair of the building should it remain in the City of Hendersonville. Liquidate 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.

(6) Section 105.1.7 Notice of permit; is added to read as follows:

*105.1.7 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.

(7) Section 105.1.8 Public safety requirements; is added to read as follows:

*105.1.8 Public safety requirements.*

105.1.8.1 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 rights-of-way for more than 48 hours without prior permission of the City of Hendersonville.

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

105.1.8.3 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.

105.1.8.4 Additional escorts may be required by the City of Hendersonville.

105.1.8.5 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.

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

(8) Section 105.1.9 Improvements by owner; is added to read as follows:

*105.1.9 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.

## **CHAPTER 9**

### **HOUSING CODE**

#### **SECTION**

#### **12-901. Housing Code adopted.**

#### **12-901. Housing Code Adopted.**

Pursuant to authority granted by Tennessee Code Annotated 6-54-502, the International Property Maintenance Code, 2021 edition as prepared and adopted by the International Code Council is hereby adopted and incorporated by reference as Hendersonville's Housing Code, as though copied herein. Refer to Title 13, Chapter 1, Property Maintenance Code.

## **CHAPTER 10**

### **RESERVED**

Standard Amusement Device Code deleted as the publisher (SBCCI) and document no longer exists.



**CHAPTER 13**  
**ELECTRICAL CODE**

**SECTION**

- 12-1301. Electrical Code adopted.**
- 12-1302. Amendments.**
- 12-1303. Available in recorder's office.**
- 12-1304. Fire Official to utilize codes.**

**12-1301. Electrical Code adopted.**

Pursuant to authority granted by Tennessee Code Annotated, § 6-54-502, the National Electrical Code, 2020 edition as prepared by the National Fire Protection Association.

Section 101.1 Title is amended to read as follows:

*101.1 Title.* These regulations shall be known as the Electrical Code of the City of Hendersonville, hereinafter referred to as "this code."

**12-1302. Amendments.**

- (1) A new Section 90.10 Permits is added to read as follows:

*Permits Required.* Any owner or owner's authorized agent who intends to install, add, alter, repair, change, replace, convert any electrical wiring, systems, equipment, services or the like, that is regulated by this code, or cause any such work to be performed, shall first make application to the building official and obtain the required permit.

- (2) A new Section 90.11 Work exempt from permit is added to read as follows:

*Work exempt from permit.* Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

1. Listed cord-and-plug connected temporary decorative lighting.
2. Reinstallation of attachment plug receptacles but not the outlets therefore.
3. Replacement of branch circuit overcurrent devices of the required capacity in the same locations.
4. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
5. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

- (3) A new Section 90.11 Emergency repairs is added to read as follows:

Where equipment replacement and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

- (4) A new Section 90.12 Applicant for permit is added to read as follows:

To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the Building Department for that purpose. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required by the building official.

(5) A new Section 90.20.1 Payment of fees is added to read as follows:

A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

(6) A new Section 90.20.2 Refunds is added to read as follows:

Refunds shall be established by the Building Department refund policy.

(7) Section 90.30 Adoption of ANNEX H Administration and Enforcement.

ANNEX H is here adopted with the following modifications:

1. Section 80.15 is hereby deleted.
2. Section 80.19F(3) insertion line is completed with the number 3.
3. Section 80.23(B) is replaced with, "Any person who violate a provision of this code or shall fail to comply with any of the requirements of this code or shall fail to comply with any of the requirements shall be subject to penalties as prescribed by law."
4. Section 80.25(C) insertion line is completed with the number 5.
5. Section 80.27 is hereby deleted.
6. Section 80.29 insertion line is completed with "City of Hendersonville."
7. Section 80.35 insertion line is completed with the number 30.

#### **12-1303. Available in recorder's office.**

Pursuant to the requirements of Tennessee Code Annotated § 6-54-502, one (1) copy of the herein adopted code has been placed on file in the recorder's office for the use and inspection of the public.

#### **12-1304. Fire Official to utilize codes.**

The Fire Official may utilize any of the codes standards, manuals and recommended practices contained within the National Fire Codes as a guide and/or reference in the enforcement of fire protection and prevention provisions of the adopted codes.

Cross reference(s)—Fire protection, fireworks and explosives: title 7.

Editor's note(s)—Copies of this code may be purchased from the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269-9101.

**CHAPTER 14**  
**GREEN BUILDING INCENTIVE PROGRAM**

**SECTION**

**12-1401. Green Building Incentive Program.**

**12-1402. Participation.**

**12-1403. Incentives.**

**12-1404. Policy and Procedures.**

**12-1405. Appeals.**

**12-1401. Green Building Incentive Program.**

There is hereby established a "Hendersonville Green Building Incentive Program".

**12-1402. Participation.**

Participation in the program is totally voluntary and is limited to projects located within the city limits of the City of Hendersonville. Projects that incorporate significant energy efficiency and conservation aspects are strongly encouraged.

**12-1403. Incentives.**

Participation in the program qualifies the participant for one (1) or more of the following incentives.

1403.1. In addition to all other certificates of occupancy that may be required by the City, it shall also issue a Green Certificate of Occupancy for all projects meeting the sustainable design protocol established by this program.

1403.2. Subject to any budget constraints the City of Hendersonville may waive all or a portion of the required developmental fees for said project.

1403.3. The City of Hendersonville will maintain a permanent record, available to the public, of all projects successfully participating in the Green Building Incentive Program.

1403.4 Additional incentives for those participating in the program may be available at a future date.

**12-1404. Policy and Procedures.**

The Director of Building and Codes is hereby authorized to establish and implement any and all appropriate policies or operating procedures necessary to carry out the intent and purpose of this program, including but not limited to application requirements, acceptable sustainable design protocols, certification procedures and fee waiver criteria.

**12-1405. Appeals.**

Administrative appeals regarding this program may be made in writing to the Director of Building and Codes or his designated agent. Appeals of the decisions of the Director of Building and Codes may be appealed to the Building Board of Appeals, as established by the building code. The Building Board of

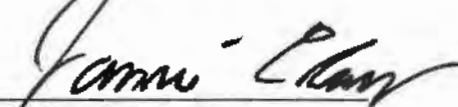
Appeals authority is limited to interpretations of the provisions of the Green Building Incentive Program or issues regarding acceptable sustainable design protocols.

This ordinance shall take effect at the earliest date allowed by law.

First Reading: March 25, 2025 *Passed*

Second Reading: April 8, 2025 *Passed*

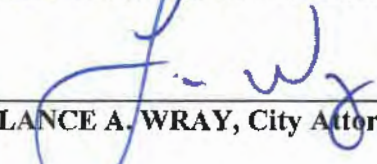
APPROVED:

  
JAMIE CLARY, Mayor

ATTEST:

  
TAMARA INGERSOLL, City Recorder

APPROVED AS TO FORM AND LEGALITY:

  
LANCE A. WRAY, City Attorney

## LEGISLATIVE HISTORY

Ordinance 2025-04

**Sponsor:** Clary

**Committee:** General

**Date of Committee Meeting:** March 11, 2025

**Committee Recommendation:** Yes

**First BOMA Reading:** March 25, 2025

**Vote:** Aye: Burgdorf, Collins, Dixon, Evans, Garton, Garza, Goodwin, Martin, Roberson, Sasse, Skidmore, Ward, and Clary. Nay: None. Absent: None. *Motion carried.*

**Second BOMA Reading:** April 8, 2025

**Vote:** Aye: Burgdorf, Collins, Dixon, Evans, Garton, Garza, Goodwin, Martin, Roberson, Sasse, Skidmore, Ward, and Clary. Nay: None. Absent: None. *Motion carried.*

DATE:	April 8, 2025
ORDINANCE/RESOLUTION #	<b>Ordinance 2025-04</b>
SPECIFIC REQUEST/ RECOMMENDATION:	That the Board of Mayor and Alderman consider the adoption of the 2021 International Building, Plumbing, Mechanical, Fire, Swimming Pool Code, Existing Building Code, Energy Code, Property Maintenance Code with Amendments, and the 2020 National Electrical Code
REPORT PREPARED BY:	Greg E. Story, Codes Director



## BACKGROUND:

1

The City of Hendersonville Building & Codes Department together with the HPD and HFD, are all currently enforcing the 2018 International Codes. The last Codes update was with Ordinance 2018-46, (January 2019). Effective on April 17<sup>th</sup>, 2025, the State of Tennessee Fire Marshals Office will begin enforcing the 2021 International Codes.

To stay in compliance with T.C.A. § 68-120-101(b)(2)(A), no political subdivision of the State of Tennessee shall adopt or enforce any ordinance prescribing less stringent standards of fire prevention, fire protection, or building construction safety and shall adopt an edition of a building construction or fire safety code within seven (7) years of the most current published edition.

## DISCUSSION:

2

That the Board of Mayor and Alderman consider adopting Ordinance 2025-04 with Amendments, to remain in an "Exempt" status with the State of Tennessee Fire Marshal's Office (SMFO).

The SFMO formally delegates codes enforcement to local jurisdictions that are adequately performing their building codes and fire safety codes enforcement programs. The SFMO shall audit each exempt jurisdiction no less than once every three (3) years for each of the following trades: Residential structures, Commercial structures, and Electrical Inspections. The SFMO shall notify the exempt jurisdiction of the commencement of the audit performed.

A local jurisdiction that adopts and enforces building construction and fire safety codes pursuant to T.C.A. § 68-120-101(b)(2)(A), shall adopt an edition of a building construction or fire safety code within seven (7) years of the most current published edition.

If not adopted by the Board of Mayor and Alderman, the City of Hendersonville would no longer be considered in an "exempt" status by the State Fire Marshals Office. The SFMO would intervene and remove the "exempt" jurisdiction status from the City of Hendersonville's Building & Codes Department, HFD, & HPD. A notice and hearing regarding the removal of a jurisdiction's exempt status shall be as set out in the Uniform Administrative Procedures Act, T.C.A., Title 4, Chapter 5.

The State of TN adopted the 2021 I.E.C.C. with Amendments, keeping the 2009 I.E.C.C. "R" & "U" tables. No major fiscal impacts should occur, going forward, to Commercial & Residential contractors. Most of the contractors, developers, architects, and engineers are already practicing and implementing the new 2021 codes for other jurisdictions across the nation and locally.

**FISCAL IMPACT:**

**3**

No Fiscal Impact.

**ATTACHMENTS:**

**4**

Ordinance 2025-04