

## Chapter 10

### BUILDINGS<sup>1</sup>

- Art. I. Building Code, §§ 10-1 -- 10-9
- Art. II. Historic Zoning, §§ 10-10 -- 10-30
- Art. III. Other Fees, §§ 10-31 – 10-33

#### ARTICLE I. BUILDING CODE

##### Sec. 10-1. Building Code adopted.

The International Building Code, 2012 Edition, and the International Residential Code, 2012 Edition, one (1) copy of each which are, and have been on file in the Office of the City Council Clerk for more than fifteen (15) days, are hereby adopted as the Official Building Codes of the City. (Code 1986, § 10-1; Ord. No. 9233, § 1, 9-12-89; Ord. No. 9654, § 10, 1-6-92; Ord. No. 10176, § 1, 3-7-95; Ord. No. 10676, § 1; 3-10-98; Ord. No. 11041, § 1, 7-25-00; Ord. No. 11721, § 1, 7-26-05; Ord. No. 12271, § 1; Ord. No. 12600, § 1, 5-29-12.)

##### Sec. 10-2. Appendices to Code adopted.

The following appendices to the International Building Code, 2012 Edition, and the International Residential Code, 2012 Edition, and as further amended in this chapter, are hereby adopted as part of the official Building Codes of the City:

a. International Building Code

Appendix A – Employee Qualifications, as amended

Appendix C – Agricultural Buildings

Appendix D – Fire District, as amended.

Appendix F – Rodent Proofing

Appendix I – Patio Covers

Appendix J – Grading, as amended

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<sup>1</sup> **Cross references**--Electricity, Ch. 14; fire prevention, Ch. 17; gas, Ch. 19; housing, Ch. 21; plumbing, Ch. 27; zoning regulations, Ch. 38.

**Editor's note**--This chapter has been divided into two separate articles at the discretion of the editor to provide clarity for the addition of the Historic Zoning Ordinance (Article II hereof) pursuant to Ord. No. 9112, adopted January 24, 1989.

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b. International Residential Code

Appendix A – Sizing and Capacities of Gas Piping

Appendix B – Sizing of Venting Systems

Appendix C – Exit Terminals of Mechanical Draft

Appendix J – Existing Buildings and Structures

(Code 1986, § 10-2; Ord. No. 9233, § 2, 9-12-89; Ord. No. 10176, § 2, 3-7-95; Ord. No. 10676, § 2, 3-10-98; Ord. No. 11041, § 2, 7-25-00; Ord. No. 11721, § 2, 7-26-05; Ord. No. 12121, § 1, 5-6-08; Ord. No. 12600, § 2, 5-29-12)

**Sec. 10-3. Amendments to Code adopted.**

The following sections and appendices of the International Building Code, 2012 edition, are hereby amended, as hereinafter provided:

- a. Section 101.2, Exception 2 is deleted in its entirety.
- b. Section 105.5 is deleted in its entirety and the following is substituted in lieu thereof:

**105.5. Expiration.** Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within thirty (30) days from the date of issuance. Work authorized by that permit shall be completed within the time frame set forth in the following paragraphs 105.5.1, 105.5.2, 105.5.3 and 105.5.4 as follows:

For Building Permits in the Amount of:

105.5.1	\$0.01 - \$250,000.00 – twelve (12) months
105.5.2	\$250,000.01 - \$500,000.00 – eighteen (18) months
105.5.3	\$500,000.01 - \$1,000,000.00 – twenty-four (24) months
105.5.4	\$1,000,000.01 and up – thirty-six (36) months

- c. Section 105.6 is deleted in its entirety and the following is substituted in lieu thereof:

**105.6. Extension.** Extensions of time may be granted by the Building Official; however, the extension must be requested in writing and justifiable cause demonstrated. The building official is authorized to grant, in writing, one or more extensions of time. Each extension shall be for a period of time not to exceed 180

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days. A fee of one percent (1%) of the Contract Value, as listed on the original permit application, shall be charged to cover administrative expenses.

- d. Section 105.7 is deleted in its entirety and the following is substituted in lieu thereof:

**105.7. Fee for Completion.** After a permit has become void, if the Owner wishes to commence construction to complete the structure for which the original permit was issued, the Owner shall reapply for a new building permit for the completion of the construction. When a new building permit is issued, the permit fee for the completion of the construction shall be equal to the permit fee that was paid when the original permit was issued.

- e. A new Section 105.8 is added as follows:

**105.8. Completion.** Construction shall be considered complete when a Certificate of Occupancy has been issued by the Building Official or his designee.

- f. A new Section 105.9 is added as follows:

**105.9. Suspension or revocation.** The Building Official is authorized to suspend or revoke a permit issued under the provisions of this code where the permit is issued in error or on the basis of incorrect, inaccurate, or incomplete information, or in violation of any ordinance or regulation of any of the provisions of this code.

- g. A new Section 105.10 is added as follows:

**105.10. Placement of Permit.** The building permit or copy shall be kept on the site of the work until the completion of the project.

- h. A new Section 105.11 is added as follows:

**105.11. Standard Operating Procedures.**

1. Should a structure become abandoned in accordance with the above revised sections of the International Building Code, or if the structure or equipment shall be deemed unsafe in accordance with Section 115 of the International Building Code, the Building Official shall notify the Department of Neighborhood Services. Neighborhood Services shall take action, as it is legally authorized, and shall move to commence demolition or other appropriate action.

2. If, in the opinion of the Building Official or his authorized representative, the

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construction site has become unsafe because of clutter or construction debris, the Owner shall be notified and given seven (7) days to rectify the unsafe condition. Should the Owner not rectify the unsafe condition, the Building Official shall take action as required. The cost of the site clean up shall be borne by the Owner.

- i. Section 107.2 is amended by adding a new Subsection 107.2.6 and other new subsections through 107.2.10 which shall read as follows:

**107.2.3 Requirements.** When required by the building official, two or more copies of specifications, and of drawings drawn to scale with sufficient clarity and detail to indicate the nature and character of the work, shall accompany the application for a permit. Such drawings and specifications shall contain information, in the form of notes or otherwise, as to the quality of materials, where quality is essential to conformity with the technical codes. Such information shall be specific, and the technical codes shall not be cited as a whole or in part, nor shall the term “legal” or its equivalent be used as a substitute for specific information. All information, drawings, specifications and accompanying data shall bear the name and signature of the person responsible for the design.

**107.2.6 Additional data.** The building official may require details, computations, stress diagrams, and other data necessary to describe the construction or installation and the basis of calculations. All drawings, specifications and accompanying data required by the building official to be prepared by an architect or engineer shall be affixed with their official seal.

**107.2.8 Design professional.** The design professional shall be an architect or engineer legally registered under the laws of this state regulating the practice of architecture or engineering and shall affix his official seal to said drawings, specifications and accompanying data, for the following:

1. All Group A, E and I occupancies.
2. Buildings and structures **two** stories or more high.
3. Buildings and structures 5,000 sq ft (465 m<sup>2</sup>) or more in area.

For all other buildings and structures, the submittal shall bear the certification of the applicant that some specific state law exception permits its preparation by a person not so registered.

**Exception:** Group R3 buildings, regardless of size, shall require neither a registered architect or engineer, nor a certification that an architect or engineer is not required.

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**107.2.9 Structural and fire resistance integrity.** Plans for all buildings shall indicate how required structural and fire resistance integrity will be maintained where a penetration of a required fire resistant wall, floor or partition will be made for electrical, gas, mechanical, plumbing and communication conduits, pipes and systems. Such plans shall also indicate in sufficient detail how the fire integrity will be maintained where required fire resistant floors intersect the exterior walls and where joints occur in required fire resistant construction assemblies.

**107.2.10 Affidavits.** The building official may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the technical codes. For buildings and structures, the affidavit shall state that the plans conform to the laws as to egress, type of construction and general arrangement and, if accompanied by drawings, show the structural design and that the plans and design conform to the requirements of the technical codes as to strength, stresses, strains, loads and stability. The building official may without any examination or inspection accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the building official copies of inspection reports as inspections are performed and upon completion of the structure, electrical, gas, mechanical, or plumbing systems a certification that the structure, electrical, gas, mechanical or plumbing system has been erected in accordance with the requirements of the technical codes. Where the building official relies upon such affidavit, the architect or engineer shall assume full responsibility for the compliance with all provisions of the technical codes and other pertinent laws or ordinances. Affidavits will only be accepted by the Building Official where emergency or extraordinary circumstances are established. If sufficient evidence of emergency or extraordinary circumstances are shown, the Building Official shall have discretion to issue permits based upon affidavits without stamped drawings.

j. (f) Section 109.2 is amended by adopting a non-refundable fee schedule for all building permits which shall be as follows:

### **109.2 NON-REFUNDABLE PERMIT FEES**

<b>Total Valuation</b>	<b>Fee</b>
\$1,000 and less	No fee, unless inspection required, in which case a \$25.00 fee for each inspection shall be charged.
\$1,001 to \$50,000	\$25.00 for the first \$1,000.00 plus \$5.50 for each additional

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thousand or fraction thereof, to and including \$50,000.00

\$50,001 to \$100,000 \$294.50 for the first \$50,000.00 plus \$4.50 for each additional thousand or fraction thereof, to and including \$100,000.00

\$100,001 to \$500,000 \$519.50 for the first \$100,000.00 plus \$3.50 for each additional thousand or fraction thereof, to and including \$500,000.00

\$500,001 and up \$1919.50 for the first \$500,000.00 plus \$2.25 for each additional thousand or fraction thereof

**109.2.1 MOVING FEE**

For the moving of any building or structure, the fee shall be \$125.00

**109.2.2 DEMOLITION FEES**

For the demolition of any building or structure, the fee shall be:

Residential Structures (maximum of 4 units)	\$125.00
Non-Residential structures up to 35-feet in height and less than 10,000 sq. ft. and Apartments up to 3 stories.	\$250.00
Non-Residential structures over 10,000 sq. ft.	\$400.00

**109.2.3 PENALTIES**

Where work for which a permit is required by this Code is started or proceeded with prior to obtaining said permit, the fees herein specified may be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work or from any other penalties prescribed herein.

**109.2.4 OTHER FEES**

Certificates of Occupancy (New Facility)	\$15.00
Certificates of Occupancy (Conditional)	\$50.00
Certificates of Occupancy (Existing Facility)	\$75.00

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Certificates of Occupancy (Beverage License)	\$50.00
Certificates of Completion	\$15.00
Fee for Sewer Verification Letter	\$75.00
Fee for Zoning Letter	\$75.00
Fee for Code Compliance Letter (Basic)	\$50.00
Fee for Code Compliance Letter (detailed) {*\$.05/per sq. ft.}	\$150.00+*
Fee for Code Compliance Letter (warehouse/industrial) {*\$.02/sq. ft. for each add'l sq. ft. above 10,000}	\$500.00+*
Fee for Re-inspections (Bldg., Plumbing, Gas, Mechanical, Electrical, Fire and Signs)	\$50.00
Fee for Permit Transfer	\$25.00
Fee for Modular Home Site Investigation	\$50.00
Fee for Fire & Life Safety Inspection and Plans Review	(20% of Building Permit Fee)
Plan Checking Fee	(30% of Building Permit Fee)
Phased Construction Plans Review Fee	(50% of Building Permit Fee)
Cell Tower Site Review Fee	\$100.00
Cell Tower Technical Location Requirements Review Fee	\$1,500.00
Construction Board of Appeals:	
Fee for 1-2 Family Structure Appeals	\$50.00
Fee for all other appeals	\$100.00
Fee for Variance Request to Board of Zoning Appeals	\$100.00
Fee for any construction on a structure in any Historic Zone	\$25.00
Fee for any construction on a structure which requires the issuance of a Certificate of Appropriateness (COA) or Certificate of Extreme Hardship (CEH)	\$25.00
Fee for Appeal to the Northshore Design Review Committee	\$100.00
Fee for Appeal to the Downtown Overlay Committee	\$100.00
Staff Plans Review Fee for submission to the Northshore Design review Committee, or the Downtown Overlay Committee	\$25.00
Fee for Appeal to the Board of Sign Appeals	\$100.00
Fee for Floodplain Variance Request	\$100.00
Fee for Fire District Removal Request	\$100.00

All of the fees in 109.2.4 shall be nonrefundable unless in the determination of the Building Official, the Land Development Office has not completed sufficient review to justify the entire fees for Phased Construction Plans Review or Cell Tower Technical Location

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Requirement Review due to the withdrawal of an application prior to review. In such incidents, any proportional refund shall be in the sole discretion of the Building Official for the Land Development Office.  
(Ord. No. 12638, § 1, 8-21-12; Ord. No. 12918, §1, 03-10-15)

- k. Section 109.4. Work commencing before permit issuance shall be amended by adding a new sentence at the end of that subsection which shall state as follows:

Any person who commences work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a penalty of 100% of the usual permit fee in addition to the required permit fees.

- l. Section 113. Board of Appeals is amended by deleting said section in its entirety and substituting in lieu thereof the following:

The Construction Board of Appeals for the Building, Electrical, Fire , Fuel Gas, Life Safety, Mechanical and Plumbing codes of the Chattanooga City Code as established by Section 2-625, shall act as the Board of Appeals for appeals from any decision of the Building Official or his designee and to consider variances of the technical codes as provided in this Code.

- m. Section 903.3.5.2 entitled Secondary Water Supply is deleted in its entirety.

- n. Section 3107, Signs, is amended by adding a new Section 3107.1.1 which shall state as follows:

3107.1.1 Conflicting Provisions.

To the extent that any provision in this chapter is in conflict with the provisions of the Chattanooga City Code § 3-1 *et. seq.*, the provisions of Chapter 3 of the Chattanooga City Code shall control.

- o. Section 3401 Existing buildings or structures is amended by deleting such section in its entirety and substituting in lieu thereof the following language:

### **3401.7 Existing buildings or structures**

**3401.7** Alterations, repairs or rehabilitation work may be made to any existing structure, building, electrical, gas, mechanical or plumbing system without requiring

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the building, structure, plumbing, electrical, mechanical or gas system to comply with all the requirements of the technical codes, provided that the alteration, repair or rehabilitation work conforms to the requirements of the technical codes for new construction. The building official shall determine the extent to which the existing system shall be made to conform to the requirements of the technical codes for new construction by applying the following standards:

- (1) If, within any twelve (12) month period, alterations or repairs costing in excess of thirty (30%) percent of the replacement value of the entire building are made to an existing building, such building shall be made to conform to the requirements of this code for new buildings.
  - (2) If an existing building is damaged by fire or otherwise in excess of thirty (30%) percent of its replacement value before such damage is repaired, the entire building shall be made to conform to the requirements of this code for new buildings.
  - (3) For purposes of this section, the building official shall use the latest edition of R.S. Means Square Foot Costs Data, one copy of which is, and has been on file in the Office of the City Council Clerk, to determine the replacement cost of an existing building. The building official may require the replacement cost of an existing building to be determined by a registered architect, engineer, licensed general contractor or other professional. Any such review shall be approved by the building official and all costs associated with such review shall be paid by the party asserting that the alterations and repairs are less than thirty (30%) percent of the replacement cost of the building at the time they are made.
- p. Section 3410, Moved Structures is amended by deleting such Section 3408 in its entirety, and substituting in lieu thereof the following:

3410. Moving of Buildings.

- (1) Any owner, agent or contractor who desires to move any building through or across any sidewalk, street, alley or highway within the corporate limits of the City from one location to another, or cause same to be moved from one location to another on the same property shall first make application to the Building Inspection Department and obtain a permit therefor.
- (2) Each application for permit, with the required fee therefor, shall be filed with

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the Building Inspection Department on a form furnished by that department showing the location of the building as it exists and a site plan showing the location of the building which is proposed on the new lot. Before the Building Inspection Department may issue a permit for the moving of a building from one location to another, a building inspector shall make an inspection of the building and of the lot onto which such building is to be moved and determine whether or not the building, after its relocation, will be substandard or cause the area into which it is being moved to be a blighted area.

- (3) All buildings being moved shall be situated on the recipient lot in such a way as to assure the front door of any moved building shall face the City street. Any surface holes, irregularities, wells, septic tanks, basements, cellars, sidewalk vaults, or coal chutes remaining on any property from which a building is removed shall be filled with material as approved by the Building Official within thirty (30) days from the date any building is moved and shall be graded in such manner that will provide effective surface drainage.
- (4) The property owner of any lot to which a structure is being moved shall post said lot with a red sign not less than ten (10) days prior to the removal to said lot, which notice shall give the Building Inspector's telephone number and list the address of the Building Inspector's Office where the site plan can be seen and the present location of the building so that the structure itself may be seen prior to removal. If violations of this Code are found, the Building Inspector may issue a stop work order on the new location that the building has been moved to until such violations on the property from which the building was moved have been completed by the permittee.
- (5) In the event, after an inspection by the building inspector, it is determined that the building, after removal and renovation, will meet the applicable Building Code standards and will not cause blight or dilapidation of the area into which such building is moved, the building inspector may issue a permit for such removal and relocation; provided, the application shall first be approved by the City Traffic Engineer, who shall fix the time such building is to be moved and the route over which such movement is to be made. Any determination of blight or dilapidation shall be made in consideration of the standards set out in T.C.A. § 13-20-201. No building shall be moved over any street, other than the one approved, within the hours fixed by the City Traffic Engineer.

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(6) No permit shall be issued under this ordinance for the moving of any building until the applicant has paid a fee of One Hundred (\$100.00) Dollars to pay the expense of the necessary investigations by the Building Inspection Department and the Traffic Engineering Department.

(7) The applicant for a permit for the moving of a building within the corporate limits of the City shall file with the Building Inspection Department:

A certificate of insurance (or provide other proof in form and substance to be approved by the City Attorney) indicating that the applicant is insured and where the City of Chattanooga, Tennessee is named as an additional insured, issued by a casualty company authorized to do business in the State of Tennessee, in an amount of not less than \$300,000.00 for injury to one and \$700,000.00 for an injury to more than one in any one accident and \$100,000.00 property damage, conditioned that the building removal will conform to all regulations and ordinances of the City in reference to the moving of buildings along or over any street, alley or public way of the City.

(8) Improvements on moved buildings. The owner, agent, or contractor of any house, building or structure which is moved to a new location shall make all necessary improvements required in order for said house, building or structure to comply with all requirements of the Official Building Codes adopted by the City within 180 days from the date of the issuance of the moving permit. Extensions of such time as deemed reasonable may be granted by the building official upon a showing of delay caused by matters beyond the control of the owner or house mover. In the event that all exterior renovations are not completed at the new location within 120 days or any reasonable extension by the Building Official, the owner shall be cited to City Court for noncompliance with this section and each day of continuing violation shall constitute a separate offense.

(9) The application for the moving permit shall be accompanied by an application for a building permit, accompanied by complete plans and specifications showing the changes or conditions of said house, building, or structure as the same is proposed to be when moving, and all contemplated improvements, signed by the owner or the owner's agent.

q. That any reference to the International Existing Building Code, the International Sewage Disposal Code, and/or the International Electrical Code shall be deleted from

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the reference standards in Chapter 35 of the International Building Code and all such references shall be construed to reference the appropriate official codes adopted by the City of Chattanooga.

- r. By deleting Appendix A and adopting instead an Amended Appendix A – Employee Qualifications which shall read as follows:

### EMPLOYEE QUALIFICATIONS

- (1) **Building official.** The building official shall have at least ten (10) years' experience or equivalent as an architect, engineer, inspector, contractor or superintendent of construction, or any combination of these, five years of which shall have been supervisory experience. The building official shall be certified as a building official through a recognized certification program. The building official shall be appointed or hired by the applicable governing authority.
- (2) **Chief Inspector.** The building official can designate supervisors to administer the provisions of the International Building, Residential, Mechanical and Plumbing Codes, International Fuel Gas Code, and the National Electric Code (NFPA 70). Each supervisor shall have at least ten (10) years' experience or equivalent as an architect, engineer, inspector, contractor or superintendent of construction, or any combination of these, five years of which shall have been in a supervisory capacity. They shall be certified through a recognized certification program for the appropriate trade.
- (3) **Inspector and plan examiner.** The building official shall appoint or hire such number of officers, inspectors, assistants and other employees as shall be authorized by the jurisdiction. A person shall not be appointed or hired as an inspector of construction or plans examiner who has not had at least five (5) years' experience as a contractor, engineer, architect, or as a superintendent, foreman or competent mechanic in charge of construction. The inspector or plan examiner shall be certified through a recognized certification program for the appropriate trade.
- (4) **Termination of employment.** Employees in the position of building official, chief inspector or inspector shall not be removed from office except for cause after full opportunity has been given to be heard on specific charges before such applicable governing authority.

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### REFERENCED STANDARDS

IBC-2012	<i>International Building Code – 2</i>
IMC-2012	<i>International Mechanical Code – 2</i>
IPC-2012	<i>International Plumbing Code – 2</i>
IFGC-2012	<i>International Fuel Gas Code - 2</i>

- s. By adopting Appendix D in its entirety with the exception of D101.2, D101.2.1, D101.2.2, and D101.2.3, which sections are deleted in their entirety and the following language is substituted in lieu thereof:

D101.2 Establishment of Area. The fire district of the City of Chattanooga is fully described at Chattanooga City Code § 10-5.

- t. By deleting Appendix J in its entirety with the exceptions of J103, J104 and J110 which sections are deleted in their entirety.

(Ord. No. 12600, § 3, 5-29-12)

- u. Design Methodology. Retaining walls and reinforced soil slopes shall be designed according to the following design methods based on type:

Concrete Gravity => ACI 318 and ASCE/SEI 7 (latest revisions)

Concrete Cantilever => ACI 318 and ASCE/SEI 7 (latest revision)

Mechanically Stabilized Earth Walls and Reinforced Soil Slopes (MSEWs & RSSs)  
=> FHWA-NHI-00-043 Mechanically Stabilized Earth Walls and Reinforced Soil Slopes – Design & Construction Guidelines and ASCE/SEI 7 (latest revisions)

(Ord. No. 12638, § 2, 8-21-12)

- a. Section R105.2 is amended by deleting subsection 1 in its entirety and substituting in lieu thereof the following:

(1) One story detached accessory structures used as tool and storage sheds, playhouses, and similar uses provided the floor area does not exceed 120 square feet (11.15m<sup>2</sup>).

- b. Section R105.5 is deleted in its entirety and the following is substituted in lieu thereof:

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**105.5. Expiration.** Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within thirty (30) days from the date of issuance. Work authorized by that permit shall be completed within the time frame set forth in the following paragraphs 105.5.1, 105.5.2, 105.5.3, and 105.5.4 as follows:

For Building Permits in the Amount of:

105.5.1	\$0.01 - \$250,000.00 – twelve (12) months
105.5.2	\$250,000.01 - \$500,000.00 – eighteen (18) months
105.5.3	\$500,000.01 - \$1,000,000.00 – twenty-four (24) months
105.5.4	\$1,000,000.01 and up – thirty-six (36) months

- c. Section 105.6 is deleted in its entirety and the following is substituted in lieu thereof:

**105.6. Extension.** Extensions of time may be granted by the Building Official; however, the extension must be requested in writing and justifiable cause demonstrated. The building official is authorized to grant, in writing, one or more extensions of time. Each extension shall be for a period of time not to exceed 180 days. A fee of one percent (1%) of the Contract Value, as listed on the original permit application, shall be charged to cover administrative expenses.

- d. Section 105.7 is deleted in its entirety and the following is substituted in lieu thereof:

**105.7. Fee for Completion.** After a permit has become void, if the Owner wishes to commence construction to complete the structure for which the original permit was issued, the Owner shall reapply for a new building permit for the completion of the construction. When a new building permit is issued, the permit fee for the completion of the construction shall be equal to the permit fee that was paid when the original permit was issued.

- e. Section 105.8 is deleted in its entirety and the following is substituted in lieu thereof:

**105.8. Completion.** Construction shall be considered complete when a Certificate of Occupancy has been issued by the Building Official or his designee.

- f. Section 105.9 is deleted in its entirety and the following is substituted in lieu thereof:

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**105.9. Suspension or revocation.** The Building Official is authorized to suspend or revoke a permit issued under the provisions of this code where the permit is issued in error or on the basis of incorrect, inaccurate, or incomplete information, or in violation of any ordinance or regulation of any of the provisions of this code.

- g. Section 105.10 is deleted in its entirety and the following is substituted in lieu thereof:

**105.10. Placement of Permit.** The building permit or copy shall be kept on the site of the work until the completion of the project.

- h. Section 105.11 is deleted in its entirety and the following is substituted in lieu thereof:

### **105.11. Standard Operating Procedures.**

1. Should a structure become abandoned in accordance with the above revised sections of the International Building Code, or if the structure or equipment shall be deemed unsafe in accordance with Section 115 of the International Building Code, the Building Official shall notify the Department of Neighborhood Services. Neighborhood Services shall take action, as it is legally authorized, and shall move to commence demolition or other appropriate action.
2. If, in the opinion of the Building Official or his authorized representative, the construction site has become unsafe because of clutter or construction debris, the Owner shall be notified and given seven (7) days to rectify the unsafe condition. Should the Owner not rectify the unsafe condition, the Building Official shall take action as required. The cost of the site clean-up shall be borne by the Owner.

- i. Section R108.2. Schedule of fees is deleted in its entirety and the following language shall be substituted in lieu thereof:

All fees approved by the City under § 108.2 of the International Building Code, as amended, shall be collected in the same manner under this section.

- j. Section R112 is amended by deleting such section in its entirety and substituting in lieu thereof the following language:

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### Section R112. Board of Appeals.

The Construction Board of Appeals for the Building, Residential, Electrical, Fire, Fuel Gas, Life Safety, Mechanical and Plumbing codes of the Chattanooga City Code as established by Section 2-625, shall act as the Board of Appeals for appeals from any decision of the Building Official or his designee and to consider variances of the technical codes as provided in this Code.

- k. R311.2. Exit doors required. Not less than two exit doors conforming to this section shall be provided for each dwelling unit. The required exit doors shall provide for direct access from the habitable portions of the dwelling to the exterior without requiring travel through a garage. Access to habitable levels not having an exit in accordance with this section shall be by a ramp in accordance with Section R311.8 or a stairway in accordance with Section R311.7.

**Exception:** Travel through a garage is allowed when the exterior wall of the garage has an exit door meeting the requirements of Section R311.4.2.

- l. R311.2.1. Door type and size. The required exit door shall be a side-hinged door not less than 3 feet (914mm) in width and 6 feet 8 inches (2032mm) in height. Other doors shall not be required to comply with these minimum dimensions.

**Exception:** The second means of egress exit door shall be a side-hinged door or a side sliding door not less than 2 feet 8 inches (812mm) in width and 6 feet 8 inches (2032mm) in height.

- m. Section R313.2. One and Two Family Dwelling Automatic Fire Systems is deleted in its entirety.

- n. Section R322. Flood Resistant Construction is deleted in its entirety and the following language shall be substituted in lieu thereof:

The appropriate Flood Hazard Regulations of the Chattanooga Zoning Ordinance and the Federal Regulations referenced therein shall constitute the official regulations of the City of Chattanooga with regard to any construction within the Flood Hazard Zone.

The Construction Board of Appeals for the Building, Residential, Electrical, Fire, Fuel Gas, Life Safety, Mechanical and Plumbing codes of the Chattanooga City Code

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as established by Section 2-625, shall act as the Board of Appeals for appeals from any decision of the Building Official or his designee and to consider variances of the technical codes as provided in this Code.

- o. Section R403. Table R403.1 entitled Minimum Width of Concrete or Masonry Footings is deleted in its entirety and the following Amended Table and subsection is adopted in lieu thereof:

**TABLE R403.1**  
**MINIMUM WIDTH OF CONCRETE OR MASONRY FOOTINGS**  
**(inches)<sup>a</sup>**

	<b>LOAD-BEARING VALUE OF SOIL (psf)</b>			
	<b>1,500</b>	<b>2,000</b>	<b>3,000</b>	<b>≥ 4,000</b>
<b>Conventional light-frame construction</b>				
1-story	16	16	16	16
2-story	19	16	16	16
3-story	27	21	16	16
<b>4-inch brick veneer over light frame or 8-inch hollow concrete masonry</b>				
1-story	16	16	16	16
2-story	25	20	16	16
3-story	36	28	20	16
<b>8-inch solid or fully grouted masonry</b>				
1-story	20	16	16	16
2-story	33	25	18	16
3-story	46	36	25	20

For SI: 1 inch = 25.4 mm, 1 pound per square foot = 0.0479 kN/m<sup>2</sup>.

Where minimum footing width is 16 inches, a single wythe of solid or fully Grouted 12-inch nominal concrete masonry units is permitted to be used.

**R403.1.3.1 Foundations with stemwalls.** Foundations with stemwalls shall be provided with a minimum of one No. 4 bar at the top of the wall and one No. 4 bar at the bottom of the footing.

- p. Any reference to the International Existing Building Code, the International Property Maintenance Code, the International Sewage Disposal Code, and/or the International Electrical Code shall be deleted from the reference standards in Chapter 44 of the International Residential Code and all such references within the International Residential Code shall be construed to reference the appropriate official codes

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adopted by the City of Chattanooga.

**R Chapter 11 entitled Energy Efficiency** of the 2012 International Residential Code is deleted in its entirety.

(Code 1986, § 3; Ord. No. 9233, § 3, 9-12-89; Ord. No. 10176, § 3, 3-7-95; Ord. No. 10384, § 1, 2-27-96; Ord. No. 10676, § 3, 3-10-98; Ord. No. 10736, § 1, 8-18-98; Ord. No. 11041, § 3, 7-25-00; Ord. No. 11175, § 21, 9-11-01; Ord. No. 11721, §§ 3 and 4, 7-26-05; Ord. No. 12121, § 2, 5-6-08; Ord. No. 12123, §§ 1 and 2, 5-6-08; Ord. No. 12363, § 1, 3-02-10; Ord. No. 12600, § 4, 5-29-12)

### **Sec. 10-4. Correction of defects.**

Any person who shall fail to correct any defect in his work within a reasonable time after having been duly notified of such defects by the chief building inspector or his assistants, shall not receive any further permit until such defect or defects have been corrected. Immediately after the correction of such defect or defects the chief building inspector shall be notified of such corrections. One inspection will be made after notice of correction at no charge; if, however, the defects or violations have not been corrected in accordance with this chapter and/or code there will be a charge of fifty dollars (\$50.00) for each additional inspection required caused by noncompliance. If the building inspection department is not notified within ten (10) days after notice by the inspector to correct the defect then there will be a penalty of five dollars (\$5.00) and each additional day over ten (10) days, shall constitute a separate offense.

(Code 1986, § 10-4; Ord. No. 12363, § 2, 3-2-10)

### **Sec. 10-5. Fire districts described.**

(a) The fire districts of the City of Chattanooga shall include the areas described as follows:

*Downtown Fire District:* Beginning at the intersection of the south bank of Tennessee River and the west right-of-way of the Walnut Street Bridge; thence downstream in a westerly direction along the river bank a distance of approximately twenty-eight hundred fifty (2,850) feet to a point, said point being approximately four hundred fifty (450) feet west of the west right-of-way line of the I-124 controlled access highway; thence in a southerly direction a distance of three hundred fifty (350) feet to a point in the south right-of-way line of Riverfront Parkway; thence in a westerly and southerly direction along the south and east right-of-way line of Riverfront Parkway to a point in the north right-of-way line of West Main Street; thence crossing Main Street in a southerly direction to a point at the intersection of the south right-of-way line of Main Street and the east

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right-of-way line of Grove Street; thence in a southerly direction along the east right-of-way line of Grove Street, crossing West 19th Street, to a point in the south right-of-way line of West 19th Street; thence in an easterly direction along the south right-of-way line of West 19th Street to a point in the east right-of-way line of Interstate Highway No. I-124; thence in a southeasterly direction along the east right-of-way line of Interstate Highway No. I-124 to a point in the west right-of-way line of Chestnut Street; thence in a southerly direction along the west right-of-way line of Chestnut Street to a point in the south right-of-way line of West 26th Street; thence in an easterly direction along West 26th Street to a point in the west right-of-way line of Sidney Street; thence in a southerly direction along the west right-of-way line of Sidney Street to a point in the north right-of-way of 28th Street; thence in an easterly direction along the north right-of-way line of 28th Street, crossing Broad Street, and continuing along the north right-of-way line of the new 28th Street, crossing Market Street, to a point one hundred forty (140) feet east of the east right-of-way line of Market Street; thence in a northerly direction along a line one hundred forty (140) feet east of and parallel to the east right-of-way line of Market Street to a point one hundred forty (140) feet south of 20th Street; thence in an easterly direction along a line one hundred forty (140) feet south of and parallel to the south right-of-way line of 20th Street, crossing Washington Street, to a point one hundred forty (140) feet east of the east right-of-way line of Washington Street; thence in a northerly direction along a line one hundred forty (140) feet east of the parallel to the east right-of-way line of Washington Street to a point in the south right-of-way line of Rossville Avenue; thence in a northerly direction, crossing Rossville Avenue at an angle, to the left, to a point at the intersection of the north right-of-way line of Rossville Avenue and the west right-of-way line of Washington Street; thence continuing in a northerly direction along the west right-of-way line of Washington Street to a point one hundred forty (140) feet south of Main Street; thence in an easterly direction along a line one hundred forty (140) feet south of and parallel to the south right-of-way line of Main Street, a distance of approximately three hundred (300) feet, to a point in the west right-of-way line of Southern Railway System; thence in a northerly direction, crossing Main Street, along the west right-of-way line of the Southern Railway System a distance of approximately four hundred sixty (460) feet to a point; thence leaving the aforesaid right-of-way lines and continuing in a northerly direction, crossing all railroad tracks of the Southern Railway System and the Louisville and Nashville Railroad Company, a distance of approximately nine hundred twenty-five (925) feet to a point at the intersection of the west right-of-way line of Peebles Street, and the north right-of-way line of the Louisville and Nashville Railroad; thence in a northerly direction along the west right-of-way line of Peebles Street, crossing 12th Street, 11th Street, and 10th Street to a point in the north right-of-way line of 10th Street; thence in a

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westerly direction along the north right-of-way line of 10th Street to a point in the west right-of-way line of the Southern Railway System; thence in a northeasterly and northerly direction along the aforesaid right-of-way line, crossing 9th Street, 8th Street, McCallie Avenue, Oak Street, and Vine Street to a point in the south right-of-way line of 5th Street; thence in a westerly direction along the south right-of-way line of 5th Street to a point one hundred forty (140) feet east of Douglas Street; thence in a southerly direction along a line one hundred forty (140) feet east of and parallel to the east right-of-way line of Douglas Street to a point one hundred forty (140) feet north of the north right-of-way line of Vine Street; thence in a westerly direction along a line one hundred forty (140) feet north of and parallel to the north right-of-way line of Vine Street to a point one hundred forty (140) feet east of Lindsey Street; thence in a northerly direction along a line one hundred forty (140) feet east of and parallel to the east right-of-way line of Lindsey Street to a point one hundred forty (140) feet north of the north right-of-way line of East 5th Street; thence in a westerly direction along a line one hundred forty (140) feet north of and parallel to the north right-of-way line of East 5th Street to a point in the west right-of-way line of Georgia Avenue; thence in a northerly direction along the west right-of-way line of Georgia Avenue to a point one hundred forty (140) feet north of the north right-of-way line of East 4th Street; thence in a westerly direction along a line one hundred forty (140) feet north of and parallel to the north right-of-way line of East 4th Street to a point in the west right-of-way line of Walnut Street; thence in a northerly direction along the west right-of-way line of Walnut Street to a point on the south bank of the Tennessee River, which is the point of beginning:

There is hereby excluded from the Downtown Fire District areas described as follows:

*Area No. 1:* Beginning at a point in the west line of Gateway Avenue, said point being approximately two hundred thirty (230) feet from the point of intersection of the west line of West Sixth Street and the north line of West Ninth Street; thence westwardly along a line approximately two hundred thirty (230) feet north and parallel to West Ninth Street and with the foot of Cameron Hill a distance of approximately six hundred fifty (650) feet to a point in the foot of Cameron Hill; thence northwestwardly with the foot of Cameron Hill a distance of approximately three hundred fifty (350) feet to a point in the foot of Cameron Hill; thence northwardly with the foot of Cameron Hill a distance of approximately four hundred (400) feet to a point in the foot of Cameron Hill; thence westwardly with the foot of Cameron Hill a distance of approximately two hundred (200) feet to a point in the east line of Riverfront Parkway; thence northwardly and eastwardly with the east and south line of Riverfront Parkway a distance of approximately two thousand (2,000) feet to a point of intersection with the south line of

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Riverfront Parkway and the west line of Interstate 124; thence southwardly with the west line of Interstate 124 a distance of approximately sixty (60) feet to a point in the west line of Interstate 124; thence westwardly a distance of approximately one hundred thirty (130) feet to a point in the west line of Interstate 124; thence southwardly with the west line of Interstate 124 a distance of approximately four hundred twenty (420) feet to a point in the west line of Interstate 124; thence westwardly and southwardly with the west line of property conveyed to the First Baptist Church of Chattanooga a distance of approximately four hundred eighty (480) feet to a point in the west line of Cameron Circle; thence with the west line of Cameron Circle a distance of approximately one thousand (1,000) feet to the point of intersection of the west line of Cameron Circle and the west line of West Sixth Street; thence with the west line of West Sixth Street a distance of approximately six hundred twenty-five (625) feet to the point of beginning.

*Area No. 2:* Beginning at a point three hundred (300) feet south of the south line of West Ninth Street and approximately three hundred (300) feet east of the east line of Riverfront Parkway; thence southwardly a distance of one thousand seven hundred fifty (1,750) feet to a point in the east line of Riverfront Parkway; thence southeastwardly with the east line of Riverfront Parkway a distance of approximately three hundred fifty (350) feet to a point in the east line of Riverfront Parkway; thence northeastwardly a distance of approximately four hundred (400) feet to a point in the east line of Boynton Drive; thence northeastwardly along a line approximately two hundred (200) feet west of and parallel to Grove Street a distance of approximately three hundred fifty (350) feet to a point; thence eastwardly a distance of approximately two hundred (200) feet to a point in the west line of Grove Street; thence with the west line of Grove Street a distance of approximately four hundred (400) feet to a point in the west line of Grove Street; thence southeastwardly across Grove Street and along the north line of West 12th Street a distance of approximately three hundred (300) feet to a point in the north line of West 12th Street; thence northeastwardly and perpendicular from the north line of West 12th Street a distance of approximately five hundred eighty (580) feet to a point; thence northwestwardly with a line three hundred (300) feet south of and parallel to West Ninth Street a distance of approximately five hundred fifty (550) feet to a point; thence southwestwardly with a line approximately two hundred eighty (280) feet east of and parallel to West Sixth Street a distance of approximately three hundred (300) feet to a point; thence northwestwardly a distance of approximately two hundred eighty (280) feet to a point in the east line of West Sixth Street; thence northeastwardly with the east line of West Sixth Street a distance of approximately three hundred (300) feet to a point in the east line of West Sixth Street; thence northwestwardly with a line three hundred (300) feet

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south of and parallel to West Ninth Street and across West Sixth Street and Boynton Drive a distance of eight hundred twenty (820) feet to the point of beginning.

*Area No. 3:* Beginning at the Southeast corner of 25th Street and Cowart Street, Thence South along the East right-of-way of Cowart Street continuing across 26th Street, extending South along the East right-of-way of Cowart Street crossing 27th Street to the Northeast corner of 28th Street as now constructed, Thence East along the North right-of-way of 28th Street crossing Williams Street continuing East crossing Long Street, Thence along the remaining portion of Lot 63, Vaughn's Addition on a curve bearing to left to the East line of Lot 63, thence North along the East line of Lots 63, 62, 61 and 60, Vaughn's Addition to the South right-of-way of 27th Street, Thence East on the South right-of-way of 27th Street to the East right-of-way line of Carr Street, Thence North along the East right-of-way of Carr Street to the Southwest corner of Lot 67, Hughes Subdivision, Thence East along the South line of Lot 67 to the Southeast corner thereof, thence North along the East line of Lot 67, thru Lot 55, Hughes Subdivision to the Northeast corner thereof, Thence West along Lot 55, continuing across Carr Street in a straight line to West right-of-way line of Carr Street, Thence North along the West right-of-way line of Carr Street, continuing North across 26th Street to the Southwest corner of 25th Street, Thence West along the South right-of-way line of 25th Street, continuing across Long Street, extending West crossing Williams Street to the East right-of-way line of Cowart Street, being the point of beginning.

*Area No. 4:* Beginning at the Southeast corner of 16th Street and Carr Street, Thence South along the East right-of-way line of Carr Street to the North right-of-way line of East 17th Street as now constructed, Thence East along the North right-of-way line of East 17th Street to a point located 132 feet West of Mitchell Ave., Thence South crossing 17th Street, continuing South along the West line, Lots 123 thru 111, Fort Negley Addition to the North right-of-way line of East 19th Street, Thence East along the North right-of-way line of East 19th Street crossing Mitchell Ave., continuing to the Northwest corner of Read Ave. and Mitchell Ave., Thence crossing Read Ave. on a diagonal to the Northeast corner of Read Ave. and East 19th Street, Thence East along the North right-of-way line of East 19th Street to the West right-of-way line of Baldwin Street, Thence North along the West right-of-way line of Baldwin Street crossing East 17th Street, continuing North intersecting the West line of an alley and a point in the East line of Lot 43, Fort Negley Addition, Thence Northwardly along the West line of an alley to the Northeast corner of Lot 40, Fort Negley Addition and South right of an alley and the North line of Lot 40, Fort Negley Addition, Thence West along Lot 40, continuing in a straight line

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crossing Read Ave. to the West right-of-way line thereof, Thence North along the West right-of-way line of Read Ave. to the Northeast corner of Lot 83, Fort Negley Addition and South right-of-way line of an alley, Thence West along the North line of Lot 83, Fort Negley Addition, continuing across an alley to a point in the East line of Lot 86, Fort Negley Addition, Thence North along the West right-of-way line of the alley to the Northeast corner of Lot 84, Fort Negley addition, Thence West along the North line of Lot 84, Fort Negley Addition to the East right-of-way line of Mitchell Ave., Thence South along the right-of-way line of Mitchell Ave. to a point in the Southwest corner of Lot 90, Fort Negley Addition, Thence West across Mitchell Ave. continuing along the South right-of-way line of East 16<sup>th</sup> Street to the East right-of-way line of Carr Street, being the point of beginning.

*Area No. 5:* Located in the First Civil District of Chattanooga, Hamilton County, Tennessee, being all of Lots 4, 5, and 6, Glass Addition, nonrecorded plat, as shown by Chadwick Atlas 1928 edition.

Beginning at the south right-of-way line of West 17<sup>th</sup> Street and the east right-of-way of Cowart Street, thence eastwardly along the south line of West 17<sup>th</sup> Street a distance of two hundred eighty (280) feet to the west right-of-way of Williams Street, thence southwardly along west line of Williams Street two hundred ninety (290) feet, more or less, to the north right-of-way of West 18<sup>th</sup> Street, thence westward along the north right-of-way of West 18<sup>th</sup> Street a distance of two hundred eighty (280) feet to the east right-of-way line of Cowart Street, thence northwardly along the east right-of-way of Cowart Street a distance of two hundred ninety (290) feet, more or less, to the point of beginning.

*Area No. 6:* Begin at the intersection of the Southeast line of Broad Street with the Northeast Line of W. 18<sup>th</sup> Street, thence Northeast 280 feet with Broad Street to the Southwest line of W. 17<sup>th</sup> Street, thence SE 120 feet with W. 17<sup>th</sup> Street, thence Northeast 50 Feet, crossing W. 17<sup>th</sup> Street to the Southeast line of a 10 foot wide alley, thence continuing Northeast 280 feet with said alley to the Southwest line of W. 16<sup>th</sup> Street, thence Southeast 10 feet with W. 16<sup>th</sup> Street, thence Northeast 50 feet crossing W. 16<sup>th</sup> Street to the Southeast line of a 20 foot wide alley, then continuing Northeast 100 feet with said alley to the Southwest line of another 20 foot wide alley, thence Southeast 30 feet, with said alley to the Southwest line of another 20 foot wide alley, thence Southeast 30 feet, with said alley, thence Northeast 10 feet tot he centerline of said alley, thence Southeast 100 feet, with said centerline extended to the Northwest line of Cowart Street, thence diagonally across Cowart Street, Southeast some 50 feet to the Northeast line of a 20 foot wide alley, thence Southeast 146 feet with said alley to the Northwest line of a 20 foot wide alley, thence

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Northeast 20 feet, with said alley to the end thereof, thence Southeast 73 feet, thence Northeast 60 feet, thence Southeast 60 feet to the Northwest line of Williams Street, thence Southwest 70 feet, with Williams Street, thence Southeast 50 feet, crossing Williams Street to the Southwest line of a 10 foot wide alley, thence continuing 160 feet with said alley, thence Northeast 5 feet, to the centerline of said alley, thence Southeast 120 feet with said centerline extended to the Northwest line of Long Street, thence Southwest 515 feet with Long Street to the Southwest line of West 17<sup>th</sup> Street, thence Southeast 50 feet with West 17<sup>th</sup> Street to the Southeast line of Long Street, thence Northeast 20 feet with Long Street to the Southwest line of West 17<sup>th</sup> Street, thence Southeast 124 feet, with W. 17<sup>th</sup> Street to the Northwest line of a 12 foot wide alley, thence Southeast 6 feet to the centerline of said alley, thence Southwest 345 feet with said centerline extended to the Northeast line of W. 19<sup>th</sup> Street, thence Southeast 5 feet with W. 19<sup>th</sup> Street, thence Southwest some 40 feet to the Southwest line of W. 19<sup>th</sup> Street, thence Southeast 175 feet with W. 19<sup>th</sup> Street to the Northwest line of Carr Street, thence Southwest 129 feet with Carr Street, to the Northeast line of a 10 foot wide alley, thence Northwest 375 feet, with said alley to the Southeast line of Long Street, thence diagonally across Long Street Northwest some 50 feet, to the Northwest line of Long Street, thence Northwest 280 feet to the Southeast line of Williams Street, thence diagonally across Williams Street, Northwest some 50 feet to the Northwest line of Williams Street, thence Northwest 280 feet to the Southeast line of Cowart Street, thence Northeast 168 feet with Cowart Street to the Southwest line of W. 19<sup>th</sup> Street, thence Northwest 50 feet with W. 19<sup>th</sup> Street to the Northwest line of Cowart Street, thence Northeast 50 feet, with Cowart Street to the Northeast line of W. 19<sup>th</sup> Street, thence Northwest 135 feet with W. 19<sup>th</sup> Street to the Southeast line of a 10 foot wide alley, thence Northeast 330 feet with the Southeast line of said alley, and said line extended to the Southwest line of W. 18<sup>th</sup> Street, thence Northwest 120 feet with W. 18<sup>th</sup> Street to the Southeast line of Broad Street, the point of beginning.

*Area No. 7:* Begin at the intersection of the Southeast line of Washington Street with the Northeast line of E. 17<sup>th</sup> Street, thence Northeast 469.8 feet with Washington Street to the centerline of an abandoned 12 foot wide alley, thence Southeast 258 feet with the centerline of said abandoned alley to the Northwest line of the Central of Georgia Railroad right-of-way, thence Southwest 469.8 feet with said railroad right-of-way to the Northeast line of E. 17<sup>th</sup> Street, thence Northwest 260.6 feet with E. 17<sup>th</sup> Street to the Southeast line of Washington Street, the point of beginning.

*Area No. 8:* Begin at the intersection of the Southwest line of E. Main Street, with the Southeast line of Madison Street, thence Southeast 110 feet with E. Main Street to the Northwest line of the Alabama Great Southern Railroad right-of-way, thence with

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said railroad right-of-way Southwest 441.36 feet, Southeast 11.5 feet, Southwest 339.4 feet, Southwest 226 feet, Southwest 210.5 feet, Southeast 30 feet, and Southwest 183.7 feet to the Northeast line of E. 19<sup>th</sup> Street, thence Northwest some 257 feet. With E. 19<sup>th</sup> Street to a point opposite the Northeast corner of lot 5, block 8, Boyer Amended Addition No. 2, plat boot 5, page 10, ROHE, thence Southwest, crossing E. 19<sup>th</sup> Street, and continuing with the Southeast line of said lot 5, 200 feet to the centerline of an abandoned 10 foot wide alley, thence Northwest 20 feet, with said centerline to the Southeast line of lot A, Youngblood Tract, not recorded, thence Northeast 18 feet, with the Southeast line of said Lot A to the Northeast corner thereof, thence Northwest 35 feet with the Northeast line of Lot A to the centerline of said abandoned alley, thence Northwest 232 feet with rear property line of Lots 6, 7, 8, 9, 10 to the Southeast line of Jefferson Street, to the Northeast line of E. 18<sup>th</sup> Street (unopened), thence crossing Jefferson Street Northwest some 167 feet with the Northeast line of E. 18<sup>th</sup> Street, and the extension thereof, to the Southeast corner of lot 37, block 6, Montague Addition No. 1, plat book 2, page 34, ROHE, thence Northeast 126 feet, with the Southeast line of said lot 37, and said line extended, to the Northeast line of a 12 foot wide alley, thence Northwest 254 feet with said alley to the Southeast line of Adams Street, thence Northeast 648 feet with Adams Street to the Southwest line of a 12 foot wide alley, thence Southeast 394 feet with the Southwest line of said alley, and said line extended, crossing Jefferson Street to the Southeast line thereof, thence Northeast 12 feet with Jefferson Street to the Northeast line of a 12 foot wide alley, thence Southeast 466.66 feet with the Northeast line of said alley, and said line extended, crossing Madison Street to the Southeast line thereof, thence Northeast 140 feet with Madison Street to the Southwest line of E. Main Street, to the point of beginning.

*Area No. 9:* Commencing at an iron pin on the eastern right-of-way of U.S. Highway 27 and the south right-of-way of Southern Railroad, Thence south 61 degrees 34 minutes 28 seconds east with the Southern Railroad right-of-way a distance of 298.63' feet to a point, Thence south 22 degrees 37 minutes 49 seconds west a distance of 316.18 feet to a point, Thence north 67 degrees 22 minutes 11 seconds west a distance of 274.52 feet to a point in the right-of-way of U.S. 27, Thence north 9 degrees 18 minutes 2 seconds east a distance of 106.69 feet to an iron pin, Thence North 23 degrees 6 minutes 29 seconds east a distance of 242.52 feet to the point of beginning.

*Area No. 10:* All that property located in the City of Chattanooga, Tennessee described as the city block bounded by Eighth (8<sup>th</sup>) Street on the north, University Street on the east, Douglas Street on the west and the alley located between Martin Luther King Drive and Eighth Street on the south. This property located in the City

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of Chattanooga, Tennessee is more particularly described by starting at the intersection of the south right of way of Eighth Street and the east right of way of Douglas Street thence proceeding S66°48'45"E a distance of 400 lf; thence S22°51'54"W a distance of 350 lf; thence N66°48'45"W a distance of 400 lf; thence N22°51'54"E a distance of 350 lf to the Point of Beginning.

*Area No. 11:* All that property located in the City of Chattanooga, Tennessee described as a portion of the city block bounded by Eighth (8<sup>th</sup>) Street on the north, Douglas Street on the east and the alley located between Martin Luther King Street and Eighth Street on the south and Mable Street on the west. This property located in the City of Chattanooga, Tennessee is more particularly described by starting at the intersection of the south right of way of Eighth Street and the west right of way of Douglas Street thence proceeding south on the west right of way of Douglas Street a distance of 205 lf to the Point of Beginning; thence S22°51'54"W a distance of 145.00 lf; thence N66°48'45"W a distance of 300.86 lf; thence S22°51'54"W a distance of 50.00 lf; thence N66°48'45"W a distance of 100 lf; thence N22°51'54"E a distance of 190.87 lf; thence S67°24'10"E a distance of 400.86 lf to the Point of Beginning.

Other fire districts are described as follows:

*Access Road:* One hundred forty (140) feet on the south side of Access Road from Hixson Pike in an easterly direction to the city limits;

*Alton Park Boulevard:* One hundred forty (140) feet on both sides of Alton Park Boulevard in a southerly direction from Shipp Avenue to West 40th Street;

*Amnicola Highway:* One hundred forty (140) feet on both sides of Amnicola Highway from its intersection with Riverside Drive in an easterly direction to the city limits;

*Ashland Terrace:* One hundred forty (140) feet on both sides of Ashland Terrace from Hixson Pike in a westerly direction to Highland Road;

*Brainerd Road:* One hundred forty (140) feet on both sides of Brainerd Road from the east end of McCallie Avenue tunnel, in an easterly direction, to the east right-of-way line of Spring Creek Road; one hundred forty (140) feet on the northwest side of Brainerd Road from the east right-of-way line of Spring Creek Road to East Brainerd Road; on the southeast side of Brainerd Road as follows: Beginning at the intersection of the southeast right-of-way line of Brainerd Road and the east right-of-way line of Spring Creek Road; thence in a southerly direction along the east right-of-way line of Spring Creek Road a distance of approximately two

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hundred fifty (250) feet to a point, said point being the southwest corner of Lot No. 3 of the Spring Creek Addition; thence leaving the east right-of-way line of Spring Creek Road and turning an angle to the left and running in an easterly direction along the south line of Lot No. 3, Spring Creek Addition a distance of approximately eight hundred (800) feet to a point in the west right-of-way line of Osborn Enterprises Property; thence in a southerly direction along the west right-of-way line of the Osborn Enterprises Property a distance of approximately fourteen hundred forty (1440) feet to a point in the north right-of-way line of the Interstate Highway I-75; thence in an easterly direction along the north right-of-way line of Interstate Highway I-75 approximately four thousand four hundred fifty (4,450) feet to a point on the west bank of South Chickamauga Creek; thence in a northerly direction downstream along the west bank of South Chickamauga Creek approximately five thousand one hundred (5,100) feet to a point in the southeast right-of-way line of Brainerd Road; thence in a southwesterly direction along the southeast right-of-way line of Brainerd Road to the point of beginning; one hundred forty (140) feet on the southeast side of Brainerd Road from the west bank of South Chickamauga Creek to East Brainerd Road;

*Broad Street:* One hundred forty (140) feet on both sides of South Broad Street from 28th Street in a southerly direction to 37th Street;

*Central Avenue:* One hundred forty (140) feet on both sides of Central Avenue from Rossville Avenue northwardly to McCallie Avenue;

There is hereby excluded from the Central Avenue Fire District an area located at 1900 Central Avenue and described as follows:

All that tract or parcel of land lying and being in the City of Chattanooga, Hamilton County, Tennessee, being Lot One (1), Noland Company Subdivision on Central Avenue, as shown by plat recorded in Plat Book 48, Page 296, in the Register's Office of Hamilton County, Tennessee.

Being a part of that property conveyed by deed recorded in Book 2575, Page 513, in the Register's Office of Hamilton County, Tennessee.

*North Chamberlain Avenue:* One hundred forty (140) feet on both sides of North Chamberlain Avenue from Latta Street northwardly to Fairleigh Street;

*Cherokee Boulevard:* One hundred forty (140) feet on both sides of Cherokee Boulevard from North Market Street in a northwesterly direction to the city limits;

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*Dodds Avenue:* One hundred forty (140) feet on both sides of Dodds Avenue from 14th Street in a southerly direction to 16th Street; one hundred forty (140) feet on both sides of Dodds Avenue from East 29th Street southwardly to East 37th Street;

*Dodson Avenue:* One hundred forty (140) feet on both sides of Dodson Avenue from 3rd Street northwardly to a point one hundred (100) feet north of Blackford Street; one hundred forty (140) feet on both sides from Bragg Street northwardly to Daisy Street; one hundred forty (140) feet on both sides from Stuart Street northwardly to Elmendorf Street;

There is hereby excluded from the Dodson Avenue Fire District an area located at 457 Dodson Avenue and described as follows:

Commencing at the point of intersection of the southern right-of-way of Blackford Street with the northern right-of-way of Dodson Avenue; thence along the northern right-of-way of Dodson Avenue and being the tangent distance of a curve with a 15 feet radius, South 24° 22' 05" West, 14.92 feet to a point, said point being the Point of Beginning. Thence from said Point of Beginning South 24° 22' 05" West, 448.05 feet along the right-of-way of Dodson Avenue to a point; Thence leaving said right-of-way North 65° 43' 13" West, 140 feet to a point; Thence North 24° 22' 05" East, 463.64 feet to a point in the southern right-of-way of Blackford Street; Thence along said right-of-way South 65° 27' 27" East, 125.08 feet to a point; Thence with a curve to the right having a radius of 15 feet, a length of 23.48 feet and a chord South 20° 29' 49" East, 21.15 feet to the point of beginning and containing 1.48 acres, more or less.

*East Brainerd Road:* One hundred forty (140) feet on both sides of East Brainerd Road from Osborn Drive eastwardly to the Louisville Railroad overpass;

*Frazier Avenue:* One hundred forty (140) feet on both sides of Frazier Avenue from North Market Street eastwardly to Barton Avenue;

*Glass Street:* One hundred forty (140) feet on both sides of Glass Street from Dodson Avenue northeastwardly to North Chamberlain Avenue;

*Hixson Pike:* One hundred forty (140) feet on both sides of Hixson Pike from Black Oak Circle on the west side and Carter Drive on the east side northeastwardly to the city limits; one hundred forty (140) feet on both sides of Hixson Pike from the north right-of-way line of Worthington Street, in a northerly direction, to the north right-of-way line of Dartmouth Street;

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*Lee Highway:* One hundred forty (140) feet on both sides of Lee Highway from East Brainerd Road northeastwardly to the city limits;

*McCallie Avenue:* One hundred forty (140) feet on both sides of McCallie Avenue from a point in the west right-of-way line of the Southern Railway System, between Baldwin and Palmetto Streets, in an easterly direction to the west end of the McCallie Avenue Tunnels;

*East Main Street:* One hundred forty (140) feet on both sides of East Main Street from a point in the west right-of-way line of the Southern Railway System, immediately west of Adams Street, in an easterly direction to Dodds Avenue;

*South Market Street:* One hundred forty (140) feet on both sides of South Market Street from 28th Street southwardly to Shipp Avenue;

*North Market Street:* One hundred forty (140) feet on both sides of North Market Street from the north bank of the Tennessee River in a northerly direction to Bush Street;

*Riverside Drive:* One hundred forty (140) feet on both sides of Riverside Drive from Baldwin Street in a northeasterly direction to the intersection of Riverside Drive and Amnicola Highway;

*Rossville Avenue:* One hundred forty (140) feet on both sides of Rossville Avenue from Washington Street, in a southeasterly direction, to 23rd Street;

There is hereby excluded from the Rossville Avenue Fire District an area located at 2133 Rossville Avenue and described as follows:

\*\*\*\*\*

Beginning at the Northeast corner of Lot Number Three (3) of the J.M. Dobbs Estate, as shown by plat of record in Plat Book 5, page 14, in the Register's Office of Hamilton County, Tennessee, on the Southwest corner of Rossville Avenue and East End Avenue (now Central Avenue); thence Southwardly along the West line of Central Avenue, which is supposed to be the section line of South 22 degrees 49 minutes 31 seconds West 149.42 feet to an iron pipe; thence along the line of the property conveyed to T. Frank Sparks to O.B. Andrews Company and A.B. Andrews by Deed dated February 14, 1911 and registered March 31, 1911, in Book S, Volume 10, page 295, in the Register's Office of Hamilton County, Tennessee, thence North 35 degrees 04 minutes 03 seconds West 137.34 feet to a stake in the line of the property conveyed by O.B. Andrews Company to the Chattanooga Manufacturing Company's property, North 54 degrees 12 minutes East 125.6 feet to a spike in the

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Southwest line of Rossville Avenue; thence South 36 degrees 17 minutes East with Rossville Avenue, 59.54 feet to the point of beginning. Being shown on survey by Samuel W. Clemons, Sr., dated September 20, 1995, Drawing #HT-155D-B-2-1. (Ord. No. 11263, 04-09-02)

*Rossville Boulevard:* One hundred forty (140) feet on both sides of Rossville Boulevard from 23rd Street in a southerly direction to the city limits, which is also the Georgia State line;

*St. Elmo Avenue:* One hundred forty (140) feet on both sides of St. Elmo Avenue from 40th Street northwardly to the south right-of-way line of the Southern Railway System;

*Shallowford Road:* One hundred forty (140) feet on the north side of Shallowford Road from Haymore Street in an easterly direction to Gillespie Street; one hundred forty (140) feet on the south side of Shallowford Road from a point two hundred thirty (230) feet west of Tunnel Boulevard, in an easterly direction, to Germantown Road; one hundred forty (140) feet on both sides of Shallowford Road from its intersection with Wilcox Boulevard, in a northeasterly direction, to the south end of the South Chickamauga Creek Bridge;

*Tennessee Avenue:* One hundred forty (140) feet on both sides of Tennessee Avenue from 40th Street northwardly to Wauhatchie Pike;

*East Third Street:* One hundred forty (140) feet on both sides of East 3rd Street from Baldwin Street, in an easterly direction, to Dodson Avenue;

*East Twenty-Third Street:* One hundred forty (140) feet on both sides of East 23rd Street from Rossville Boulevard eastwardly to Dodds Avenue;

*Tunnel Boulevard:* One hundred forty (140) feet on both sides of Tunnel Boulevard from the south right-of-way line of May Street to Shallowford Road;

*Wauhatchie Pike:* One hundred forty (140) feet on both sides of Wauhatchie Pike from its intersection with South Broad Street, in a westerly direction, to the Southern Railway System overpass;

*Wilcox Boulevard:* One hundred forty (140) feet on both sides of Wilcox Boulevard from Greenwood Road, in an easterly direction to Parkway Drive; one hundred forty (140) feet on both sides of Wilcox Boulevard from Talley Place in an easterly direction to Shallowford Road.

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(b) The Building Official and/or his or her designee shall be authorized to charge a non-refundable fee in the amount of One Hundred Dollars (\$100.00) for any Fire District removal request.

(Code 1986, § 10-5; Ord. No. 10550, § 1, 3-18-97; Ord. No. 10659, §1, 1-20-98; Ord. No. 10937, § 1, 11-16-99; Ord. No. 11039, § 1, 7-18-00; Ord. No. 11074, § 1, 10-3-00; Ord. No. 11175, § 22, 9-11-01)

### **Sec. 10-6. Installation of metal gates or barriers within the downtown area of the city -- prohibited.**

(a) In the interest of public safety and in the interest of the safety of city employees responding to fire calls within the Downtown Area as hereinafter defined, movable metal gates or movable metal barriers which may be locked during any portion of the day or night upon the entrances, exits and windows of any business within any Downtown Area of the City of Chattanooga is expressly prohibited.

(b) "Movable metal gates" or "metal barriers" shall be defined to include the following:

- i) roll down security doors,
- ii) metal security doors on hinges composed of bars, metal screen, or interlocking metal pieces, or
- iii) any permanent metal security barrier which is constructed on the exterior or interior of the entrance, exit or window of any structure located within the Downtown Area of the city for the purpose of preventing access into any structure and which is capable of being locked from the interior or exterior of the structure during any portion of the day or night.

(c) This section shall not be construed to prevent any tenant or owner within the Downtown Area from installing doors and windows upon any structure which are determined by the Building Official and the Fire Marshall to fully comply with the Building Code and Fire Safety Codes adopted by the City of Chattanooga other than movable metal gates or metal barriers.

(d) For the purposes of this ordinance, the "Downtown Area" is defined to be the area bounded by the centerline of Martin Luther King, Jr. Boulevard on the south, a line twenty feet (20') west of the city right-of-way on Chestnut Street (extended) on the west, the Tennessee River on the north, and a line twenty feet (20') east of the city right-of-way on Cherry Street (extended) on the east.

(Ord. No. 9928, § 1, 7-27-93)

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### **Sec. 10-7. Handicap and Accessibility Code adopted.**

American National Standard. Accessible and Usable Buildings and Facilities (ICC/ANSI A117.1-2009), one (1) copy of which is, and has been on file for more than fifteen (15) days, with the Clerk of the City Council, is hereby adopted as the Official Handicap and Accessibility Code of the City.

(Ord. No. 10176, § 4, 3-7-95; Ord. No. 10676, § 4, 3-10-98; Ord. No. 11721, § 6, 7-26-05; Ord. No. 12271, § 5; Ord. No. 12600, § 6, 5-29-12.)

### **Sec. 10-8. Tie-down, skirting, landing and porch requirements of manufactured homes.**

The following requirements set forth in this code section shall apply to all new and used manufactured homes installed within the City of Chattanooga following the effective date of this ordinance:<sup>2</sup>

(a) No manufactured home may be installed on any lot in the City of Chattanooga unless it complies with all provisions of the National Manufactured Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401, *et seq.*); the Uniform Standards Code for Manufactured Homes and Recreational Vehicles as set forth at T.C.A. Section 68-126-201, *et seq.*; the Tennessee Modular Building Act, at T.C.A. Section 68-126-301; the Tennessee Manufactured Home Anchoring Act at T.C.A. Section 68-126-401; and the minimum housing standards set forth at Chattanooga City Code, Section 21-1, *et seq.*

(b) For purposes of this code, a “manufactured home” shall be defined as a structure, transportable in one or more sections, which is eight (8) body feet (2.4 meters) or more in width and is thirty-two (32) body feet (9.75 meters) or more in length and which is built on a permanent chassis, and designed to be used as a dwelling with or without permanent foundation, and connected to the required utilities, and includes plumbing, heating, air conditioning, and electrical systems contained therein.

(c) All manufactured home units are required to bear the label or seal of compliance with Federal Manufactured Home Construction and Safety Standards issued by an agency approved by the Secretary of the Department of Housing and Urban Development and a certificate, seal or other evidence of compliance with State uniform standards for manufactured homes required by T.C.A. Section 68-126-207.

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<sup>2</sup> Ord. No. 10660, § 1, enacted Sec. 10-8 by its adoption on January 20, 1998.

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(d) All manufactured homes are required to have diagonal ties to restrict the unit from being pushed from its piers. These diagonal ties are required to be installed to restrict overturning. Additional over-the-top tie downs to restrict overturning may also be required by some manufactured home installation instructions.

(1) Piers or load-bearing supports or devices shall be designed and constructed to evenly distribute the loads. Piers shall be securely attached to the frame of the manufactured home or shall extend at least six (6) inches (152 mm) from the centerline of the frame member. Manufactured load-bearing supports or devices shall be listed or approved for the use intended, or piers shall be constructed as follows:

(i) Except for corner piers, piers less than forty (40) inches (1016 mm) high shall be constructed of masonry units, placed with cores or cells vertically. Piers shall be installed with their long dimensions perpendicular to the main (I-beam) frame member for supports and shall have a minimum cross-sectional area of 119 square inches (0.077 m squared). Piers shall be capped with a minimum 2-inch (51 mm) solid masonry unit or concrete cap, or equivalent.

(ii) Piers between forty (40) and eighty (80) inches (1016 and 2032 mm) high and all corner piers over twenty-four (24) inches (610 mm) shall be at least sixteen (16) by sixteen (16) inches (406 x 406 mm) consisting of interlocking masonry units and shall be fully capped with a minimum 4-inch (102 mm) solid masonry unit or equivalent.

(iii) Piers over eighty (80) inches (2032 mm) high shall be constructed in accordance with the provisions of paragraph (ii) above, provided the piers shall be filled solid with grout and reinforced with four (4) continuous No. 5 bars. One (1) bar shall be placed in each corner cell of hollow masonry unit piers, or in each corner of the grouted space of piers constructed of solid masonry units.

(iv) Cast-in-place concrete piers meeting the same size and height limitations of paragraphs (i), (ii) and (iii) above may be substituted for piers constructed of masonry units.

(v) All piers shall be constructed on footings of solid concrete not less than sixteen (16) inches wide by eight (8) inches in thickness (16" x 8") and continuous between all piers installed perpendicular to the main (I-beam) frame members.

(e) Piers shall be located in accordance with the manufactured home installation instructions. If the manufactured home installation instructions are not available for a used home,

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piers for single section homes are to be placed under each longitudinal main frame member not to exceed eight (8) feet (2438 mm) on-center for homes that are not over fourteen (14) feet (4267 mm) wide or less and six (6) feet (1829 mm) on-center for homes that are not over fourteen (14) feet (4267 mm) wide. Piers for multi-section homes are to be placed under each longitudinal main frame member not to exceed six (6) feet (1829 mm) on-center spacing. For used multi-section homes, piers are to be placed under the center marriage line within one (1) foot at each end, under ridge beam support columns, and under both side of openings at the marriage line greater than twelve (12) feet (3657 mm). For all homes, exterior doors shall have piers directly under both sides of the door openings. Where practical for all homes, end piers shall be placed within one (1) foot (305 mm) of the ends of the main frame. When the location and spacing of wheels and axles or other structural members of home frames or undercarriages prevent spacing of piers on eight (8) or six (6) feet (2438 or 1829 mm) centers, the spacing shall be as near eight (8) or six (6) feet (2438 or 1829 mm) maximum spacing as practicable in the area of the obstruction. Piers shall be placed under other concentrated loads such as porch posts, bay window overhangs, and masonry-faced fireplaces on floor overhangs. Units that exceed sixteen (16) feet (4877 mm) in width shall have perimeter piers under the sidewalls every six (6) feet (1829 mm) and at each intersection of a perimeter joist and a transverse joist or shall be under a four (4) by four (4) inch (102 x 102 mm) brace that supports at least two (2) floor joists.

(f) The City of Chattanooga further adopts by reference all manufactured home tie-down standards set forth in the currently adopted edition of the Building Code except where such provisions are contrary to the express language of this ordinance. Such provisions are incorporated by reference and shall be inspected by the Building Inspector.

(g) All manufactured homes installed after the effective date of this ordinance shall be required to have masonry skirting covering all open space between the ground and the exterior wall on the perimeter of the manufactured home, not less than six (6) inches wide or in such other width as may be required by the Standard Building Code based upon the heights and widths of the masonry skirting. All masonry skirting shall be constructed on footings of poured in place concrete not less than sixteen (16) inches wide by four (4) inches in thickness (16" x 4") or as otherwise required by the Standard Building Code based upon the height and width of the masonry skirting.

(h) All manufactured homes shall further be required to be situated on any lot so that the front entrance to the manufactured home faces a City street. The owner or installer of a manufactured home shall be required to designate the front entrance to the Building Official before any installation may be approved.

(i) All manufactured homes shall further be required to have a minimum landing at every entrance of at least four (4) feet by four (4) feet (4' x 4'), with a covered porch over the front entrance. All landings shall be constructed and approved by the Building Official in accordance with

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all standards set forth in the 1999 Standard Building Code (as amended). The covered porch over the front entrance shall be constructed with a roof line of at least the same pitch as the remainder of the manufactured home.

(Ord. No. 10660, § 1, 1-20-98; Ord. No. 10802, § 1, 11-17-98; Ord. No. 11041, § 4, 7-25-00)

### **Sec. 10-9. Roof pitch, emergency egress, site location and completion requirements of manufactured homes.**

The following requirements set forth in this code section shall apply to all new and used manufactured homes installed within existing subdivisions within the City of Chattanooga containing structures other than manufactured homes following the effective date of this ordinance:

(a) Any manufactured home which is desired to be placed within an existing residential subdivision within the City of Chattanooga containing structures other than manufactured homes must have a roof pitch with at least 4:12 pitch (measured as the ratio of the roof's rise to its horizontal run); the home must have a width greater than sixteen feet (16'); the roof must be finished with roofing materials common to residential construction within the subdivision or neighborhood; the exterior siding must be similar to common residential construction within the subdivision or neighborhood; and the area underneath the home must be enclosed by masonry skirting of a type set forth within Section 10-8 of the Chattanooga City Code.

(b) Windows within any manufactured home installed in a residential subdivision containing structures other than manufactured homes shall be similar in appearance to existing homes in the subdivision or neighborhood. All sleeping room emergency egress windows shall be at least five (5.0) square feet in size and shall comply with the minimum standards set forth in Section 1005.4.4 of the 1999 Standard Building Code (and all subsequent Building Code provisions legally adopted by the City Council of the City of Chattanooga).

(c) Any manufactured home sought to be installed within an existing subdivision containing structures other than manufactured homes shall be installed upon a lot of sufficient width to allow the manufactured home to be installed with its longest side facing the street and containing a covered landing and porch of a type set forth within Section 10-8 facing a street;

- (1) Setback and orientation of the home shall conform with that of other homes in the subdivision or neighborhood.
- (2) The manufactured home shall provide a driveway similar in length and location to the home similar to other existing homes in the subdivision or neighborhood.

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(3) An attached carport or parking garage shall be provided if the predominance of other homes in the subdivision or neighborhood have these features.

(d) Any contractor installing a manufactured home within an existing residential subdivision containing structures other than manufactured homes shall first obtain a permit from the office of the Building Official and shall complete all site work and building installation requirements pursuant to this section and Chattanooga City Code, Section 10-8, within ninety (90) days after site preparation begins. The failure to obtain a building permit in a timely manner and to complete work within a timely manner may result in the revocation of this permit and/or the imposition of any applicable civil penalties authorized within the Chattanooga City Code.

(Ord. No. 10802, § 2, 11-17-98)

### ARTICLE II. HISTORIC ZONING

#### **Sec. 10-10. Purposes of historic zoning.**

The purpose of historic zoning is to preserve and protect the historical and/or architectural value and cultural heritage of buildings, landmarks and historic districts; to regulate exterior design, arrangement, texture and materials proposed to be used within the historic district to ensure compatibility; to create an aesthetic appearance which complements the historic buildings or other structures; to stabilize and improve property values; to strengthen the local economy; to promote the use of local historic districts for the education, pleasure and welfare of present and future citizens; to promote neighborhood pride in and awareness of the beauty and significant accomplishments of the past; to protect and enhance the city's attraction to residents, tourists and visitors and serve as a support and stimulus to business and industry; to foster and encourage preservation, restoration and rehabilitation of structures, areas and neighborhoods, thereby preventing future urban blight and preserving existing housing stock; to prevent intrusions of newly-developed structures into the district that would be incompatible with the established character of the neighborhood or district.

(Ord. No. 9112, § 1, 1-24-89; Ord. No. 12656, § 1, 10-9-12)

#### **Sec. 10-11. Reserved.**

(Ord. No. 9112, § 1, 1-24-89; Ord. No. 9250, § 10-10-89; Ord. No. 12656, § 1, 10-9-12)

#### **Sec. 10-12. Definitions.**

Unless specifically defined below, words or phrases in this ordinance shall be interpreted as having the same meaning as they have in common usage.

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(a) *Alteration.* Any act or process that changes one or more of the exterior architectural features of the structure, including, but not limited to, the erection, construction, reconstruction or removal of any structure.

(b) *Appurtenance.* A structure or a landscaping element which is accessory or auxiliary to the main structure on a property. Examples of appurtenances include, but are not limited to: fences, gazebos, signs, billboards, walls, sporting apparatus and equipment, radio and television antennae, swimming pools, bath houses, steps, sidewalks, out buildings, garages, street lights and statues.

(c) *Area.* A specific geographic division of the city.

(d) *Baseline Photographs.* Current photographs of all sides of each structure visible from public thoroughfares to be taken following approval of a historic district or landmark.

(e) *Certificate of Appropriateness (COA).* A certificate issued by the Chattanooga Historic Zoning Commission (hereinafter referred to as CHZC or the “Commission”) indicating its approval of plans for alteration, construction, removal, or demolition of a structure or appurtenance within a local historic district.

(f) *Certificate of Economic Hardship (CEH).* A certificate issued by the Commission authorizing an alteration, construction, removal, or demolition of a structure within a local historic district. A CEH can be issued by the Commission to an applicant who shows that complying with the standards of the COA would present an unreasonable economic burden.

(g) *Construction.* The act of adding an addition to an existing structure or the erection of a new principal or appurtenant structure on a lot or property.

(h) *Demolition.* Any act or process that destroys in part or in whole a structure within a local historic district.

(i) *Design Guideline.* A standard of appropriate activity that will preserve the historic and architectural character of a structure or area.

(j) *Exterior Architectural Appearance.* The architectural character and general composition of the exterior of a structure, including but not limited to the kind, color, and texture of the building material and the type, design, and character of all windows, doors, light fixtures, signs, and appurtenant elements.

(k) *Local Historic District (LHD).* An area, designated by the Chattanooga City Council which possesses a significant concentration or continuity of sites or buildings which are significant historically, architecturally, or aesthetically, and which meets one or more of the following criteria:

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- (1) Is associated with an event which has made a significant contribution to local, state, or national history;
- (2) Includes structures associated with the lives of persons significant in local, state, or national history;
- (3) Contains structures or groups of structures which embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction;
- (4) Has yielded or may be likely to yield archaeological information important in history or prehistory; or
- (5) Is listed in the National or Tennessee Register of Historic Places. [Acts 1982 (Adj.S.), ch. 814, 1.]

(1) *Local Historic Landmark (LHL)*. A single property or structure, designated by the Chattanooga City Council, which is significant historically, architecturally, or aesthetically, and which meets one or more of the following criteria:

- (1) Is associated with an event which has made a significant contribution to local, state, or national history;
- (2) Is associated with the lives of persons significant in local, state, or national history;
- (3) Embodies the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction;
- (4) Has yielded or may be likely to yield archaeological information important in history or prehistory; or
- (5) Is listed in the National or Tennessee Register of Historic Places. [Acts 1982 (Adj.S.), ch. 814, 1.]

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(m) *National Register of Historic Places.* A federal listing of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, and culture. National Register listing provides protection from impairment by federally funded projects and qualifies the property for federal grants and tax advantages, but imposes no restrictions on use, alteration or disposal of such properties.

(n) *Owner of Record.* The person, corporation, or other legal entity listed as owner on the records of the County Register of Deeds.

(o) *Removal.* Any relocation of a structure on its site to another site.

(p) *Repair.* Any change that is not construction, removal, or alteration.

(q) *Structure.* Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground.

(Ord. No. 9112, § 1, 1-24-89; Ord. No. 9250, § 2, 10-10-89; Ord. No. 9544, § 1, 4-30-91; Ord. No. 9654, § 2, 1-6-92; Ord. No. 12656, § 1, 10-9-12)

### **Sec. 10-13. Creation of Chattanooga Historic Zoning Commission.**

(a) *Composition and qualification of members.* There is hereby established a Chattanooga Historic Zoning Commission (hereinafter referred to as “CHZC” OR “Commission”) of nine (9) members, which shall consist of a representative of a local historical organization; an architect, a member of a local planning commission; and four (4) residents of the Local Historic Districts and two (2) members of the general public.

(b) *Appointment, terms and compensation.* The terms of the Commissioners shall be five (5) years. Members of the CHZC may be removed from office for just cause by the City Council upon written charges and after a public hearing. Vacancies shall be filled by appointment of the Mayor with the approval of the City Council. All members shall serve without compensation.

(c) *Conflict of interest.* Any member of the CHZC who shall have a direct or indirect financial interest in any property which is the subject matter of, or affected by, a decision of said Commission shall be disqualified from participating in the discussion, decision or proceedings of the CHZC in connection therewith.

(d) *Powers and duties:*

- (1) The CHZC shall review applications for the nomination of LHD and LHL. The review of such applications shall be in accordance with all provisions of

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this Ordinance. The CHZC shall furnish to the City Council, in writing, its recommendations regarding the nomination of. The City Council shall review the recommendations of the CHZC prior to the establishment of a LHD or LHL.

- (2) Simultaneous, with adoption of a LHD or LHL, the Commission shall adopt for each such proposed District or Landmark, a set of District Specific Review Guidelines, which it will apply in ruling upon the granting or denial of COAs as provided for in this Ordinance. Such review guidelines shall be consistent with the purposes of this Ordinance and be applicable to the construction, alteration, relocation, or demolition of any building, structure, appurtenance, or other improvement situated within the LHD or which applies directly to any LHL. Reasonable public notice and opportunity for public comment by public hearing as specified in this Ordinance shall be required before the adoption of any such review guidelines.
- (3) It shall be the duty of the CHZC to make the following determinations, and grant or deny a COA or a Certificate of Economic Hardship (CEH) with respect to the LHD or LHL when applicable:
  - a. Appropriateness of altering or demolishing any building or structure within the LHD or LHL. The Commission may require exterior photographs, architectural measured drawings of the exterior, elevations, site plan, materials list, or other notations of architectural features to be used for historical documentation as a condition of any permission to demolish a building or structure. Such photographs, drawings, etc. shall be at the expense of the applicant.
  - b. Appropriateness of exterior architectural features, including signs and other exterior fixtures, of any new buildings and structures to be constructed within the LHD or of a LHL.
  - c. Appropriateness of front yards, side yards, rear yards, off-street parking spaces, location of entrance drives into the property, sidewalks along the public right-of-way, which might affect the character of a LHL or of any building, structure, or appurtenance within a LHD.
  - d. For a LHD, the appropriateness of the exterior design, arrangement,

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texture, or material of the structure(s) in question, and the relation of such factors to similar features of structures in the immediate surroundings and entire district. However, the CHZC shall not consider interior arrangement or design.

e. That all work to be undertaken on a LHL or in the LHD complies with the applicable district or landmark specific review guidelines, with primary consideration to be given to:

1. historical or architectural value of the present structure(s);
2. the relationship of the exterior architectural features of such structure(s) to the rest of the structures, to the surrounding area, and to the character of the District;
3. the general compatibility of exterior design, arrangement, texture, and materials proposed to be used; and
4. to any other factor, including aesthetic, which is reasonably related to the purpose of this Ordinance.

(4) The Commission shall cause a record of all proceedings to be available to the public at the City of Chattanooga's Public Works: Land Development Office (PWLDO).

(5) The Commission shall provide reports of the status of approved COAs and CEHs to the Building Inspection Division. Such status reports shall be made available to the public at the City of Chattanooga's (PWLDO).

(d) *Staff Support.* Staff support shall be provided to the Commission by regular staff members of the City of Chattanooga's PWLDO as budgeted by the City Council. Such staff shall be responsible for carrying out the directives of the Commission, assisting the public in applying this Ordinance, and providing records of commission actions. Funding for such staff support shall be derived from the operating budgets of the PWLDO.

(Ord. No. 9112, § 1, 1-24-89; Ord. No. 9250, § 3, 10-10-89; Ord. No. 9544, § 3, 4-30-91; Ord. No. 9654, §§ 2, 80, 1-6-92; Ord. No. 12656, § 1, 10-9-12)

### **Sec. 10-14. Creation of Local Historic Districts and Local Historic Landmarks.**

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(a) *Nomination of a Local Historic District (LHD) or a Local Historic Landmark (LHL).* Nomination shall be made to the Commission. Nomination applications may be prepared and submitted by any of the following groups or persons:

- (1) City Council.
- (2) Neighborhood Association.
- (3) Property Owner within the proposed District or of the Landmark.
- (4) Historic, Civic or Professional Society or Group.

(b) *Application.* When applying for nomination as a LHD or LHL, the applicant shall supply documents or other evidence showing that the property(s) or structure(s) under consideration meets one or more of the criteria defining LHDs or LHLs. An application fee based on the current annual costs as determined by the Commission to manage historic zoning shall accompany each application.

- (1) All applications for LHD designation shall be accompanied by the following materials, in addition to any other materials deemed significant by the applicant, or the Commission:
  - a. An application form which shall be supplied by the Land Development Office, which details the applicant's name, address, interest in or ownership of property(s), the property address(es) in question, description of property(s) and structure(s), construction date of existing structure(s).
  - b. A map of the area proposed for nomination: the map should clearly show streets, alleys, public buildings and boundaries of the proposed district.
  - c. Records or reports which detail the historic significance of the proposed district.
  - d. Sufficient pictorial documentation of streetscapes and buildings which establish the historic character of the area.
  - e. A draft of the district specific design guidelines which detail criteria that applicants for COAs must meet. Such criteria for structures shall include: height, scale, massing, directional expression, setbacks,

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platforms, roof shape and slope, rhythm of openings, entrances, porches and building spaces, materials, and textures. District specific design guidelines shall address new construction, alterations and additions to the existing structures, demolition, and removal and relocation.

- f. A legal description of the proposed district or landmark to be included.
- (2) All applications for LHL designation shall be accompanied by the following materials, in addition to any other materials deemed significant by the applicant or the Commission:
- a. An application form, supplied by the Land Development Office, which details the applicant's name, address, interest in or ownership of the property, the property address, description of the property and structures, and the construction date of all existing structures.
  - b. Records or reports which detail the historic significance of the proposed landmark.
  - c. Current photographs of the landmark.
  - d. A draft of the Landmark Specific Design Guidelines which detail criteria that applicants for Certificates of Appropriateness (COA) must meet. Landmark Specific Design Guidelines shall address additions and alterations, new construction on the landmark property, removal and relocation, and demolition.

(c) *Criteria for Nomination as LHD or LHL.* When considering whether to recommend approval or denial of nomination for a LHD or LHL, the Commission shall consider the character of the area with respect to the following criteria:

- (1) Its character, interest or value as part of the development, heritage, or cultural characteristics of the community, county, state or country;
- (2) Its location as a site of a significant local, county, state or national event;
- (3) Its identification with a person or persons who significantly contributed to the development of the community, county, state or country;

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- (4) Its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials;
- (5) Its identification as the work of a master builder, designer, architect or landscape architect whose individual work has influenced the development of the community, county, state or country;
- (6) Its embodiment of elements of design, detailing, materials or craftsmanship that render it architecturally significant;
- (7) Its embodiment of design elements that make it structurally or architecturally innovative;
- (8) Its character as a particularly fine or unique example of a utilitarian structure, including, but not limited to, farmhouses, gas stations or other commercial structures, with a high level of integrity or architectural significance;
- (9) Its suitability for preservation or restoration; and/or
- (10) That it is listed on the National Register of Historic Places.

(d) *Proceedings.*

- (1) Historic Districts. Upon receipt of an application for nomination as a LHD, the Commission shall hold a minimum of one (1) public meeting in or near the proposed district at which members of the public shall be allowed to hear the proposal, view maps and other materials, ask questions of the Commissioners or applicant, and express support or opposition to the application. Such meeting shall be held in a school, church or other public or semi-public facility, in or near the proposed district. Such meeting shall be advertised in a local, city-wide newspaper.

Following the meeting in the neighborhood, a final meeting shall be held at City Hall or Annex thereto during which the CHZC shall make a resolution recommending that the City Council accept or deny the application for nomination as a LHD. Such meeting shall be advertised in a local, city-wide newspaper.

The resolution shall be accompanied by a report to the City Council containing the

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following information:

- a. Explanation of the significance or lack of significance of the nominated LHD as it relates to the criteria for designation.
- b. Explanation of the integrity or lack of integrity of the nominated LHD.
- c. Proposed design guidelines for applying the criteria for review of COA to the nominated LHD.
- d. A map showing the location of the nominated LHD.

Upon receipt of a recommendation for nomination as a LHD from the CHZC, the City Council shall conduct a hearing on the resolution using the same administrative procedure with which they decide zoning cases except that there shall be no referral to the City of Chattanooga's PWLDO during which they shall either grant or deny status as a LHD.

Upon City Council approval of the LHD, current photographs or a video of all sides visible from the public thoroughfares of all structures in the District shall be taken to serve as baseline documentation for future proceedings.

The recommendations and report of the CHZC shall be available to the public.

- (2) Historic Landmarks. Upon receipt of an application for nomination as a LHL, the Commission shall hold a minimum of one (1) public meeting in the Chattanooga City Hall or any Annex thereto at which members of the public shall be allowed to hear the proposal, view maps and other materials, ask questions of the Commissioners or applicant, and express support or opposition to the application. Such meeting shall be advertised prior to the meeting through a local, city-wide newspaper.

Following the landmark meeting(s), a final meeting shall be held at City Hall or any Annex thereto during which the CHZC shall make a Resolution recommending that the City Council accept or deny the application for nomination as a LHL. Such meeting shall be advertised prior to the meeting through a local, city-wide newspaper.

The Resolution shall be accompanied by a report to the City Council containing the following information:

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- a. Explanation of the significance or lack of significance of the nominated LHL as it relates to the criteria for designation;
- b. Explanation of the integrity or lack of integrity of the nominated landmark;
- c. In the case of a nominated landmark found to meet the criteria for designation;
  - (i) The types of significant exterior architectural features of the landmark that should be protected.
  - (ii) The types of alterations that should be reviewed for COAs.
  - (iii) Proposed design guidelines for reviewing applications for COAs.
- d. A map showing the location of the nominated LHL.

The recommendations and report of the CHZC shall be available to the public.

(Ord. No. 9112, § 1, 1-24-89; Ord. No. 9250, § 4, 10-10-89; Ord. No. 9544, §§ 4-5, 4-30-91; Ord. No. 9654, § 2, 1-6-92; Ord. No. 12656, § 1, 10-9-12)

### **Sec. 10-15. Certificates of Appropriateness.**

(a) *Reviewable Actions for COAs.* All applications for permits for construction, alteration, rehabilitation, relocation, or demolition of any building, structure, or other improvement to real estate situated within a LHD shall require a COA. Any construction, alteration, rehabilitation, relocation or demolition of any building, structure or other improvements on real property, whether privately or publicly owned, which is situated within a LHD and for which a permit is not required, shall require a COA. Any alteration, rehabilitation, relocation, or demolition of a LHL, whether privately or publicly owned, shall require a COA.

(b) *Applications for COAs.* Application for a COA shall be made on a form prepared by the Commission and available at the City of Chattanooga's PWLDO. Any application for a demolition permit or a building permit within a LHD or a LHL shall be forwarded by the Building Inspection Division to the CHZC within seven (7) days following receipt of the application. The Chief Building Official shall not issue the building or demolition permit until a COA or a CEH has been issued by the CHZC. Any applicant applying for a COA shall pay the fees authorized in the Chattanooga City Code Sec. 10-3(f).

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(c) *Application Requirements.* Applicants for COAs must submit the following documents, in triplicate, to the Commission staff, along with the application form and a fee based on the current annual cost as determined by the Chattanooga City Council by ordinance to manage historic zoning. All maps, plats, drawings and plans must be signed by the architect or draftsman. Draftsmen need not be licensed, and may be the applicant or the applicant's agent. The City of Chattanooga's PWLDO shall make all submitted materials available to the CHZC.

(1) Alterations or Additions to Existing Structures.

- a. Current photographs of all sides of the structure(s) under consideration. Such photographs shall accurately represent all colors and textures of the various materials of adjacent improvements. All photographs shall be labeled to indicate the date taken, location of structure, and direction of the view.
- b. Current color photographs of all adjoining or neighboring structures. Such photographs shall accurately represent all colors and textures of the various materials of adjacent structures. All photographs shall be labeled to indicate the date taken and direction of the view.
- c. A site plan or map of the structure(s) under consideration clearly showing the building's location and relation to neighboring structures, the building's and proposed building's setback(s), public or private streets or drives, and access and utility rights-of-way.
- d. Drawings which clearly show the existing structure(s) and the proposed addition(s) and alteration(s). Such drawings shall include plans and elevations or exterior perspectives drawn to a scale sufficient to show the proposed height; scale; orientation, space, and site coverage; facade proportions and rhythm; size, shape, and proportions of entrances and porch projections; materials, textures and colors; architectural details; roof shape and slope; directional expression; landscaping, walls, and fences; and general visual effect. Such plans or plats shall show all improvements to structures or appurtenances which affect the exterior architectural appearance of any structures on the property. Plats or plans are required for all exterior additions, alterations or changes proposed to be made to any structure face.
- e. A listing of all materials to be used, including all possible substitutes. The list shall include all substances, components, materials, apparatus, equipment, fixtures, or devices to be constructed, installed, attached or built. Listing

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shall describe clearly the size, composition, color, catalog order number, and specie of all listed components.

### (2) New Structures.

- a. Current color photographs of all sides of the property(s) under consideration. All photographs shall be labeled to indicate the date taken, location of structure, and the direction of the view.
- b. Current color photographs of all adjoining or neighboring structures. Such photographs shall accurately represent all colors and textures of the various materials of adjacent improvements. All photographs shall be labeled to indicate the date taken and direction of the view.
- c. A site plan of the structure under consideration clearly showing the building's location and relation to neighboring structures, the proposed setbacks, public or private streets or drives, and access and utility rights-of-way.
- d. Drawings which clearly show all existing and proposed structure(s). Such drawings shall include plans and elevations or exterior perspectives drawn to a scale sufficient to show the proposed height; scale; orientation, spacing, and site coverage; facade proportions and rhythm size, shape, and proportions of entrances and porch projections; materials, textures and colors; architectural details; roof shape and slope; directional expression; landscaping, walls, and fences; and general visual effect. Such plans or plats shall show all improvements to structures or appurtenances which affect the exterior architectural appearance of all structures on the property. Plats or plans are required for all exterior additions, alterations or changes proposed to be made to any structure face or any yard.
- e. A listing of all materials to be used, including all possible substitutes, in the addition or alteration. The list shall include all substances, components, materials, apparatus, equipment, fixtures, or devises to be constructed, installed, attached or built. Listing shall describe clearly the size, composition, color, catalog order number, and specie of all listed components.

### (3) Removal or Relocation.

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- a. Current color photographs of all sides of the structure(s) under consideration. Such photographs shall accurately represent all colors and textures of the various materials of the structure. All photographs shall be labeled to indicate the date taken and direction of the view.
- b. Current color photographs of all adjoining or neighboring structures. Such photographs shall accurately represent all colors and textures of the various materials of adjacent structures. All photographs shall be labeled to indicate the date taken, location of structure, and direction of the view.
- c. Current color photographs of the location to which the structure is being moved and all adjoining or neighboring structures, if within the boundaries of a LHD of the City of Chattanooga. Such photographs shall accurately represent all colors and textures of the various materials of all structures. All photographs shall be labeled to indicate the date taken, location of structure and direction of the view.
- d. A site plan or map of the new location of the structure under consideration clearly showing the building's location and relation to neighboring structures, the proposed setback, public or private streets or drives, and access and utility rights-of-way.

### **(4) Demolition.**

- a. Current color photographs of all sides of the structure(s) under consideration. Such photographs shall accurately represent all colors and textures of the various materials of the structure. All photographs shall be labeled to indicate the date taken, location of structure, and direction of the view.
- b. Current color photographs of all adjoining or neighboring structures. Such photographs shall accurately represent all colors and textures of the various materials of adjacent structures. All photographs shall be labeled to indicate the date taken, location of structure, and direction of the view.
- c. Proof that the applicant has advertised, in a local paper of wide-spread distribution, the sale of the structure(s) for removal or the sale of the property and structures combined. Such advertisement shall have been circulated not more than one year, nor less than fifteen (15) days prior to the hearing date. Such advertisement, and payment for same, shall be the responsibility of the applicant. This provision is intended to discourage thoughtless and needless

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destruction of historical buildings by providing interested buyers and/or civic groups with at least the opportunity to negotiate with the owner before they go through with their demolition plans. The sale of the property shall be entirely at the discretion of the owner.

(d) *Hearing and Determination.*

- (1) Administrative Review. Staff approval may be provided for work that meets the design guidelines and is not one of the following: New construction of primary structures, outbuildings, or garages; additions, demolition; parking lots.
- (2) CHZC Review. The CHZC must review all applications for new construction of primary structures, outbuildings, garages, additions; demolition and parking lots as well as any applications that the staff refers to the CHZC.

(e) *Standards for Review*. In considering an application for a COA, the CHZC shall be guided by the following general standards in addition to any district specific design guidelines in this ordinance.

- (1) The distinguishable original qualities or character of a building, structure or site shall not be destroyed. The removal or alteration of any historic material or distinctive architectural feature shall be avoided when possible.
- (2) All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and that seek to create an earlier appearance shall be discouraged.
- (3) Changes that may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (4) Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure or site shall be treated with sensitivity.
- (5) Deteriorated architectural features shall be repaired rather than replaced, whenever possible. In the event replacement is necessary, the new material

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should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features, substantiated by historical, physical, or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

- (6) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
- (7) Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project.
- (8) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.

(f) *Approval or Denial.* Following proper review of sufficient data, including a public hearing, the Commission shall approve or deny the COA within thirty (30) days. The COA may be issued with modification by CHZC. Written notice of the approval or denial of the application for a COA shall be provided to the applicant and to the Building Inspection Division if a building or demolition permit is needed. The CHZC shall state in the written notice any required modifications to the application, and conditions to which the certificate is subject, or reasons for the denial of the application.

The applicant may resubmit an amended application for a COA which takes into consideration the recommendations of the CHZC. The applicant may also apply for a CEH if they feel the decision of the CHZC has denied them a reasonable economic return or use of the property.

(Ord. No. 9112, § 1, 1-24-89; Ord. No. 9250, § 5; 10-10-89; Ord. No. 9544, §§ 6-7, 4-30-91; Ord. No. 12656, § 1, 10-9-12)

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### Sec. 10-16. Certificate of Economic Hardship.

If a COA has been denied to a property owner within a LHD or of a LHL, then the property owner has the right to present evidence to the Commission that such denial has deprived the owner of reasonable use or economic return, of the property.

(a) *Application for CEH.* Application for a CEH shall be made on a form available from the City of Chattanooga's PWLDO. The following information shall be submitted with an application for CEH:

- (1) A statement detailing the condition(s) leading to economic hardship. The application should discuss the circumstances under which denial of a COA has led or will lead to deprivation of reasonable use, or economic return of the property. The standards which the Commission shall go by to determine economic hardship include the following:
  - a. That by reason of the exceptional deterioration of the structures or by reason of the particular economics of the proposed project, the strict application of the district specific design guidelines would result in peculiar and practical difficulties or undue economic hardships upon the owner to develop the property in accordance with the district specific design guidelines.
  - b. That the relief of the peculiar hardships would not establish substantial detriment to the public good or substantially impair the intent and purpose of the Historic Zoning Ordinance.
  - c. That the peculiar hardship would apply to the particular land or building regardless of the owner.
  - d. That the peculiar hardship is not created as the result of an act upon the part of the applicant.
- (2) Estimate of the cost of the proposed construction, alteration, demolition; removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the Commission for modifications necessary for the issuance of a COA.
- (3) Estimated market value from a licensed real estate appraiser or the County Tax Assessor of the property in its current condition; after completion of the proposed construction, alteration, demolition, or removal; after any changes

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recommended by the Commission; and, in the case of a proposed demolition, after renovation of the existing property for continued use.

- (4) In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation of historic structures as to the structural soundness of the structure and the economic feasibility of rehabilitation or reuse of the existing structure on the property.
- (5) If the property is income-producing, the annual gross income from the property for the previous two (2) years; itemized operating and maintenance expenses for the previous two (2) years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.
- (6) All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing, or ownership of the property.
- (7) Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two (2) years.
- (8) Real estate taxes for the previous two (2) years.
- (9) Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporations, limited partnership, joint venture, or other.

(b) *Hearing and Determination.*

- (1) The Commission shall review the application for CEH and schedule a public hearing in the same manner it would for a COA. Any person may testify at the hearing concerning the economic hardship of the property. Furthermore, the CHZC may solicit expert testimony or require that the applicant or the applicant's agent make additional submissions concerning the reasonable use or economic return of the property.
- (2) Following proper review by the Commission and prior to the close of the public hearing, the CHZC shall issue or deny the CEH. Written notice of the approval or denial of the application for a CEH shall be provided to the applicant and to the Building Inspection Division if a building permit is needed. The CHZC shall state in written notice, all specific guidelines,

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requirements, and conditions to which the certificate is subject, or reasons for the denial of the application. The applicant may resubmit an amended application or reapply for a CEH that takes into consideration the recommendations of the CHZC.

(Ord. No. 9112, § 1, 1-24-89; Ord. No. 9250, § 6, 10-10-89; Ord. No. 12656, § 1, 10-9-12)

### **Sec. 10-17. Appeals.**

Anyone who may be aggrieved by any final order or judgment of the CHZC may have such order or judgment reviewed by the courts by the procedure of statutory review of Boards and Commissions, as provided in Chapter 9 of Title 27.

(Ord. No. 9112, § 1, 1-24-89; Ord. No. 12656, § 1, 10-9-12)

### **Sec. 10-18. Validity of certificates.**

In the case where a COA or a CEH is issued and the Chief Building Inspector denies the building permit, the certificate shall be invalid. If any changes are made to the plans or any related materials of the application, the applicant must reapply for a certificate before work is begun.

(Ord. No. 9112, § 1, 1-24-89; Ord. No. 12656, § 1, 10-9-12)

### **Sec. 10-19. Enforcement, violations and penalties.**

The Director of the Land Development Office or Designee is hereby designated and authorized to enforce this ordinance. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Fifty Dollars (\$50.00) for each offense. Each day a violation exists shall constitute a separate offense.

The Chattanooga City Council may establish fees by ordinance for the filing of an Application for Nomination of a LHD, COA and CEH to cover administrative costs.

(Ord. No. 9112, § 1, 1-24-89; Ord. No. 12656, § 1, 10-9-12)

### **Sec. 10-20. Validity.**

Should any section, subsection, phrase, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

(Ord. No. 9112, § 1, 1-24-89; Ord. No. 12656, § 1, 10-9-12)

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### **Sec. 10-21. Moratorium for proposed LHDs or LHLs**

When an application for an LHD or LHL is submitted to the CHZC, pursuant to Section 10-14 of this Code, a moratorium shall occur on the granting of permits to demolish, construct, reconstruct, renovate, grade, or in any way alter any structures or land recommended for designation as a LHD or LHL pursuant to this article. The moratorium shall end unless the CHCZ determines that it should approve a resolution recommending that the City Council accept the application for nomination as a LHD or LHL at its next meeting following the filing of the application. The moratorium shall not be lifted until the City Council either grants or denies status as a LHD or LHL.  
(Ord. No. 9544, § 9, 4-30-91; Ord. No. 12656, § 1, 10-9-12)

### **Sec. 10-22. Right of entry upon land.**

The Commission, its members and employees of the PWLDO, in the performance of its work, may enter upon any land within its jurisdiction and make examinations and surveys and place or remove public notices as required by this Ordinance, but there shall be no right of entry into any building without the consent of the owner.  
(Ord. No. 9544, § 9, 4-30-91; Ord. No. 12656, § 1, 10-9-12)

### **Secs. 10-23 - 10-30. Reserved.**

(Ord. No. 12656, § 1, 10-9-12)

## ARTICLE III. OTHER FEES

### **Sec. 10-31. Technology and Credit Card Fees**

(a) The Department of Public Works is authorized to charge a non-refundable supplemental technology fee of ten dollars (\$10.00) per application for the following permits:

1. Sign permits issued under Chapter 3 of this code;

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2. Building permits issued under Chapter 10 of this code;
3. Electrical permits issued under Chapter 14 of this code;
4. Gas Permits issued under Chapter 19 of this code;
5. Mechanical permits issued under Chapter 22.5 of this code;
6. Plumbing Permits issued under Chapter 27 of this code;
7. Land disturbing permits issued under Chapter 31 of this code; and
8. Excavation or temporary use permits issued under Chapter 32 of this code.

(b) The Department of Public Works is authorized to charge a non-refundable supplemental technology fee of ten dollars (\$10.00) per application for the following licenses:

1. Electrician and electrical contractor licenses issued under Chapter 14 of this code;
2. Gas fitter and installer licenses issued under Chapter 19 of this code;
3. Mechanical or environmental control system licenses issued under Chapter 22.5 of this code; and
4. Master or journeyman plumber licenses issued under Chapter 27 of this code.

(c) The Department of Public Works is authorized to charge a non-refundable supplemental technology fee of ten dollars (\$10.00) per application for review of subdivision plans.

(d) The Department of Public Works is authorized to accept credit card payment for any permit or license referenced herein and the supplemental technology fee provided the processing fee charged by the credit card processor is added to the amount of the fees payable to the City.

(e) The technology fees collected pursuant to this section shall be accounted for in a special fund and restricted to the purchase and maintenance of computer hardware and software and payments of related personnel costs and overhead to provide for on-line application and processing of these permits and licenses.

(Ord. No. 11580, §1, 06-29-04)

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**Sec. 10-32. Engineering plans review and fees.**

The City Engineer is authorized to charge a non-refundable fee for services provided as follows:

Plans deposit for project cost of \$500,000.00 or less .....	\$100.00
Plans deposit for project cost of \$501,000.00 to \$1,000,000.00.....	150.00
Plans deposit for project cost of over \$1,000,000.00.....	250.00
Subdivision review fee for 10 lots or less .....	125.00
Subdivision review for 11 to 50 lots (additional fee per each lot above 10).....	10.00
Subdivision review for 51 lots or above (additional fee per each lot above 50).....	5.00

(Ord. No. 11434, §16, 07-15-03; Ord. No. 11450, §1, 09-02-03; Ord. No. 11580, §1, 06-29-04; Ord. No. 12363, § 3, 3-2-10)

**Sec. 10-33. Energy Code Adopted.**

The International Energy Conservation Code, 2009 Edition, one (1) copy of which is, and has been on file in the Office of the Clerk of the City Council Clerk for more than fifteen (15) days, is hereby adopted as the official Energy Code of the City and with an amendment to Section 402.4.2 which shall include the following provisions:

**402.4.2 Air sealing and insulation.** Building envelope air tightness and insulation installation shall be demonstrated to comply with the following Sections 402.2.4.2.1 and 402.2.4.2.2.

**402.4.2.1 Testing.** Building envelope tightness and insulation installation shall be considered acceptable when tested air leakage is less than seven air changes per hour (ACH) when tested with a blower door at a pressure of 50 pascals (1psf). Testing shall occur after rough in and after installation of penetrations of the building envelope, including penetrations for utilities, plumbing, electrical, ventilation and combustion appliances. The blower door test shall be conducted, recorded and submitted to the code official by an approved third party inspection agency.

During testing:

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1. Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed;
2. Dampers shall be closed, but not sealed, including exhaust, intake, makeup air, backdraft and flue dampers;
3. Interior doors shall be open;
4. Exterior openings for continuous ventilation systems and heat recovery ventilators shall be closed and sealed;
5. Heating and cooling system(s) shall be turned off;
6. HVAC ducts shall not be sealed; and
7. Supply and return registers shall not be sealed.

**402.4.2.2 Visual inspection.** Building envelope tightness and insulation installation shall be considered acceptable when the items listed in Table 402.4.2, applicable to the method of construction, are field verified. Where required by the *code official*, an *approved* party independent from the installer of the insulation shall inspect the air barrier and insulation.

(Ord. No. 12600, § 5, 5-29-12; Ord. No. 12683, § 1, 1-15-13)