

Local Amendments to the 2006 International Building Code

1. Section 101.2 Scope is hereby amended by changing the reference from "...three..." to "...two..." in Exception #1 and adding the following language:

"Townhouses, as defined by this code, which exceed four or more attached units or more than one dwelling unit per lot shall comply with this code."

2. Section 101.2.1 of the International Building Code is hereby amended by adding the following language:

"Appendix B Board of Appeals and Appendix C Group U – Agricultural Buildings are specifically adopted. All other appendices may be utilized at the discretion of the Building Official in accordance with Section 104.11."

3. Add a new Section 101.2.2 to the International Building Code to read as follows:

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

4. All references to "ICC Electrical Code" in Section 101.4.1 of the International Building Code shall be deleted and be replaced with "National Electrical Code".
5. All references to "department of Building Safety" in Section 103 of the International Building Code, as well as other references throughout this code, shall be construed to be the "Department of Building and Codes".
6. Section 109.4 of the International Building Code is hereby amended by adding the following language:

"The Building Official is also authorized to accept reports and/or affidavits to verify compliance with this Section. The form and substance of the reports and/or affidavits are to be approved by the Building Official."

7. Section 202 Definitions shall be amended by deleting the existing definition of townhouse and replacing it with the following language:

"TOWNHOUSE. A single-family dwelling unit constructed in a group of four or less attached units with no more than one unit per lot, each unit extending from foundation to roof and has open space on at least two sides."

8. Chapter 11 Accessibility is hereby deleted in its entirety in deference to the Handicap/Accessibility Code as adopted by the State of Tennessee.

9. Section 3109.5.2 is hereby amended by adding the following new subsection:

“3109.5.2 (3) Entrapment protection in accordance with United States Consumer Protection Services Commission (USCPSC) Guidelines for Entrapment Hazards dated March 2005”

10. Section 3408 Moved Structures is hereby amended by adding the following new subsections:

“3408.2 Moving Permit. A building or part of any building shall not be moved into, or out of, the city limits of the City of Hendersonville without first obtaining a Moving Permit. Buildings that are moved through the city limits of the City of Hendersonville are not required to obtain a Moving Permit from the City of Hendersonville but must take appropriate precautions to coordinate with all local emergency services regarding time, date and route .

3408.2.1 Written application. Any person desiring to move a building in accordance with Section 3408.2 shall first make a written application for permit setting forth at least the following information:

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

3408.2.2 Permit refusal. If in the opinion of the City of Hendersonville, the moving of any such building will cause serious injury to persons or property or serious damage to the roadways or other public improvements, or the building to be moved has deteriorated to less than 50% of its current value by fire or other elements, or the moving of the building will violate any of the requirements of this code or of any other applicable law, code or regulation, the Moving Permit may be denied and the building therefore prohibited from being moved on or by way of the public right of ways

3408.2.3 Bond required. The City of Hendersonville, as a condition precedent to the issuance of a Moving Permit, shall require a Permit Bond to be executed, in accordance with Section 20 Chapter 10 of the Municipal Code. In addition to the regular terms of said Permit Bond it should additionally indemnify the City of Hendersonville against any damage caused by the moving of such building to any streets, curbs, sidewalks, trees, highways and any other public property which may be affected by the moving of said building. The Permit Bond shall also be deemed to insure the strict compliance with the terms of said permit, which includes but is not limited to the approved route, the limit of time in which to effect such move and the repair of the building should it remain in the City of

Hendersonville. Liquidated damages not to exceed \$50.00 per day may be assessed for each and every day of delay in completing such move or in repairing any damages to public property and/or public improvement or in clearing all public streets, alleys or highways of all debris occasioned thereby or completing the required repairs of the building moved should it remain in the City of Hendersonville.

3408.2.4 Notice of permit. *Upon issuance of said Moving Permit, the moving contractor shall cause notice to be given to the Police Department and all others whose property may be affected by such moving. The notice shall indicate the route that will be taken, time started, approximate time of completion and contact information.*

3408.2.5 Public safety requirements

3408.2.5.1 . *Any building being moved whether or not a Moving Permit was issued shall not be allowed to remain in or on the streets or public right of ways for more than 48 hours without prior permission of the City of Hendersonville*

3408.2.5.2 *Every building which occupies any portion of public property at any time shall at all times have sufficient safeguards to protect the public.*

3408.2.5.3 *Any flagging, lighting, warning lights or other safety features when required by the City of Hendersonville shall be considered as a minimum level of safety for the general public. Additional safety precautions may be warranted based on each individual situation.*

3408.2.5.4 *Additional escorts may be required by the City of Hendersonville.*

3408.2.5.5 *In the event that a building has no other recourse but to remain on public property for an extended period of time, the individual who obtained the Moving Permit must contact the City of Hendersonville and the public entity controlling said property. All safeguards as prescribed by the City of Hendersonville shall be in place for the duration.*

3408.2.5.6 *The City at any time may establish additional safety guidelines or procedures to insure the safety, health and welfare of the general public or property prior to, during and after a move.*

3408.2.6 Improvements by owner. *The owner of any house, building, or structure proposed to be moved shall make all necessary improvements required in order for said house, building or structure to comply with the requirements of the appropriate code within 90 days from the date of the issuance of said Moving Permit. Extensions of such time if deemed reasonable and justified may be granted by the building official upon a showing of delay caused by matters beyond the control of the owner or house mover. 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."

11. Section 3410.2 Applicability is amended by deleting the first sentence and replacing it with the following language:

"Structures existing prior to being incorporated into the jurisdiction of the City of Hendersonville where there is work involving additions, alterations or changes of occupancy shall be made to conform to the requirements of this section or the provisions of Sections 3403 through 3407."

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

***"B101.2 Membership of board.** The board of appeals shall consist of seven persons appointed by the Board of Mayor and Alderman. The requirement with respect to ward representation is not applicable to this Board.*

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