

ORDINANCE 2021-470

AN ORDINANCE AMENDING SECTION 12-119 OF THE BERRY HILL MUNICIPAL CODE TO ADOPT UPDATED EDITIONS OF BUILDING CODES BY REFERENCE

WHEREAS, T.C.A. 68-120-101(b)(5)(A) requires local governments to update their building codes periodically, and the *International Building Code*, 2018 Edition, and *International Residential Code*, 2018 Edition, have replaced the *International Building Code*, 2012 Edition, and *International Residential Code*, 2012 Edition, in popular usage within the State of Tennessee; and

WHEREAS, the Board of Commissioners of the City of Berry Hill finds that the *International Building Code*, 2018 Edition; *International Residential Code*, 2018 Edition; *International Property Maintenance Code*, 2018 Edition; *International Energy Conservation Code*, 2018 Edition; and *ICC/ANSI A117.1-2009 Accessible Buildings and Facilities*, are appropriate for use as the building codes and related codes of the City of Berry Hill;

BE IT ORDAINED BY THE CITY OF BERRY HILL, TENNESSEE, AS FOLLOWS:

Section 1. Title 12 of the Berry Hill Municipal Code is amended by deleting the current Section 12-119 in its entirety and replacing it with the following:

12-119. Adoption of Building Codes. (1) Pursuant to authority granted by Tennessee Code Annotated §§ 6-54-501 through 6-54-506, and for the purpose of establishing the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment, the following codes are adopted by reference:

(a) *International Building Code*, 2018 Edition, Chapters 1 through 26, 31 through 34, 36, and Appendices E, F, G, H, I, and J only;

(b) *International Residential Code*, 2018 Edition, Chapters 1 through 11, Chapter 33, and Appendices F, G, H, and J only;

(c) *International Property Maintenance Code*, 2018 Edition;

(d) *International Energy Conservation Code*, 2018 Edition;

and

(e) *ICC/ANSI A117.1-2009 Accessible Buildings and Facilities*.

(2) Pursuant to Tennessee Code Annotated §6-54-502(b), the City elects not to adopt other sections of the above codes, not referenced above, and specifically excludes Sections R313 (automatic fire sprinkler systems) and R309.5 (fire sprinklers) of the International Residential Code, 2018 Edition.

(3) Whenever, in a building code, reference is made to the duties of a certain official named therein, that designated official of the City of Berry Hill who has duties corresponding to those of the official named in the code shall be deemed to be the responsible official insofar as enforcing the provisions of the code is concerned.

Section 2. Nothing in this ordinance or in the building codes and related codes hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby amended as cited in Section 1 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 3. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

Section 4. This ordinance shall take effect on October 15, 2021, the public welfare requiring it, and the building codes and related codes, as adopted herein by reference, shall be effective on and after that date.

Passed First reading: _____

Passed Second reading: _____

Mayor

Recorder

Approved as to Legality and Form:

City Attorney: