

CITY OF MILLERSVILLE, TENNESSEE

ORDINANCE 23-791

AN ORDINANCE TO AMEND ORDINANCE 22-778, AN ORDINANCE AMENDING THE MILLERSVILLE CODE OF ORDINANCES, CHAPTER 18, BUILDINGS AND BUILDING REGULATIONS, CORRECTING SECTION 18-3 AND 18-4.

WHEREAS, the Governing Body of the City of Millersville reviews its Code of Ordinances from time to time to ensure that the laws of the city meet the requirements of the local, state and federal laws and the desires of the City Commission; and

WHEREAS, the Governing Body and staff for the City of Millersville have identified the need to adopt building codes and standards published by the International Code Council (ICC), and National Fire Protection Association (NFPA); and

WHEREAS, the Governing Body has identified errors in Ordinance 22-778 Exhibit A; and

WHEREAS, many existing manufactured homes in the city are in a state of neglect or disrepair.

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Millersville, Tennessee, that the content of Chapter 18, Buildings and Building Regulations of the Code of Ordinances be amended as follows;

18-3 International Existing Building Code

The ~~2015-2021~~ International Existing Building Code is hereby adopted as follows;

18-4 International Residential Code

The 2021 International Residential Code is hereby adopted as follows;

THIS ORDINANCE SHALL BE EFFECTIVE FROM AND AFTER ITS PASSAGE, THE PUBLIC WELFARE REQUIRING IT.

Passed First Reading: APR 18 2023

Public Hearing: MAY 16 2023

Passed Second Reading: MAY 16 2023

BOARD OF COMMISSIONERS



By: Tommy Long

Tommy Long, Mayor

Attest:

Ord 23-791

By: Holly L. Murphy

Holly L. Murphy, City Recorder

Approved as to Form and Legality:

By: Jack Freedle

Jack Freedle, City Attorney

CITY OF MILLERSVILLE, TENNESSEE
ORDINANCE 22-778

AN ORDINANCE AMENDING THE MILLERSVILLE CODE
OF ORDINANCES, CHAPTER 18, BUILDINGS AND
BUILDING REGULATIONS.

WHEREAS, the Governing Body of the City of Millersville reviews its Code of Ordinances from time to time to ensure that the laws of the city meet the requirements of the local, state and federal laws and the desires of the City Commission; and

WHEREAS, the Governing Body and staff for the City of Millersville have identified the need to adopt building codes and standards published by the International Code Council (ICC), and National Fire Protection Association (NFPA); and

WHEREAS, the Governing Body has identified non-traditional structures being placed on parcels throughout the city that are not consistent with traditional home construction; and

WHEREAS, many existing manufactured homes in the city are in a state of neglect or disrepair.

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Millersville, Tennessee, that the content of Chapter 18, Buildings and Building Regulations of the Code of Ordinances be removed and replaced by *Exhibit A* attached hereto.

THIS ORDINANCE SHALL BE EFFECTIVE FROM AND AFTER ITS PASSAGE,
THE PUBLIC WELFARE REQUIRING IT.

Passed First Reading JUN 21 2022

Public Hearing: JUL 19 2022

Passed Second Reading: AUG 16 2022



Attest:

By: Holly L. Murphy
Holly Murphy, City Recorder

Board of Commissioners

By: David Beatty

Approved as to form and legality:

By: Jack Freedle
Jack Freedle, City Attorney

Exhibit A

Chapter 18 - BUILDINGS AND BUILDING REGULATIONS

ARTICLE I. GENERAL

Chapter 18 shall provide regulations for the safe construction, modification, and maintenance of structures located in the City. Adopted regulations shall be in compliance with Tennessee Code Annotated (T.C.A.) law and other City Ordinances. Where there is a conflict between this and other chapters of the Municipal Code, this Chapter shall take precedence.

Section 18-1. Building Permit Fees.

Fees for permits shall be in compliance with the City of Millersville fee schedule as approved by resolution by the City Commission.

ARTICLE II. BUILDING, FIRE, AND PROPERTY MAINTAINANCE CODES

The City shall adopt and enforce nationally recognized building codes and standards published by the International Code Council (ICC), National Fire Protection Association (NFPA), and other organizations referenced in those documents.

Section 18-2. International Building Code

The 2021 International Building Code is hereby adopted with the following amendments additions and deletions as follows:

101.1 Insert City of Millersville

103.1 is deleted and amended as follows:

103.1 Creation of enforcement agency. The Construction Services Division is hereby created and the official in charge thereof shall be known as the Chief Building Official (*building official*).

105.5 is deleted and replaced as follows:

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

Exceptions:

1. The first building permit extension shall be at no charge. Additional extensions shall be charged one-half of the building permit fee
2. Indefinite Construction. If, through the expiration of a building permit and the apparent abandonment of a project, it is the opinion of the building official that a project will never be finished, will no longer comply with adopted codes, will not be finished in a time frame which would prevent an ongoing safety, health, or environmental hazard, including surrounding property devaluation, the city may move towards condemnation and/or abatement of the site in question.

107.6 is added as follows:

107.6 Fire Department Records. Upon project completion, the registered design professional shall submit PDF files to the building official which will be used for incident pre-planning purposes. Files shall contain the following information:

- Building Site Plan
- Building Elevations
- Floor plans
- Location of gas, electric, and water utility shutoffs
- Location of fire service features including but not limited to fire hydrants, alarm panel, standpipes, PIVF, fire exits, and sprinkler control room.

113 Means of Appeals is Hereby deleted and replaced as follows

[A] 113.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the *building official* relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be the Millersville City Commission. The City Commission shall render all decisions and findings within 30 days of a hearing and provide a response in writing to the appellant with a duplicate copy to the *building official*.

113.1.1 Industry Experts. The City Commission shall have the authority to consult with industry experts as needed prior to rendering a decision. The cost of such consultation shall be paid for by the appellant.

[A] 113.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equivalent or better form of construction is proposed. The board shall not have authority to waive requirements of this code or interpret the administration of this code.

[A] 113.4 Administration. The *building official* shall take immediate action in accordance with the decision of the board.

1612.2 Establishment of flood hazard areas is amended to include:
Insert: City of Millersville
Insert: January 1, 2021

903.2 Where required is hereby deleted and replaced as follows:

[F] 903.2 **Where Required.** Approved automatic sprinkler systems in new buildings and structures shall be provided as shown in the table below.

Required Fire Sprinkler Systems	
Use Group	Fire Area (s/f)
A-1 Assembly	5000
A-2 Assembly	5000
A-3 Assembly	5000
A-4 Assembly	5000
A-5 Assembly	0
B - Business	5000
E - Educational	5000
F- Factory	5000
H - High Hazard	0
I - Institutional	0
M - Mercantile	5000
R - Residential	0
S - Storage	5000
U - Utility	1500

[F] 907.2 is amended as follows:

[F] 907.2 Where required—new buildings and structures.

An *approved* fire alarm system installed in accordance with the provisions of this code and NFPA 72 shall be provided in new buildings and structures in accordance with Sections 907.2.1 through 907.2.23 and provide occupant notification in accordance with Section 907.5, unless other requirements are provided by another section of this code.

Not fewer than one manual fire alarm box shall be provided in an *approved* location to initiate a fire *alarm signal* for fire alarm systems employing automatic fire detectors or waterflow detection devices. All fire alarm systems shall be monitored by an approved supervising station.

2701.1.1 is hereby added as follows:

Section 2701.1.1 In addition to the requirements of the section, The City of Millersville shall enforce the most current electrical code adopted by the State of Tennessee.

Appendices

The following appendixes are hereby added to the code:

Appendix F, Rodent Proofing
Appendix G, Flood-Resistant Construction
Appendix I, Patio Covers
Appendix J, Grading

18-3. International Existing Building Code

The 2015 International Existing Building Code is hereby adopted as follows:

Section 101.1 Insert, City of Millersville
Section 1301.2 Insert, January 5, 1982

18-4. International Residential Code

The International Residential Code is hereby adopted as follows:

Section 101.1 Insert, City of Millersville

Section 105.5 is deleted and replaced as follows:

[A] 105.5 Expiration. Every *permit* issued shall become invalid unless the work on the site authorized by such *permit* is commenced within 180 days after its issuance, or if the work authorized on the site by such *permit* is suspended or abandoned for a period of 180 days after the time the work is commenced.

Permit Extensions: The *building official* is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Exception:

1. The first, building permit extensions shall be at no charge. Additional extensions shall be charged one-half of the building permit fee.
2. Indefinite Construction. If, through the expiration of a building permit and the apparent abandonment of a project, it is the opinion of the *building official* that a project will never be finished, will no longer comply with adopted codes, will not be finished in a time frame which would prevent an ongoing safety, health, or environmental hazard, including surrounding property devaluation, the city may move towards condemnation and/or abatement of the site in question.

P2603.5. (Insert: (18 inches; a minimum of 18 inches below grade with all state rules and regulation requirements met.)

N101 thru N111 is hereby deleted and replaced with:

N1101 General. New residential construction shall comply with the 2021 International Energy Conservation code as adopted by the City of Millersville. Delete Chapters 34-43 and replace with the National Electrical Code as adopted and enforced by the Tennessee State Fire Marshal's Office.

Section 18-5. International Energy Conservation Code

The 2021 International Energy Conservation Code is hereby adopted as follows:

Section 101.1 Insert, City of Millersville

Table R402.1.3 is amended as follows:

Fenestration U-Factor	Skylight U-factor	Glazed Fenestration SHGC	Ceiling R-Value	Wall R-Value	Mass Wall R-Value	Floor R-Value	Basement	Slab	Crawl Space
0.30	0.55	0.40	R-38	R-13	R-13	R-30	R-19	R-10 c.i.	R-13

Section 402.4.1.2 is deleted and replaced as follows:

402.4.1.2 Testing. The building or dwelling unit shall be tested and verified as having an air leakage rate not exceeding five air changes per hour. Testing shall be conducted and reported at a pressure of 0.2 inch w.g. (50 Pascals). Testing shall be conducted by an *approved* third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the *building official* upon request. Testing shall be performed at any time after creation of all penetrations of the *building thermal envelope* have been sealed.

Section 18-6. International Swimming Pool and Spa Code

The 2021 International Swimming Pool and Spa Code (ISPSC) is hereby adopted as follows:

(a) Section 101.1 Insert, City of Millersville

Section 18-7. International Fuel Gas Code

The 2021 International Fuel Gas Code (IFGC) is hereby adopted and amended as follows:

Section 101.1 Insert: City of Millersville

Section 108.4 Insert: (Civil Penalties) (\$50.00 per day) (the authority of the court of the City of Millersville)

Section 108.5 Insert: (less than \$50.00 or more than \$50.00 per day)

Section 18-8. International Mechanical Code

The 2021 International Mechanical Code is hereby adopted as follows:

(a) Section 101.1 Insert, City of Millersville

Section 18-9. International Plumbing Code

The 2021 International Mechanical Code is hereby adopted as follows:

(a) Section 101.1 Insert, City of Millersville

Section 18-10. International Property Maintenance Code

The 2021 International; Property Maintenance Code is hereby adopted as follows:

Section 101.1 Insert: City of Millersville.

Section 109.1 is deleted and replaced as follows:

109.1 Imminent danger. When, in the opinion of the *building official*, there is *imminent danger* of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the *building occupants* or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment or when the structure is unfit for human habitation, the *building official* is hereby authorized and empowered to order and require the *occupants* to vacate the *premises* forthwith. The *building official* shall cause to be posted at the primary entrance to such structure a notice of condemnation. It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

Section 110.1 is deleted and replaced as follows:

110.1 General. The *building official* shall order the *owner* of any *premises* upon which is located any structure, which in the *building official* judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and

sanitary, or to secure the structure and hold for future repair or to demolish and remove at the *owner's* option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the *building official* shall order the *owner* to demolish and remove such structure, or secure the structure until future repair. Boarding the building up shall not extend beyond 90 days, unless approved by the *building official*.

Section 302.4 is deleted and replaced as follows:

302.4 Weeds. All premises and exterior property shall be maintained free from grass, weeds or plant growth in excess of 8 inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants, vegetation, overgrowth, and underbrush other than trees or shrubs provided; however, this term shall not include cultivated crops, flowers and gardens. The City may pursue any or all of the remedies provided above in enforcement of this provision. When, overgrowth of grass, weeds or plants endangers the public health and safety or when there is actual or potential danger in the proximity of dwellings and/or the public right-of-way, the *building official* may cause the cutting of such weeds or plants, either through an available public agency or by contract or arrangement with private persons, and the cost of such cutting shall be charged against the real estate taxes upon which the weeds or plants are located.

Section 302.7 is deleted and replaced as follows:

302.7 Accessory structures. All accessory structures, including *detached* garages, fences and walls, and retaining walls shall be maintained structurally sound and in good repair. All garages, where a garage door was intended or installed, must be provided with a functioning garage door.

Section 304.14 Insert: from first day of March to the last day of October

Section 602.3 Inset: from the first day of September to the last day of the following May

Section 602.4 Inset: from the first day of September to the last day of the following May

Section 18-11. International Fire Code

e

The 2021 International Fire Code is hereby adopted as follows:

101.1 Inset, City of Millersville

103.1 is deleted and replaced as follows:

103.1 General. The Department of Fire Prevention is established within the City of Millersville under the direction of the Fire Code

Official. The Fire Code Official shall mean the Chief of the department, or his designee of the City of Millersville, Tennessee. The function of the department shall be the implementation, administration and enforcement of the provisions of this code.

109.2.1 is deleted and replaced as follows:

109.2.1. Method of Service. Such notice shall be deemed to be properly served if a copy thereof is:

- Delivered to the owner personally; or
- Sent by first class mail, postage prepaid, to the owner at the last known address; or
- Sent by certified mail, postage prepaid, addressed to the owner at the last known address with return receipt requested, if required by State law.

109.4 Insert: "civil penalty", "\$50.00 per violation", "the authority of the court of the City of Millersville".

903.2 Where required is hereby deleted and replaced as follows:

[F] **903.2 Where Required.** Approved automatic sprinkler systems in new buildings and structures shall be provided as shown in the table below.

Required Fire Sprinkler Systems	
Use Group	Fire Area (s/f)
A-1 Assembly	5000
A-2 Assembly	5000
A-3 Assembly	5000
A-4 Assembly	5000
A-5 Assembly	0
Business	5000
Educational	5000
Factory	5000
High Hazard	0
Institutional	0
Mercantile	5000
Residential	0
Storage	5000
Utility	1500

[F] 907.2 is amended as follows:

[F] **907.2 Where required—new buildings and structures.**

An *approved* fire alarm system installed in accordance with the provisions

of this code and NFPA 72 shall be provided in new buildings and structures in accordance with Sections 907.2.1 through 907.2.23 and provide occupant notification in accordance with Section 907.5, unless other requirements are provided by another section of this code.

Not fewer than one manual fire alarm box shall be provided in an *approved* location to initiate a fire *alarm signal* for fire alarm systems employing automatic fire detectors or waterflow detection devices. All fire alarm systems shall be monitored by an approved supervising station.

Appendix B "Fire Flow Requirements for Buildings" is added as part of this Code.

Appendix C "Fire Hydrant Locations" is added as part of this Code.

Appendix D "Fire Apparatus Roads" is added as part of this Code.

Appendix F "Hazard Ranking" is added as part of this Code.

Appendix H "Hazardous Materials Management Plan" is added as part of this Code.

Section 18-12. National Fire Protection Association 101 Life Safety Code

The 2018 National Fire Protection Association (NFPA) 101 Life Safety Code is hereby adopted and amended as follows:

Section 18-13 ICC A117.1—17: Accessible and Usable Buildings and Facilities

ICC A117.1—17: Accessible and Usable Buildings and Facilities is hereby adopted.

ARTICLE III -- MANUFACTURED (MOBILE) HOMES, TINY HOUSES, AND SHIPPING CONTAINERS USED FOR OCCUPANCY.

Section 18-14 Manufactured (mobile) Homes

1. **Definition.** A "manufactured home" means any structure, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) or more body-feet in width or forty (40) or more body-feet in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein. The term includes any structure that meets all of the requirements of this subsection (a) except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States secretary of housing and urban development and complies with the standards established by title 42 of the United States Code. As defined in this subsection (a), "manufactured home" also has the same meaning as "mobile home" as defined in title 68, chapter 126, and "manufactured home," as defined in § 47-9-102.
2. **Regulations.** New or relocated manufactured homes are not permitted to be placed on any lot of record consistent with Millersville Zoning Ordinance Section 12.2.9.
3. **Foundations.** Manufactured homes shall not be placed on a permanent foundation in order to circumvent the requirements of the Millersville Code of Ordinances.
4. **Permit Required.** Any owner or owner's authorized agent who intends to alter or repair a manufactured home shall first make application to the building official and obtain the required permit for such work. The following shall be submitted with each application:
 - Scope of work
 - Cost for repairs/renovations
5. **Work exempt from permit.** Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for:
 - Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
6. **Fire and life safety requirements.** Any repair and/or renovation work to a manufactured home will require that the work will require the following:
 - Smoke alarms meeting State of Tennessee Fire Marshal Requirements
 - Carbon Monoxide (CO) alarms if fuel fired appliances are present
 -

7. **Inspections and Occupancy.** The permit applicant shall submit an inspection report by a Tennessee licensed 3rd party inspection agency stating that all repairs and/or renovations comply with the most current HUD standard CFR 24 3280 (Manufactured Home Construction and Safety Standards) as amended 6/7/2022.

Section 18-15 Tiny Houses

1. **Definition.** A dwelling on wheels used as permanent housing with provisions for living, sleeping, eating, cooking, and sanitation with a habitable area of 400 square feet or less.
2. **Regulations.** Tiny homes are not permitted in campgrounds or on any lot of record in the City of Millersville. Tiny homes may be converted to a permanent structure providing the structure is placed on a permanent foundation. Minimum room dimensions shall comply with the International Residential Code.

Section 18-16 Shipping Containers

1. **Definition.** A reusable transport and storage unit of metal construction also known as an intermodal freight container, cargo container, or transport container and is intended to be loaded on trucks, trans, or ships for moving products and raw materials.
2. **Regulations.** No person shall erect, construct, maintain, locate or use any Semitrailer or Shipping Container, operative or inoperative, in the City of Millersville to store, warehouse or locate any personal business or agricultural property. Additionally, no person shall use Semitrailers or Shipping Containers as building materials or design elements in the construction of any structure in the City of Millersville. This section shall not apply to any Semitrailer parked in a properly zoned area for temporary periods while awaiting unloading.

Section 18-17 Violations of Article III. The procedure for Violations of Article III shall be consistent with Chapter 1 of International Property Maintenance Code as adopted by the City of Millersville.

If the structure is determined to be illegal or unsafe. The *building official* shall abate or cause the structure to be abated by demolition or removal. The cost of any such abatement shall be at the cost of the structure's owner and/or parcel owner. Unpaid costs shall result in an abatement lien being placed on the property where the violation occurred.

ARTICLE IV – Site Construction Activities

Section 18-18 Construction Hours. Construction activities shall be limited to the following hours:

- Monday thru Friday 7 am – 8 pm
- Saturday and Sunday 8 am – 4pm

Section 18-19 Erosion Control Activities.

1. Persons working on a residential or commercial building site shall put all erosion control measures in place prior to site development work. Erosion control measures include but are not limited to the following:
 - Silt fencing around the site
 - Minimum 2-inch rock at the construction entrance with the following dimensions:
 - Residential – 16 feet wide x 10 foot deep
 - Commercial – 20 feet wide x 20 feet deep
 - Applicant shall follow all additional requirements of the Millersville Stormwater Ordinance
2. Developers shall clean any and all debris on the road that originated on the construction site.


Section 18-20 Debris Management. The applicant shall ensure that the construction site is maintained in an orderly condition. All trash, debris, and leftover materials shall be disposed of daily. A trash dumpster is required at all construction sites.

Section 18-21 Restrooms. A portable bathroom facility shall be present at all construction sites. In the case of a multi-home development, there shall be at least 1 bathroom facility for every 5 houses under construction.

By: _____

Holly L. Murphy, City Recorder

Approved as to Form and Legality:

By:  _____
Jack Freedle, City Attorney