ARTICLE IV. MECHANICAL CODE

Sec. 6-81. Adopted.

The International Mechanical Code, 2018 edition, and Appendix A, as modified by the provisions of this article, is hereby adopted as the Mechanical Code of the City of Knoxville ("mechanical code") and is made a part of this article by reference as though copied herein in full.

(Ord. No. O-150-99, §§ 1, 4, 5-4-95; Ord. No. O-80-07, § 1, 4-24-07; Ord. No. O-222-2012, § 1, 12-11-12; Ord. No. O-177-2018, § 1, 11-20-18)

Sec. 6-82. Amendments.

The code adopted by this article is amended as set out in this section:

Amend Chapter 1, Scope and Administration, as follows:

Amend Section [A] 101.1 Title by adding the "City of Knoxville" as the name of jurisdiction.

Amend Section 103 to rename the section "Department of Plans Review and Inspections."

Delete Section [A] 103.1 General in its entirety and substitute the following:

The Department of Plans Review and Inspections is hereby created and the official in charge thereof shall be known as the building official, also known as the code official.

Amend Section [A] 103.4 Liability by adding the following as the first sentence:

The inspection or permitting of any work by any jurisdiction, under the requirements of any section of this code, shall not be construed in any court as a warranty of the physical condition of such building or plan or their adequacy.

Delete the text of Section [A] 103.4.1 Legal Defense in its entirety and substitute the following:

No jurisdiction or any employee thereof shall be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building or plan, or for any failure of any component of such, which may occur subsequent to such inspection or permitting. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

Amend Section 104 to rename the section "Duties and Powers of the Building Official."

Amend the text of Section [A] 106.4.3 Expiration by deleting the last sentence and substituting the following:

Every permit issued shall become invalid after 365 days. Permits may be renewed annually.

Delete Section [A] 106.4.4 Extensions in its entirety without substitution.

Delete the text of Section [A] 106.5.1 Work commencing before permit issuance in its entirety and substitute the following:

Any person who commences any work on a mechanical system without obtaining the necessary permits shall be subject to an additional assessment of 100% of the usual permit fee fees as indicated in the Fee Schedule, as adopted by City Council, in addition to the required permit fees. Where such permit fees exceed $1,000 that part of the permit fee in excess of $1,000 shall not be doubled.

Delete the text of Section [A] 106.5.2 Fee schedule in its entirety and substitute the following:
The non-refundable fee fees for a mechanical work shall be as identified in the Fee Schedule, as adopted by City Council. Permit for new construction, addition, alteration, or repair to existing mechanical systems shall be based upon the following schedule:

**Mechanical Permit Fees:**

For issuing each mechanical permit ..... $35.00

Each Mechanical Appliance ..... $5.00

(See Mechanical Application Form for List of Appliances)

In addition, fees for heating, ventilating, ductwork (installation without heating/cooling equipment), air-conditioning and refrigeration systems or alterations or replacement and/or additions shall also be based upon total Btu and/or kilowatts input of all appliances at the rate of ten dollars per one hundred thousand Btu (and/or 30 Kilowatts) or fraction thereof.

**Reinspection fees:**

Required Inspections & First Reinspection ..... No Charge

Second Reinspection ..... $25.00

Third Reinspection ..... $50.00

Each Subsequent Reinspection ..... $50.00

A reinspection is defined as an inspection made by the Mechanical Inspector after the request has been made by the license holder or agent thereof for deficiencies noted at a prior inspection. Upon the occasion of an inspection or reinspection, a written notification of deficiencies should be filed with the permit holder.

Permit Renewal: When a permit expires it may be renewed annually until work is complete. Permit renewals are a minimum fee of $50.00 or a maximum fee of 25% of the original permit fee not to exceed $1,000.00.

Amending permit/application: When a permit has been issued and a supplemental plans revision is applied for, each supplemental plans review, which involves additional work not originally applied for, shall require a separate permit for the additional work.

Board Fees: When a notice of appeal is filed under Section [A] 109.3 of this code it shall be accompanied by a non-refundable fee as follows:

One and Two Family Dwellings ..... $100.00

All Other Structures ..... $200.00

Special inspection fees: When a special inspection not associated with an issued mechanical permit is made (such as on site or other special request), the applicant shall first pay a Special Inspection Fee of $50.00 per inspection per site as determined by the Chief. Inspections associated with an issued mechanical permit scheduled outside of normal business hours are subject to a special inspection fee of $50.00 per inspection.

Delete the text of Section [A] 106.5.3 Fee refunds in its entirety and substitute the following:

The building official is authorized to establish a refund policy.

Renumber Section [A] 107.4.1 as [A] 107.4.2.

Add a newly created Section [A] 107.4.1 entitled "Certificate of Completion" to read as follows:
Upon satisfactory completion of a permit, a Certificate of Completion may be issued to the permit holder. This certificate is proof that the permit has received a Final Inspection, and for certain types of permits, is proof of release for use and of authorization for connection to a utility system.

Delete Section 109 Means of Appeal in its entirety and substitute the following:

[A] 109.1 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 Construction Appeals Board (hereinafter referred to as the “board”). The board shall be appointed by the Mayor and shall hold office at his or her pleasure. The board may adopt rules of procedure for conducting business.

[A] 109.2 Limitations on authority. A person shall have the right to appeal a decision of the building official to the board. 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 equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.

[A] 109.3 Application. The application for appeal shall be filed on a form obtained from the building official within thirty (30) days from the calendar date the decision is rendered by the building official. Application for appeal must be filed within ten (10) days prior to the monthly meeting date. In the case of a building or structure that, in the opinion of the building official, is unsafe or dangerous, the building official may, in the order, limit the time for such appeals to a shorter period.

[A] 109.4 Qualifications. The board shall consist of members who are appointed by the Mayor and qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction. This board shall consist of the following:

1. (1) State Registered Architect
2. (1) Contractor with a Building Contractor's License
3. (1) Person with experience, training and full knowledge of fire service and/or knowledge of the applicable fire prevention codes as adopted by the City pursuant to the provisions of Chapter 11, Article II of the Knoxville City Code, who shall have had at least 10 years' experience within the field represented
4. Consumer Representative
5. State Licensed Mechanical Engineer
6. Licensed Class 1 Gas/Mechanical Contractor
7. Licensed Plumbing Contractor Class 1 Master Plumber
8. State Licensed Electrical Engineer
9. Licensed Electrical Contractor

[A] 109.5 Terms. Board members shall be appointed to staggered terms of five (5) years each, provided that members may be appointed to terms shorter than five (5) years when necessary to provide for staggered terms. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Board members may continue to serve until reappointed or replaced. Official misconduct, neglect of duty, or continued absence of any member from required meetings of the Board shall, at the discretion of the Mayor, render any such member subject to immediate removal from office.

[A] 109.6 Quorum and Voting. A simple majority of the board shall constitute a quorum. In varying any provision of this code, the affirmative votes of the majority present, but not less than three affirmative votes, shall be required. If the board's vote results in a tie, the motion shall fail. In the event of a tied vote, the
A board member shall not act in a case in which said member has a personal, financial, or other interest and shall recuse himself or herself from all participation when the matter is formally presented to the Board for consideration. Any board member who has been recused shall immediately leave the room or shall be seated with the other members of the public who are present. The recused board member shall not give testimony in favor or in opposition of any application being considered by the board. Once the matter has been concluded, the member shall be reseated with the board.

[A] 109.7 Secretary of the Board. The building official or designee shall act as secretary of the Board and shall make a detailed record of all of its proceedings, which shall set forth the reasons for its decision, the vote of each member, the absence of a member, and any failure of a member to vote.

Add a newly created Section 111 entitled "License Requirements of Contractors" to read as follows:

[A] 111.1 Contractor's Responsibilities. It shall be the duty of every contractor who shall make contracts for the installation or repairs of buildings or structures for which a permit is required, to comply with state or local rules and regulations concerning licensing which the applicable governing authority may have adopted.

[A] 111.2 Enforcement of State Requirements. All contractors whose contract exceeds $25,000 must provide a company name, current state license number, the state assigned license limit, and the state assigned classification to the department prior to a permit being issued. All contractors performing work on residential structures, as defined by the State, whose contract is more than $3,000 and less than $25,000, must be licensed by the State as a Home Improvement Contractor and provide to the department the company name and the current state license number prior to a permit being issued or be licensed by the City of Knoxville in the craft for which a permit is requested. All owners and contractors must provide evidence of workman's compensation coverage, when required by Tennessee Code Annotated, prior to the permit being issued. Nothing in this section shall prohibit an owner from securing a permit, without a licensed contractor, provided they fall within the definition of owner as defined by Tennessee Code Annotated.

[Note for Council, to be removed and not codified: As a recognized exempt jurisdiction by the State of Tennessee, the City is not involved in the enforcement of state regulations. The City is audited by the State to ensure it remains in good standing with respect to State regulations.]

[A] 111.3 License/Registration. All contractors requesting permits must be licensed by the City annually and complete such forms and pay such fees as required by the Chief identified in the Fee Schedule adopted by Council. Applications and fees are to be submitted to the City of Knoxville Department of Plans Review and Building Inspections.

[A] 111.4 Necessity of License. No person, firm, or corporation shall engage in or work at a business of mechanical installation or mechanical contracting in the Knoxville city limits, unless duly licensed by the City as excepted as provided herein. Before any person shall engage in or work at the business of mechanical installation, the license holder, as set forth herein, shall be qualified and a license shall be obtained. In the case of a firm or corporation engaged in the business of mechanical work, the employee of such firm or corporation supervising said mechanical work shall be examined and required to obtain a Class A Commercial Mechanical; Class C Refrigeration Mechanical; or Class D HVAC Sheet Metal Mechanical; or Class E Special State Mechanical License. No person, firm, or corporation shall engage in or work at the business of mechanical installation in the City of Knoxville as a Commercial Mechanical Contractor, Refrigeration Mechanical Contractor, HVAC Sheetmetal Mechanical Contractor, or Special State Mechanical Contractor, unless such person, who shall be the license holder and an employee for said firm or corporation, first submits an application to the Board, as required, attesting to his or her experience and qualifications in such trade, and where required, passes an examination prior to receiving a license in accordance with the provisions of this code.
At the time of filing the application, each applicant for a mechanical license shall pay a non-refundable application fee. Any applicant who fails to successfully pass the first examination may be reexamined on one or more occasions at any subsequent date of a licensing examination. If an applicant fails to obtain a license within one (1) year from the date of passing the examination, the applicant will be required to submit to and pass another exam before being issued a license. Licenses will be issued on a calendar year basis and may be renewed upon application and payment of the renewal fee. Except for Class E Special State Mechanical Licenses, failure to renew prior to February 1 following the expiration date shall subject such person to a double fee if renewed between the period of February 1 and June 30. After July 1, the licensee will be required to successfully pass the appropriate examination prior to being issued a new license. Exceptions will be made for holders of city mechanical license who are prevented from engaging in mechanical construction in the city by reason of their employment with the city as a mechanical inspector. On the occasion of the termination of their employment with the city, their license will be reactivated upon their written request within ninety (90) days of their aforesaid termination and payment of the appropriate annual fee.

Exceptions:

1. Nothing in this ordinance shall prohibit a homeowner from securing a mechanical permit to install, alter or replace the homeowner’s mechanical system at the homeowner’s principle single-family residence providing:
   a. The residence is not a manufactured home or a condemned house, a townhouse or a condominium or a fire-damaged residence.
   b. Such work is done by the homeowner and/or immediate family, such as parents, grandparents, brothers, sisters, and children.
   c. The residence is owned and presently occupied by the homeowner The work is not associated with a residence that is for sale, lease, rent, or other similar purpose.
   d. The same homeowner may not be issued more than one (1) mechanical permit in any five (5) year period at different locations.
   e. In the event the homeowner’s work is found to be unacceptable, the homeowner’s mechanical permit shall be voided by the Chief building official.

2. Any person who holds a license issued by a governmental organization having a test standard and grade requirement equal to or superior to that of this code may be issued a similar license without another examination subject to meeting all conditions established by the building official.

3. Companies licensed by the State as CMC and CMC-C Mechanical Contractors will be permitted to perform mechanical work within their state classifications without local testing.

[A] 111.4.1 License Requirements. Each license issued in accordance with the provisions of this ordinance shall specify the name of the person who has passed the appropriate examination as provided herein, and such person shall be designated as the license holder. All Mechanical License holders shall post and maintain a $10,000 bond payable to the City of Knoxville before being issued the first permit. A license holder shall not hold a mechanical license for more than one company, firm, or corporation at the same time, except in the event a license holder becomes disabled due to illness or accident, dies, or is no longer employed by the company for which the person is the license holder, the Board building official may petition the Board building official for approval to employ another license holder to supervise all work under existing permits for a period not to exceed ninety (90) days. No additional permits may be issued during this ninety (90) day period.

When any mechanical work is being performed, the appropriately licensed mechanical contractor or mechanical installer shall be responsible for and in charge of the work. It shall be the responsibility of every
the licensed mechanical contractor or mechanical installer to properly qualify all persons working under this license to ensure Code compliant work and installation.

[Note for Council, to be removed and not codified: The language above matches the state requirements for licensing, protects the public by ensuring that all contractors are qualified to do the work hired for, removes confusion between the state and City requirements, removes unnecessary hurdles and barriers, and streamlines the process.]

[A] 111.4.2 Class of Contractor's License Classifications. Any person who performs any mechanical work in the Knoxville city limits City of Knoxville shall be the holder of, or employed by the holder of, one of the following listed mechanical licenses:

A Mechanical Contractor License shall entitle the holder thereof to engage in the business of and to secure permits for the installation, alteration, maintenance and repair of refrigeration and mechanical systems and installation of gas piping as authorized by Tennessee Code Annotated § 62-6-111.

To qualify for a Mechanical Contractor License a person shall possess a valid state mechanical license with a classification of CMC or CMC-C.

A Mechanical Installer License shall entitle the holder thereof to engage in the business of and to secure permits for the installation, alteration, maintenance and repair of refrigeration and mechanical systems and installation of gas piping as authorized by Tennessee Code Annotated § 62-6-111 for projects less than $25,000.

To qualify for a Mechanical Installer License a person shall demonstrate 4 years relevant experience with relevant references and either (1) a passing score for the state CMC or CMC-C examination without the business and law management exam or (2) a passing score for the state LLE examination.

Class A Commercial Mechanical: A Class A Commercial Mechanical license shall entitle the holder thereof to engage in the business of contracting to perform mechanical work and to secure permits for the installation, alteration, maintenance and repair of mechanical fixtures, appliances and systems.

To qualify for the Class A Commercial Mechanical examination the applicant shall have a minimum of four (4) years' experience in the mechanical trade.

The annual license fee for a Class A Commercial Mechanical license shall be $150.00.

Class C Refrigeration Mechanical: A Class C Refrigeration Mechanical license shall entitle the holder thereof to engage in the business of contracting to perform mechanical work and to secure permits for the installation, alteration, maintenance and repair of refrigeration equipment, appliances and systems unlimited in tons or horsepower; provided, however, that such refrigeration equipment is intended to be used for the sole purpose of food and produce preservation and/or processing and is not to be used for comfort systems.

To qualify for the Class C Refrigeration Mechanical examination the applicant shall have a minimum of four (4) years' experience in the mechanical trade.

The annual license fee for a Class C Refrigeration Mechanical License shall be $150.00.
Class D HVAC Sheet Metal Mechanical: A Class D HVAC Sheet Metal Mechanical license shall entitle the holder thereof to engage in the business of contracting to perform mechanical work and to secure permits for the installation, alteration, maintenance and repair of mechanical heating, ventilating and air-conditioning duct systems, duct liner, duct insulation, grease hoods, outside air ducts, exhaust ducts, metal vent pipes, metal smoke stacks, boiler breeching and fiber glass duct systems. This does not include the installation of any heating or cooling equipment or fan coil units.

To qualify for the Class D HVAC Sheet Metal Mechanical examination the applicant shall have a minimum of four (4) years' experience in the mechanical trade.

The annual license fee for a Class D HVAC Sheetmetal Mechanical license shall be $150.00.

Class E Special State Mechanical: A Special State Mechanical license shall entitle the holder thereof to engage in the business of contracting to perform mechanical work and to secure permits for the installation, alteration, maintenance and repair of mechanical systems as authorized by Tennessee Code Annotated § 62-2-111.

The annual license fee for a Class E Special State Mechanical license shall be as follows:

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<thead>
<tr>
<th>Classification</th>
<th>Fee</th>
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<tbody>
<tr>
<td>CMC</td>
<td>$150.00</td>
</tr>
<tr>
<td>CMC-C</td>
<td>$150.00</td>
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Inactive Mechanical License: This license shall apply to all classifications within this code.

A person who is 62 years of age or older and who has held an active license with the City of Knoxville for at least twenty (20) years may apply for an Inactive Mechanical License prior to the license expiration date and grace period upon payment of a fee of fifty dollars ($50.00).

No person holding an inactive license shall engage in the business of contracting to perform any mechanical work previously authorized by an active license.

To change an inactive license to an active license, a person shall pay the appropriate license fee and comply with all the requirements of the Board; provided, however, a licensee may return to active status from inactive status on only one (1) occasion.

[A] 111.4.3 Violations. Any person who performs any mechanical work in the City of Knoxville Knoxville city limits shall be a licensed mechanical contractor, licensed mechanical installer, or employee thereof. It shall be unlawful for any person holding a mechanical license issued hereunder to allow the use of the same directly or indirectly by any other person for the purpose of obtaining a permit to do any mechanical work in the City of Knoxville Knoxville city limits. Any license holder who shall violate a provision of this code or fail to comply with any of the provisions thereof, or violate a detailed statement of plans submitted and approved thereunder, shall be subject to license suspension or revocation as determined by the building official may be penalized by one or more of the following or other legal remedies: verbal reprimand by Chief; verbal reprimand by the Board; a fine, as imposed by the Board, not to exceed $250.00; or license suspension or revocation as determined by the Board.

Amend Chapter 11 Refrigeration as follows:

Delete Section 1101.10 Locking Access Port Caps in its entirety without substitution.