

ORDINANCE NO. BL2010- 642

An ordinance amending Title 2 of the Metropolitan Code of Laws by amending Sections 2.76.130, 2.80.090, 2.84.120 and 2.92.120 relating to the filing fees for appeals to various boards and amending Title 16 of the Metropolitan Code of Laws by amending Sections 16.12.220, 16.12.240, 16.16.400, 16.16.480, 16.20.250, 16.20.260, 16.24.650, 16.28.110 and 16.28.140 relating to fee schedules for building permits, gas/mechanical permits, plumbing permits and electrical permits as well as fees relating to inspections, re-inspections, examination of plans, refunds, as well as administrative fees and other fees charged by the Department of Codes Administration.

WHEREAS, the fee schedules utilized by the Department of Codes Administration have been in place for a number of years; and,

WHEREAS, an independent consultant was retained to determine whether and to what extent a fee increase is necessary to cover the full cost of services provided by the Department of Codes Administration and the Metropolitan Fire Marshal's office for plans review and inspection services related to building construction; and,

WHEREAS, the independent consultant performed an analysis of the scope of services provided by the Department of Codes Administration, Fire Marshal's office and others related to building construction; and,

WHEREAS, the independent consultant determined that a fee increase is reasonable and necessary to cover the full cost of providing said services; and,

WHEREAS, the fee schedules proposed herein are based upon the general recommendations of the independent consultant.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Section 2.76.130 of the Metropolitan Code of Laws is hereby amended by deleting the existing language and substituting instead the following:

2.76.130 Appeals--Filing requirements.

Notice of an appeal to the board of electrical examiners and appeals shall be in writing, setting forth the grounds for such appeal, and shall be filed with the secretary of the board within ten days after the decision is rendered by the director of codes administration. A filing fee of two hundred and fifty dollars (\$250.00) shall be paid at the time the appeal is filed with the board.

Section 2. That Section 2.80.090 of the Metropolitan Code of Laws is hereby amended by deleting the existing language and substituting instead the following:

2.80.090 Appeal procedures--Filing fee.

Whenever the director of codes administration and/or the metro fire marshal shall reject or refuse to approve the mode or manner of construction proposed to be followed or materials to be used in the erection or alteration of a building or structure, or when it is claimed that the provisions of this chapter and Chapters 10.64 Articles I and II, 16.04, 16.08 and 16.28 through 16.56 do not apply, or that

an equally good or more desirable form of construction can be employed in any specific case, or when it is claimed that the true intent and meaning of this chapter and Chapters 10.64 Articles I and II, 16.04, 16.08 and 16.28 through 16.56 or any of the regulations hereunder have been misconstrued or wrongly interpreted, the owner of such building or structure, or his duly authorized agent, may appeal from the decision of the director of codes administration and/or the metro fire marshal to the board of fire and building code appeals. Notice of appeal shall be in writing and filed within thirty days after the decision is rendered by the director and/or metro fire marshal. A fee of two hundred and fifty dollars (\$250.00) shall accompany such notice of appeal.

Section 3. That Section 2.84.120 of the Metropolitan Code of Laws is hereby amended by deleting the existing language and substituting instead the following:

2.84.120 Appeals--Filing requirements.

Notice of an appeal to the board of gas/mechanical examiners and appeals shall be in writing, setting forth the grounds for such appeal, and shall be filed with the secretary of the board within ten days prior to the meeting of the board. A filing fee of two hundred and fifty dollars (\$250.00) shall be paid at the time the appeal is filed with the board.

Section 4. That Section 2.92.120 of the Metropolitan Code of Laws is hereby amended by deleting the existing language and substituting instead the following:

2.92.120 Appeals--Filing requirements.

Notice of an appeal to the board of plumbing examiners and appeals shall be in writing, setting forth the grounds for such appeal, and shall be filed with the secretary of the board within ten days after the decision is rendered by the director. A filing fee of two hundred and fifty dollars (\$250.00) shall be paid at the time the appeal is filed with the board.

Section 5. That Section 16.12.220 of the Metropolitan Code of Laws is hereby amended by deleting the existing language and substituting instead the following:

16.12.220 Fee schedule—Plumbing Permits and Fixture classifications.

A. No plumbing permit shall be held valid until the fees prescribed in this section shall have been paid, nor shall an amendment or change to an existing permit be approved until such additional fees as may be due shall have been paid.

B. Permit fees for the installation of plumbing systems, devices, equipment and fixtures, including but not limited to the installation of fixtures, sewer connections, septic tanks, hot water heaters, repairs and alterations to existing plumbing installations and systems, shall be as follows:

Minimum fee (each permit) ... \$75.00

*Plumbing fixtures (each fixture) ... \$9.25

Each additional building drain ... \$31.00

Sewer connection ... \$77.00

Water service connection ... \$77.00

Septic tank and disposal field ... \$77.00

Repair or alteration to an
existing septic tank or field ... \$31.00

Hot water heater ... \$18.50

Re-inspection fee (each) ... \$45.00

* Each fixture outlet shall be counted as one fixture in figuring the total permit fee, whether or not the fixture is actually set at the time the plumbing system is installed.

C. The classifications listed below, among others, shall each be counted as one fixture:

Area drains;
Backflow preventers;
Baptisteries;
Bathtubs (with or without overhead shower);
Boiler blow-off tanks;
Combination sink and tray;
Commercial icemakers.
Dental lavatory;
Dental unit or cuspidor;
Diluting tanks and interceptors;
Dishwasher (fixed unit);
Disposal units (commercial);
Drinking fountains;
Floor drains;
Grease traps and interceptors;
Kitchen sinks;
Lavatory;
Pools, fountains and aquaria;
Roof drains;
Shower drains;
Slop sinks
Solar panels when connected to plumbing system;
Sump pumps;
Swimming pools;
Urinals;
Washers (clothes, domestic, fixed drains);
Washers (commercial, fixed drains);
Water closets;
Water tanks.

Section 6. That Section 16.12.240 of the Metropolitan Code of laws is hereby amended by deleting the existing language and substituting instead the following:

16.12.240 Fees--Refunds.

A. Application for a refund of fees paid for any unused permit issued under the provisions of this chapter shall be made on forms provided by the director of codes administration.

B. Refunds shall only be made for that portion of a fee exceeding seventy-five dollars. In no case shall any fee be refunded on any unused permit over six months old or when any inspection has been made, regardless of the fees paid.

Section 7. That Section 16.16.400 of the Metropolitan Code of Laws is hereby amended by deleting the existing language and substituting instead the following:

16.16.400 Fee Schedule—Gas/mechanical permits and Classification of appliances.

A. No gas/mechanical permit shall be held valid until the fees prescribed in this section shall have been paid, nor shall an amendment or change to an existing permit be approved until such additional fees as may be due shall have been paid.

B. Permit fees for the installation of gas/mechanical systems, devices, equipment and fixtures, including but not limited to the installation of fixtures, repairs and alterations to existing gas/mechanical installations and systems, shall be as follows:

1. Fee schedule.

Minimum fee (each permit) ... \$75.00

*Gas and/or mechanical appliance (each appliance) ... \$10.00

Gas meter connection ... \$10.00

Hot water heater ... \$19.00

Fuel Piping (under ground fuel lines) ... \$48.00

Re-inspection fee (each) ... \$45.00

* Each appliance outlet shall be counted as one appliance in figuring the total permit fee, whether or not the appliance is actually installed at the time the gas/mechanical system is installed.

2. 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 Btuh and/or kilowatts input of all appliances at the rate of thirty-two dollars (\$32.00) per one hundred thousand Btuh or fraction thereof.

C. The classifications listed below shall each be counted as one fixture, equipment or appliance:

Air-conditioning unit;

Air handling unit;

Alt. fuel system;

Boiler;

Broiler;

Collector, dust etc.;

Condensing unit or condenser;

Cooling tower;

Conversion burner;

Dryer;

Duct heater;

Duct system;

Exhaust fan, hood;

Factory built fireplace or insert;

Fire or smoke damper;

Fryer;

Furnace;

Gas logs unit;

Gas piping;

Grill or griddle;

Heat exchanger;

Humidifier or dehumidifier;

Incinerator;

Infrared heater;

Make up air unit;

Oven;

Package unit;

Pool or sauna heater;

Power venter;

Radon removal system;

Range or cook top unit;

Recirculating fan unit;

Refrigeration unit;

Rooftop unit;

Room heater;

Stationary gas engines, turbines;

Stove, solid fuel or laundry;

Tank, oil or LP;

Unit heater;

Water heater or circulation tank.

Section 8. That Section 16.16.480 of the Metropolitan Code of Laws is hereby amended by deleting the existing language and substituting instead the following:

16.16.480 Fees--Refunds.

A. Application for a refund of fees paid for any unused permit issued under the provisions of this chapter shall be made on forms provided by the director of codes administration.

B. Refunds shall only be made for that portion of a fee exceeding seventy-five dollars. In no case shall any fee be refunded on any unused permit over six months old or when any inspection has been made, regardless of the fees paid.

Section 9. That Section 16.20.250 of the Metropolitan Code of Laws is hereby amended by deleting the existing language and substituting instead the following:

16.20.250 Fee Schedule – Electrical Permits.

A. No electrical permit shall be held valid until the fees prescribed in this section shall

have been paid, nor shall an amendment or change to an existing permit be approved until such additional fees, as may be due, shall have been paid.

B. In addition to any other penalty imposed for failure to obtain a permit where electrical work of any type, for which a permit is required, is commenced before a permit is issued, the permit fees shall be tripled.

C. Permit fees for the installation of any electrical system or part thereof, including but not limited to the installation of both new electrical systems and additions, alterations and repairs to existing electrical systems, the installation of electrical fixtures, equipment and devices and appurtenances thereto, shall be as follows:

1. Lighting circuits or any circuit where outlets are intended to be installed for low-voltage devices or lamp-holding devices and receptacles for the attachment of small, portable electrical devices and appliances; 130 volts or less:

a. For the installation of 10 or less such outlets ... \$5.70

b. For additional outlets over 10, each ... \$0.50

2. Motors and generators:

One horsepower or less each ... \$2.00

Over 1 and including 10 horsepower, each ... \$7.55

Over 10 horsepower, each ... \$13.25

Motor-generator sets ... \$19.00

3. Electric ranges:

Residential, each ... \$19.00

Commercial, each ... \$22.75

4. Water heaters:

Residential, each ... \$15.00

Commercial, each ... \$19.00

5. Electric heat and electrically heated appliances other than ranges and water heaters:

Over 1 kw and including 5 kw, each ... \$7.55

Over 5 kw and including 10 kw, each ... \$13.25

Over 10 kw, each ... \$19.00

6. Electric dryers:

Residential, each ... \$9.50

Commercial, each ... \$13.25

7. Electric signs (excluding service), each ... \$19.00

8. Lunch wagons, bookmobiles, medical service vehicles, and similar structures on wheels, for lighting only ... \$19.00

(Motors, appliances and devices installed in such lunch wagons and similar structures shall be charged the same rate as prescribed for such motors, appliances and devices.)

9. Service, new installation, increasing size, or relocation, per meter ... \$11.50

10. Installation of any wiring, device, apparatus, appliance or equipment not specifically covered herein, such as but not limited to disconnects, 220 volt receptacles, each ... \$7.55

11. Distribution, lighting or switch panels:

Up to and including 200 amperes, each ... \$9.50

201 to 400 amperes, each ... \$19.00

401 to 800 amperes, each ... \$28.50

801 to 1600 amperes, each ... \$47.25

1601 to 3000 amperes, each ... \$75.50

3001 to 6000 amperes, each ... \$142.00

Each additional 100 amperes or fraction thereof ... \$2.85

12. Minimum fee (each permit) ... \$75.00

(Including permit for the installation of any electrical system or part thereof, including but not limited to the installation of both new electrical systems and additions, alterations and repairs to existing electrical systems, the installation of electrical fixtures, equipment and devices and appurtenances thereto, temporary services, etc.)

13. Re-inspection fee (each) ... \$45.00

14. Service releases:

Residential, one-family or two-family, except condominium units, each service riser ... \$75.00

Residential, more than two-family, and condominium units, each service riser ...
....\$75.00

Commercial or industrial, each service riser ... \$100.00

15. Emergency re-connection of service, each ... \$100.00

Section 10. That Section 16.20.260 of the Metropolitan Code of Laws is hereby amended by deleting the existing language and substituting instead the following:

16.20.260 Fees--Refunds.

A. Application for a refund of fees paid for any unused electrical permit issued under the provisions of this chapter shall be made on forms provided by the director of codes administration.

B. Refunds shall only be made for that portion of a fee exceeding seventy-five dollars. In no case shall any fee be refunded on any unused permit over six months old or when any inspection has been made, regardless of the fees paid.

Section 11. That Section 16.24.650 of the Metropolitan Code of Laws is hereby amended by deleting the existing language in subsection A. and substituting instead the following:

A. The amount of the direct and indirect costs of such repairs, alterations, or improvements, or vacating and closing, or removal or demolition by the department shall be assessed against the owner of the property, and shall, upon the filing of the notice with the office of the register of deeds of Davidson County, be a lien on the property in favor of the Metropolitan Government of Nashville and Davidson County, second only to liens of the State of Tennessee and Metropolitan Government of Nashville and Davidson County for taxes, any lien of the Metropolitan Government of Nashville and Davidson County for special assessments, and any valid lien, right or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be collected by the metropolitan trustee at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes. Indirect costs that may be assessed against the property owner shall include, but not be limited to, the cost of postage, advertising, title searches, and recording fees and shall include an administrative fee in the amount of Seven Hundred Twenty-Five dollars (\$725.00) per demolition project to cover staff time in the administration of each demolition case.

Section 12. That Section 16.28.110 of the Metropolitan Code of Laws is hereby amended by deleting the existing language and substituting instead the following:

16.28.110 Fee schedule—Building permits.

A. Building Permit Fees. The fee for building permits shall be determined as set forth in this section.

1. Building Permit Fees for Residential Construction based on valuation. Residential construction includes one-family and two-family residential construction and

townhouses as defined by the 2006 Edition of the International Residential Code, but not multi-family construction.

<u>TOTAL VALUATION</u>	<u>FEES</u>
\$0.00 to \$2,000.00	\$28.85
\$2,000.01 to \$50,000.00	\$28.85 for the first \$2,000.00 plus \$5.77 for each additional thousand or fraction thereof, to and including \$50,000.00.
\$50,000.01 to \$100,000.00	\$305.78 for the first \$50,000.00 plus \$4.62 for each additional thousand or fraction thereof, to and including \$100,000.00.
\$100,000.01 to \$500,000.00	\$537.14 for the first \$100,000.00 plus \$3.46 for each additional thousand or fraction thereof, to and including \$500,000.00
\$500,000.01 and up	\$1,921.24 for the first \$500,000.00 plus \$2.31 for each additional thousand or fraction thereof.

2. Building Permit Fees for Commercial Construction and all other Construction other than one-family and two-family residential construction and townhouses as defined by the 2006 Edition of the International Residential Code, shall be based on valuation.

<u>TOTAL VALUATION</u>	<u>FEES</u>
\$0.00 to \$2,000.00	\$40.39
\$2000.01 to \$50,000.00	\$40.39 for the first \$2,000.00 plus \$6.92 for each additional thousand or fraction thereof, to and including \$50,000.00.
\$50,000.01 to \$100,000.00	\$372.71for the first \$50,000.00 plus \$5.57 for each additional thousand or fraction thereof, to and including \$100,000.00.
\$100,000.01 to \$500,000.00	\$651.38 for the first \$100,000.00 plus \$4.19 for each additional thousand or fraction thereof, to and including \$500,000.00.
\$500,000.01 and up	\$2,326.84 for the first \$500,000.00 plus \$2.79 for each additional thousand or fraction thereof.

B. Moving of Buildings or Structures. For the moving of any building or structure where such necessitates the transportation of such building or structure in public rights-of-way or on public streets, the fee shall be two hundred and fifty dollars (\$250.00); except, that such fee shall not be charged for the moving of temporary construction office sheds, mobile homes or house trailers.

C. Signs. For the erection, construction or alteration of any sign, billboard, awning, marquee or similar structure, the fee shall be determined from Section A. 2. above using the schedule for commercial construction. The minimum fee for a permit to erect a sign shall be fifty dollars (\$50.00).

D. Trailers and Mobile Homes. For each trailer or mobile home located on an individual site, lot, trailer park, mobile home subdivision or apartment complex, there shall be a fee of fifty (\$50.00), such fee to be charged on the original location of a trailer or mobile home on the site. For each succeeding trailer or mobile home moved onto a lot not within a trailer park, mobile home subdivision or apartment complex, there shall be required a use and occupancy permit.

E. Certificate of Occupancy and Compliance. For the issuance of a use and occupancy permit or certificate of compliance where there has been no building permit issued, the fee shall be fifty dollars (\$50.00).

F. Blasting. For blasting permits required by section 16.28.020, the fee shall be One Hundred dollars (\$100.00) for a blasting permit valid up to six months, and Two Hundred dollars (\$200.00) for a blasting permit valid up to twelve months.

G. Re-inspection Fee. For a re-inspection, the fee shall be Forty-five dollars (\$45.00).

H. Plans Examination Fees.

1. For the examination for code compliance of plans, specifications, drawings and other data, the plans examination fee shall be:

<u>TOTAL VALUATION</u>	<u>FEES</u>
\$0.00 to \$275,000.00	one-half of the building permit fee as set forth in subsection A of this section.
\$275,000.01 to \$5,000,000.00	\$1,338.54 for the first \$275,000.00 plus \$0.18 per thousand for each additional thousand or fraction thereof, to and including \$5,000,000.00.
\$5,000,000.01 and above	\$2,181.82 for the first \$5,000,000.00 plus \$0.07 per thousand for each additional thousand or fraction thereof.

Such plan-examination fee is in addition to the building permit fee and in no case shall this be refunded even if there is not a subsequent building permit issued. If an issued building permit is due a refund as per Section 16.28.140, in no case shall the plans examination fee be refunded.

2. Exceptions from plans examination fee:
- a. One- and two-family dwelling building permits;
 - b. Townhouse building permits;
 - c. Demolition permits;
 - d. Blasting permits;

Section 13. That Section 16.28.140 of the Metropolitan Code of Laws is hereby amended by deleting the existing language and substituting instead the following:

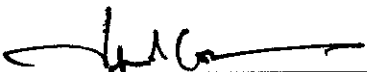
16.28.140 Fees--Refunds.

A. Application for a refund of fees paid for any unused building permit, where the work covered by such permit is to be performed by another or abandoned shall be made on forms provided by the director.

B. Refunds shall only be made for that portion of a building permit fee exceeding seventy-five dollars. In no case shall any fee be refunded on any unused permit over six months old or when any inspection has been made, regardless of the fees paid. In no case shall any portion of the plans examination fee collected under Section 16.28.110 H. be refunded.

Section 14. That this ordinance shall take effect at 12:01 AM on the first day of the calendar month following its final passage, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

RECOMMENDED BY:



TERRENCE L. COBB
DIRECTOR OF CODES ADMINISTRATION

INTRODUCED BY:



MEMBERS OF COUNCIL

APPROVED AS TO
AVAILABILITY OF FUNDS



DIRECTOR OF FINANCE *the*



MEMBERS OF COUNCIL

APPROVED AS TO LEGALITY OF FORM
AND COMPOSITION



METROPOLITAN ATTORNEY