

TELLICO PROJECT DEVELOPMENT STANDARDS
AND BUILDING CODES ENFORCEMENT RESOLUTION

PURSUANT TO the enabling legislation enacted in April 1982 by the Tennessee Legislature and codified in TCA 64-1-701, creating and establishing the Tellico Reservoir Development Agency (TRDA) as a public body corporate and politic, created for the purpose of developing and effectuating plans and programs for the comprehensive development of, acquiring, operating, managing, selling, leasing and development of all or portions of the lands lying within the Tellico Project area of the Tennessee Valley Authority, including portions of Monroe County, Loudon County and Blount County, in accordance with the public purposes for which the Tellico Project was established and developed; the development, management and operation of lands and facilities within these development lands by TRDA thereby declared to be essentially public and governmental functions with powers and authorities granted in connection therewith, these also thus declared to be public and corporate purposes as well as other appropriate matters of public necessity; and

PURSUANT TO the authority granted by Contract No. TV-60000A (TV-60000A) between TRDA and the Tennessee Valley Authority (TVA), subject to its conditions and for the purpose of regulating development on the transferred lands of the Tellico Project:

WHEREAS, TV-60000A grants to TRDA both the authority and obligation to review proposed project, building and other improvement plans for compliance with the Development Standards for the Tellico Project and, when such plans have been approved, to issue building permits (per Section 6.020) and, when appropriate, certificates of occupancy (per Section 6.040) and for such purposes to adopt and utilize current and suitable building codes (most recently on August 29, 2014, having adopted certain selected 2012 Edition Codes as issued by the International Codes Council, Inc. [ICC] and their referenced codes); and

WHEREAS, TV-60000A also provides TRDA, with certain regulatory enforcement measures (per Section 6.050), in accordance with applicable Law, in order to facilitate action to remedy violations of its Development Standards upon transferred lands of the Tellico Project; and

WHEREAS, TV-60000A also provides for the establishment and operation of a Design Review Committee (per Section 6.080) for the purposes of maintaining sound architectural design, site planning, environmental, energy, structural design and other such standards for development occurring on such transferred land, yet such Committee and its members being held harmless (per Section 6.100) and not liable in

damages to anyone submitting plans and specifications to them for approval nor any owner or lessee of land affected by the standards enforced; and

WHEREAS, the 2018 Edition of ICC Codes was initially released in August 2017, and has since that time been widely used by others, including many within the state of Tennessee, and has also been examined and certain of its Codes found to be adequate, appropriate and useful and is now considered applicable for development on the transferred lands of the Tellico Project; and

WHEREAS, TRDA and all other State and Local Public Agencies within the State which enforce development codes are required by Tennessee State Law (per TCA 68-120-101[b][5]) to adopt and enforce editions of building and construction codes that are current within seven (7) years of the date of the latest editions of such published codes,

NOW THEREFORE, BE IT RESOLVED by the Board of Directors of TRDA in regular session assembled on this 4th day of December, 2019, that the following 2018 series ICC Codes and referenced Codes are adopted and are to be enforced by TRDA, by this nullifying all previous parallel versions, notwithstanding that amendments, limitations, exclusions and revisions will and may from time to time be enacted as a part of the administration of these Codes:

For Residential projects (consistent with State and Federal requirements):

- International Residential Code (IRC) Chapters 1-33, 44, as well as Appendices E (Manufactured Housing), H (Patio Covers) and J (Existing Buildings and Structures), as amended
 - * enforcement of applicable electrical power, lighting and wiring codes is specifically by others and thus are not enforced by TRDA

For Commercial and Industrial projects (consistent with State and Federal requirements):

- International Building Code (IBC) in its entirety, as well as Appendix B (Board of Appeals [as qualified]) including by reference, ANSI A117.1 Accessibility Code-2009 Edition) as amended;
- International Energy Conservation Code (IECC) in its entirety, as amended;
- International Mechanical Code (IMC) in its entirety, as amended;
- International Plumbing Code (IPC) in its entirety, as amended;

Note: the following ICC codes are specifically not adopted by TRDA nor enforced by it, except for those specific provisions, if any, referenced in the adopted and enforced codes listed above:

- International Existing Building Code
- International Fire Codes (although the Architect or Engineer of Record will be required to certify compliance with the IFC [consistent with State and Federal requirements])
- International Fuel Gas Code
- International Green Construction Code
- International Performance Code
- International Private Sewage Disposal Code
- International Property Maintenance Code (including provisions for condemnation)
- International Wildland-Urban Interface Code
- International Zoning Code
- International Swimming Pool and Spa Code

BE IT FURTHER RESOLVED by the Board of Directors of TRDA in same session assembled, that in lieu of the Board of Appeals (required under 2018 IBC Appendix B), TRDA shall substitute its Design Review Committee (Committee) already established for purposes of Codes administration, and that this Committee shall undertake the responsibilities otherwise assigned to the Board of Appeals.

BE IT FURTHER RESOLVED by the Board of Directors of TRDA in same session assembled, that, subject to final passage, these provisions shall take effect from January 1, 2020, and thereafter, provided that TRDA shall have discretion to accept drawings, designs, details and specifications based upon the 2012 Edition of ICC Codes and amendments as previously adopted by the Board of Directors of TRDA and previously in effect, upon acceptably demonstrating significant adverse financial effect upon projects up to and including forty-five (45) days from the effective date of this Resolution.

BE IT FURTHER RESOLVED by the Board of Directors of TRDA in same session assembled, that no construction activity shall commence upon any acquired lands of the Tellico Project unless TRDA has first issued a Building Permit for such work, that no building, structure or site improvement shall be put to beneficial use unless TRDA has first also issued a Certificate of Occupancy and that any person, firm, corporation, tenant, occupant or agent who shall do either or violate any other provision of these Codes and Standards or fail to comply therewith or with any of the requirements thereof or cause such action to be taken in violation of the provisions of this Resolution adopted by

reference or locally adopted as modified shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation is committed or continued. Upon being found guilty of such violation, such person shall be penalized according to the enforcement provisions of TV-60000A as well as being subject to injunctive remedies in state court as appropriate. In the event court action is taken, TRDA shall be entitled to recover from any adjudicated to have violated these provisions, reasonable attorney fees and other costs, fees and expenses incurred in bringing the action(s) to enforce the provisions of this Resolution. Additionally, violators are subject to additional monetary and other penalties as available under current Law. The following list of steps or actions shall be assigned for violations of the design and construction standards herein adopted:

- Informal notice to any developer, builder, owner or others who are suspected of violations
- Formal Notice of Violation issued in response to a serious, egregious or repeated violation
- Revocation of a Building Permit previously issued, constituting an emergency stop-work order
- Denial of a Certificate of Occupancy or revocation of such a Certificate, if issued
- Compliance Order and assessment of Administrative Penalties as outlined herein
- Formal notice to appear before the Board of Appeals for a show-cause hearing
- Requirement to demolish substandard construction and replace with approved construction
- Judicial enforcement remedies of Injunctive relief/ civil litigation.

JUDICIAL REMEDIES AND CIVIL PENALTIES
TO BE USED IN ENFORCEMENT OF THIS RESOLUTION

Injunctive Relief

When the TRDA Executive Director or any authorized by him and working under his direction determines that a violation of the TRDA Development Codes and Standards has occurred, this determination is to be promptly reported and, if verified, the violation is not immediately halted, but instead it persists, the Executive Director may petition either the Circuit or Chancery Court via the TRDA Attorney for issuance of a temporary or permanent injunction, as appropriate, which restrains or compels specific compliance with its Development Codes and Standards or any other

requirement imposed by this Resolution. The Executive Director may also seek such other action as is appropriate for legal and/ or equitable relief.

A petition by TRDA for injunctive relief shall not in any way be a bar against, or a prerequisite for, taking any other action against any determined to have violated the Codes and Standards.

Civil Penalties

The Executive Director may recover reasonable attorney fees, court costs, and other expenses associated with enforcement activities, including investigative and research expenses and the cost of actual damages incurred by TRDA. In determining the amount of civil liability, the Court shall take into account all relevant circumstances including but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any actual or attempted economic benefit gained through violation, corrective actions by the violator, the compliance history of the violator, and any other factor as justice requires. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a violator.

Remedies Nonexclusive

The remedies provided for in this Resolution are not exclusive. The Executive Director may take any, all, or any combination of these actions against a Violator. Enforcement of violations will generally be in accordance with the provisions of this Resolution; however, the Executive Director may take other action against any Violator whenever the circumstances warrant. Further, the Executive Director is empowered to take more than one enforcement action against any suspected Violator.

Penalties for Unauthorized Construction

The Executive Director may suspend or revoke a Building Permit for any project on any site wherein such unauthorized activity continues. If found to be substandard or in violation of the Development Codes and Standards, affected construction work may be required to be modified or demolished, dismantled, and removed from the site. The Executive Director may also decline to issue or reissue a Building Permit to a violator who has failed to pay an outstanding fees, fines, or penalties incurred as a result of any provision of this Resolution.

Penalties for Unauthorized Occupancy


The Executive Director is authorized to issue a Temporary Certificate of Occupancy or Conditional Certificate of Occupancy as appropriate on a case-by-case basis, but, in either event, a time limit or specific limits or conditions must be included in such a Certificate. The Executive Director may suspend or revoke a Certificate of Occupancy for any building, structure, or other improvement where unauthorized occupancy or beneficial use takes place.

Limitations of TRDA Authority

TRDA specifically does not imply or intend to exercise authority under this Resolution to condemn for use or occupation any existing building, structure or other improvements which, due to inherent inadequacy, failure or deterioration due to damage, neglect or any other cause, becomes *or* appears unsafe for continued use or occupancy, potentially placing life, limb and property at undue risk.

Availability of This Resolution for Public View and Inspection. TRDA hereby declares that one (1) copy of this Resolution and any and all amendments or revisions, as modified, will be filed and made available for public view for a period of fifteen (15) days prior to becoming effective.

Adopted on the 4th day of December 2019.



Chairman of the Board of Directors of the
Tellico Reservoir Development Agency