

**TITLE 12**

**BUILDING UTILITY, ETC. CODES**

**CHAPTER**

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**CHAPTER 1**

**[RESERVED FOR FUTURE USE]**

**CHAPTER 2**

**[RESERVED FOR FUTURE USE]**

## CHAPTER 3

### BUILDING CODE

#### SECTION

- 12-301. Building code adopted.
- 12-302. Modifications.
- 12-303. Available in recorder's office.
- 12-304. Violations and penalty.
- 12-305. [Deleted.]

**12-301. Building code adopted.** 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 International Building Code,<sup>1</sup> 2018 edition, as prepared and adopted by the International Code Council is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the International Building Code. (Ord. #322, Dec. 1998, as replaced by Ord. #437, Nov. 2008, as replaced by Ord. #489, July 2015 *Ch3\_08-12-21*, and Ord. #534, Dec. 2020 *Ch3\_08-12-21*)

**12-302. Modifications.** (1) Definitions. Whenever in the International Building Code reference is made to the duties of a certain official named therein, that designated official of the City of Henderson who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of the International Building Code are concerned.

(2) Section 101.1. Insert "City of Henderson, Tennessee as the name of the jurisdiction.

(3) Section 1612.3. Insert "City of Henderson and/or Chester County Tennessee as the name of the jurisdiction and Insert "May 4, 2009" as the date of issuance.

(4) Permit fees. The schedule of permit fees shall be set from time to time by resolution of the Board of Mayor and Aldermen. (Ord. #322, Dec. 1998, modified, as replaced by Ord. #437, Nov. 2008, Ord. #489, July 2015 *Ch3\_08-12-21*, and Ord. #534, Dec. 2020 *Ch3\_08-12-21*)

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<sup>1</sup>Copies of this code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

**12-303. Available in recorder's office.** Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the International Building Code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (Ord. #322, Dec. 1998, as replaced by Ord. #437, Nov. 2008, Ord. #489, July 2015 *Ch3\_08-12-21*, and Ord. #534, Dec. 2020 *Ch3\_08-12-21*)

**12-304. Violations and penalty.** It shall be unlawful for any person to violate or fail to comply with any provision of the International Building Code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to fifty dollars (\$50.00). Each day a violation is allowed to continue shall constitute a separate offense. (Ord. #322, Dec. 1998, as replaced by Ord. #437, Nov. 2008, Ord. #489, July 2015 *Ch3\_08-12-21*, and Ord. #534, Dec. 2020 *Ch3\_08-12-21*)

**12-305. [Deleted.]** (Ord. #322, Dec. 1998, as deleted by Ord. #437, Nov. 2008)

## CHAPTER 4

### EXISTING BUILDING CODE

#### SECTION

- 12-401. Existing building code adopted.
- 12-402. Modifications.
- 12-403. Available in recorder's office.
- 12-404. Violations and penalty.

**12-401. Existing building code adopted.** 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 International Existing Building Code,<sup>1</sup> 2018 edition, as prepared and adopted by the International Code Council is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the International Existing Building Code. (as added by Ord. #534, Dec. 2020 *Ch3\_08-12-21*)

**12-402. Modifications.** (1) Definitions. Whenever in the International Existing Building Code reference is made to the duties of a certain official named therein, that designated official of the City of Henderson who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of the International Existing Building Code are concerned.

(2) Section 101.1. Insert "City of Henderson, Tennessee as the name of the jurisdiction.

(3) Permit fees. The schedule of permit fees shall be set from time to time by resolution of the board of mayor and aldermen. (as added by Ord. #534, Dec. 2020 *Ch3\_08-12-21*)

**12-403. Available in recorder's office.** Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502 one (1) copy of the International Existing Building Code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (as added by Ord. #534, Dec. 2020 *Ch3\_08-12-21*)

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<sup>1</sup>Copies of this code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

**12-404. Violations and penalty.** It shall be unlawful for any person to violate or fail to comply with any provision of the International Existing Building Code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to fifty dollars (\$50.00). Each day a violation is allowed to continue shall constitute a separate offense. (as added by Ord. #534, Dec. 2020 *Ch3\_08-12-21*)

## CHAPTER 5

### PLUMBING CODE

#### SECTION

- 12-501. Plumbing code adopted.
- 12-502. Modifications.
- 12-503. Available in recorder's office.
- 12-504. Violations and penalty.
- 12-505. [Deleted.]

**12-501. Plumbing code adopted.** 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 International Plumbing Code,<sup>1</sup> 2018 edition, as prepared and adopted by the International Code Council is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the International Plumbing Code. (Ord. #322, Dec. 1998, as replaced by Ord. #437, Nov. 2008, Ord. #489, July 2015 *Ch3\_08-12-21*, and Ord. #534, Dec. 2020 *Ch3\_08-12-21*)

**12-502. Modifications.** (1) Definitions. Whenever in the International Plumbing Code reference is made to the duties of a certain official named therein, that designated official of the City of Henderson who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of the International Plumbing Code are concerned.

(2) Section 101.1. Insert "City of Henderson, Tennessee as the name of the jurisdiction.

(3) Section 305.4.1. Insert "Twelve Inches (12)" for depth of Septic and "Twelve Inches (12)" for depth of Sewer.

(3) Section 903.1. Insert "Six Inches (6)" for vent above the roof.

(4) Section 106.6.2. Permit fees. The schedule of permit fees shall be set from time to time by resolution of the Board of Mayor and Aldermen. (Ord. #322, Dec. 1998, as replaced by Ord. #437, Nov. 2008, Ord. #489, July 2015 *Ch3\_08-12-21*, and Ord. #534, Dec. 2020 *Ch3\_08-12-21*)

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<sup>1</sup>Copies of this code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

**12-503. Available in recorder's office.** Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the International Plumbing Code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (Ord. #322, Dec. 1998, as replaced by Ord. #437, Nov. 2008, Ord. #489, July 2015 *Ch3\_08-12-21*, and Ord. #534, Dec. 2020 *Ch3\_08-12-21*)

**12-504. Violations and penalty.** It shall be unlawful for any person to violate or fail to comply with any provision of the International Plumbing Code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to fifty dollars (\$50.00). Each day a violation is allowed to continue shall constitute a separate offense. (Ord. #322, Dec. 1998, as replaced by Ord. #437, Nov. 2008, Ord. #489, July 2015 *Ch3\_08-12-21*, and Ord. #534, Dec. 2020 *Ch3\_08-12-21*)

**12-505. [Deleted.]** (Ord. #322, Dec. 1998, as deleted by Ord. #437, Nov. 2008)



## CHAPTER 6

### FUEL GAS CODE

#### SECTION

- 12-601. Gas code adopted.
- 12-602. Bond and license.
- 12-603. Modifications.
- 12-604. Violations.
- 12-605. Permit fees.
- 12-606. Deleted.

**12-601. Fuel gas code adopted.** The International Fuel Gas Code<sup>1</sup>, 2018 edition, including Appendix A and C, together with all amendments thereto, are hereby adopted and incorporated in this section by reference and made part hereof as fully and completely as if copied at length herein, subject to the amendments set forth in this section. (Ord. #322, Dec. 1998, as replaced by Ord. #489, July 2015 *Ch3\_08-12-21*, and Ord. #534, Dec. 2020 *Ch3\_08-12-21*)

**12-602. Bond and license.** (1) In order to protect the public safety, no person shall engage in or work at the installation, extension, or alteration of gas piping or gas appliances, until such person shall have secured a license as hereinafter provided, and shall have executed and delivered to the director of the gas department or his authorized representative a certificate of liability insurance in the minimum amount of one million dollars (\$1,000,000.00) to cover all work performed under the license issued hereunder. On the first day of January of each year following the insurance of a license hereunder, said contractor shall have executed and delivered to the director of the gas department or his authorized representative a certificate of liability insurance showing said insurance to be in effect for the coming year. Failure to provide said certificate as provided above shall render said contractor's license to be null and void.

(2) Upon approval of said certificate of liability insurance, the person desiring to do such work shall secure from the director of the gas department or his authorized representative a non-transferable license which shall run until the first day of January next succeeding its issuance unless sooner revoked. The person obtaining a license shall pay the set fee.

(3) Nothing herein contained shall be construed as prohibiting an individual from installing or repairing his own appliance or installing,

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<sup>1</sup>Copies of this code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

extending, replacing, altering, or repairing, altering, on his own premises, or as requiring a license or bond from an individual doing such work on his own premises; provided however all such work must be done in conformity with all other provision of the gas code, including those relating to permits, inspections, and fees. (Ord. #322, Dec. 1998, as replaced by Ord. #489, July 2015 *Ch3\_08-12-21*, and Ord. #534, Dec. 2020 *Ch3\_08-12-21*)

**12-603. Modifications.** (1) Whenever the gas code refers to the "Chief Appointing Authority," it shall be deemed to be reference to the board of mayor and alderman.

(2) Section 101.1. Insert "City of Henderson, Tennessee as the name of the jurisdiction.

(3) Section 106.6.2. Permit fees. The schedule of permit fees shall be set from time to time by resolution of the Board of Mayor and Aldermen.

(4) Adopt: Appendix "A" Sizing and Capacities of Gas Piping.

(5) Adopt: Appendix "C" Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems. (Ord. #322, Dec. 1998, modified, as replaced by Ord. #489, July 2015 *Ch3\_08-12-21*, and Ord. #534, Dec. 2020 *Ch3\_08-12-21*)

**12-604. Violations and penalty.** It shall be unlawful for any person to violate or fail to comply with any provision of the International Fuel Gas Code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to fifty dollars (\$50.00). Each day a violation is allowed to continue shall constitute a separate offense.

(Ord. #322, Dec. 1998, as replaced by Ord. #489, July 2015 *Ch3\_08-12-21*, and Ord. #534, Dec. 2020 *Ch3\_08-12-21*)

**12-605. Permit fees.** All fees are set forth in a "schedule of gas permit fees" as authorized and approved from time to time by resolution of the board of mayor and alderman and will be posted in the building and zoning department. (Ord. #322, Dec. 1998, as replaced by Ord. #489, July 2015 *Ch3\_08-12-21*, and Ord. #534, Dec. 2020 *Ch3\_08-12-21*)

**12-606. Deleted.** (Ord. #322, Dec. 1998, as deleted by Ord. #489, July 2015 *Ch3\_08-12-21*)

## CHAPTER 7

### MECHANICAL CODE

#### SECTION

- 12-701. Mechanical code adopted.
- 12-702. Modifications.
- 12-703. Available in recorder's office.
- 12-704. Violations and penalty.
- 12-705. Deleted.

**12-701. Mechanical code adopted.** 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 International Mechanical Code,<sup>1</sup> 2018 edition, as prepared and adopted by the International Code Council is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the International Mechanical Code. (Ord. #322, Dec. 1998, as replaced by Ord. #437, Nov. 2008, Ord. #489, July 2015 *Ch3\_08-12-21*, and Ord. #534, Dec. 2020 *Ch3\_08-12-21*)

**12-702. Modifications.** (1) Definitions. Whenever in the International Mechanical Code reference is made to the duties of a certain official named therein, that designated official of the City of Henderson who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of the International Mechanical Code are concerned.

(2) Permit fees. The schedule of permit fees shall be set from time to time by resolution of the Board of Mayor and Aldermen. (Ord. #322, Dec. 1998, as replaced by Ord. #437, Nov. 2008, Ord. #489, July 2015 *Ch3\_08-12-21*, and Ord. #534, Dec. 2020 *Ch3\_08-12-21*)

**12-703. Available in recorder's office.** Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the International Mechanical Code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (Ord. #322, Dec. 1998, as replaced

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<sup>1</sup>Copies of this code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

by Ord. #437, Nov. 2008, Ord. #489, July 2015 *Ch3\_08-12-21*, and Ord. #534, Dec. 2020 *Ch3\_08-12-21*)

**12-704. Violations and penalty.** It shall be unlawful for any person to violate or fail to comply with any provision of the International Mechanical Code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to fifty dollars (\$50.00). Each day a violation is allowed to continue shall constitute a separate offense. (Ord. #322, Dec. 1998, as replaced by Ord. #437, Nov. 2008, Ord. #489, July 2015 *Ch3\_08-12-21*, and Ord. #534, Dec. 2020 *Ch3\_08-12-21*)

**12-705. Deleted.** (Ord. #322, Dec. 1998, as deleted by Ord. #437, Nov. 2008)

## CHAPTER 8

### RESIDENTIAL CODE

#### SECTION

- 12-801. Residential code adopted.
- 12-802. Modifications.
- 12-803. Available in recorder's office.
- 12-804. Violations and penalty.

**12-801. Residential code adopted.** 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 International Mechanical Code,<sup>1</sup> 2018 edition, as prepared and adopted by the International Code Council is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the International Mechanical Code. (as added by Ord. #461, Sept. 2010, as replaced by Ord. #486, Oct. 2014 *Ch3\_08-12-21*, Ord. #489, July 2015 *Ch3\_08-12-21*, Ord. #517, Aug. 2018 *Ch3\_08-12-21*, and Ord. #534, Dec. 2020 *Ch3\_08-12-21*)

**12-802. Modifications.** The following sections of the 2018 International Residential Code are hereby revised, amended or deleted as follows:

- (1) Section R313 Automatic Sprinkler Systems is not mandatory, pursuant to TCA § 68-120-101(a)(8).
- (2) Chapters 34-43 relating to Electrical Installations are deleted and electrical standards adopted in 0708-02-01 Electrical Installations shall apply.
- (3) Figure R301.1(2) Seismic Design Categories is deleted and replaced with Figure 301.2(2) Seismic Design Categories Site Class D from 2015 IRC.
- (4) Section R314.6 Power Source relating to Smoke Alarms is amended to create Exception 3 that shall read:

Exception 3. Interconnection and hardwiring of smoke alarms in existing areas shall not be required where the alterations or repairs do not result in removal of interior walls or ceiling finishes exposing the structure.

- (5) Section N1102.4.1.2 (R402.4.1.2) Testing is replaced with Section N1102.4.2.1 Testing Option and Section N1102.4.2.2 Visual Inspection from 2009 IRC.

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<sup>1</sup>Copies of this code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

(6) Section N1103.3.3 (R403.3.3) Duct Testing (Mandatory) and Section N1103.3.4 (R403.3.4) Duct Leakage (Prescriptive) are optional.

(7) Table N1102.1.2 (R402.1.2) Insulation and Fenestration Requirement by Component and Table N1102.1.4 (R402.1.4) Equivalent U-Factors from 2018 IRC are replaced with Table N1102.1 Insulation and Fenestration Requirements by Component and Table N1102.1.2 Equivalent U-Factor from 2009 IRC.

(8) Section N1102.4.4 (R402.4.4) Rooms Containing Fuel-Burning Appliances is deleted in its entirety.

(9) Table N 1102.1 Insulation and Fenestration Requirements by Component in the 2009 edition is adopted and amended by adding the following as footnote "I": "Log walls complying with ICC400 and with a minimum average wall thickness of 5" or greater shall be permitted in Zone 3 when a Fenestration U-Factor of .50 or lower is used, a Skylight U-Factor of .65 or lower is used, a Glazed Fenestration SHGC of .30 or lower is used, a 90 AFUE Furnace is used, an 85 AFUE Boiler is used, and a 9.0 HSPF Heat Pump (heating) and 15 SEER (cooling) are used."

(10) International Energy Conservation Code (IECC), 2018 edition, published by the ICC, except that:

(a) Section R402.4.1.2 Testing is deleted and replaced with Section 402.4.2.1 Testing Option and Section 402.4.2.2 Visual Inspection Option from 2009 IECC.

(b) Section R403.3.3 Duct Testing (Mandatory) and Section R403.3.4 Duct Leakage (Prescriptive) are optional.

(c) Table 402.1.2 Insulation and Fenestration Requirements by Component and Table R402.1.4 Equivalent U-Factors are deleted and replaced with Table 402.1.1 Insulation and Fenestration Requirements by Component and Table 402.1.3 Equivalent U-Factors 2009 IECC.

Delete: Section R105.2 Building #1,

Section R101.1. Insert: CITY OF HENDERSON, TENNESSEE

Table R301.2 (1) Insert:

Ground Snow Load - 10  
 Wind Design Speed - 115 MPH  
 Topographic Effects - None  
 Seismic Design Category - D o  
 Weathering - Moderate  
 Frost Line Depth - 12 inches  
 Termite - Moderate to Heavy  
 Winter Design Temp - 18°  
 Summer Design Temp - 95°  
 Ice Barrier Underlayment Required - None

Flood Hazard - See Adopted Flood Hazard District Ordinance  
Air Freezing Index - Less than 1500  
Mean Annual Temperature - 59.4° F

Section P2603.5.1 Insert: Twelve Inches (12") in Two Locations.

Permit fees. The schedule of permit fees shall be set from time to time by resolution of the Board of Mayor and Aldermen. (as added by Ord. #461, Sept. 2010, as replaced by Ord. #486, Oct. 2014 *Ch3\_08-12-21*, Ord. #489, July 2015 *Ch3\_08-12-21*, Ord. #517, Aug. 2018 *Ch3\_08-12-21*, and Ord. #534, Dec. 2020 *Ch3\_08-12-21*)

**18-803. Available in recorder's office.** That a copy of the 2018 International Residential Code shall remain on file in the office of the City Recorder of the City of Henderson, being marked and designated as the International Residential Code, 2018 edition, including Appendices B, C, G and N (see International Residential Code Section R102.5, 2018 edition), as published by the International Code Council, be and is hereby adopted as the residential code of the City of Henderson, in the State of Tennessee for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one-family and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said residential code on file in the office of the City Recorder of the City of Henderson are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in § 8-302 of this ordinance. (as added by Ord. #461, Sept. 2010, as replaced by Ord. #486, Oct. 2014 *Ch3\_08-12-21*, Ord. #489, July 2015 *Ch3\_08-12-21*, and Ord. #517, Aug. 2018 *Ch3\_08-12-21*)

**12-804. Violations and penalty.** It shall be unlawful for any person to violate or fail to comply with any provision of the International Residential Code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to fifty dollars (\$50.00). Each day a violation is allowed to continue shall constitute a separate offense. (as added by Ord. #461, Sept. 2010, as replaced by Ord. #486, Oct. 2014 *Ch3\_08-12-21*, Ord. #489, July 2015 *Ch3\_08-12-21*, and Ord. #517, Aug. 2018 *Ch3\_08-12-21*)

## CHAPTER 9

### ENERGY CONSERVATION CODE

#### SECTION

12-901. Energy conservation code adopted.

12-902. Modifications.

12-903. Available in recorder's office.

12-904. Violations and penalty.

**12-901. Energy conservation code adopted.** 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 International Energy Conservation Code,<sup>1</sup> 2018 edition, as prepared and adopted by the International Code Council is hereby adopted and incorporated by reference as a part of this code along with the local amendments adopted in the International Residential Code (IRC), and is hereinafter referred to as the International Energy Conservation Code. (as replaced by Ord. #489, July 2015 *Ch3\_08-12-21*, and Ord. #534, Dec. 2020 *Ch3\_08-12-21*)

**12-902. Modifications.** (1) Definitions. Whenever in the International Energy Conservation Code reference is made to the duties of a certain official named therein, that designated official of the City of Henderson who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of the International Energy Conservation Code are concerned.

(2) Permit fees. The schedule of permit fees shall be set from time to time by resolution of the Board of Mayor and Aldermen. (as replaced by Ord. #489, July 2015 *Ch3\_08-12-21*, and Ord. #534, Dec. 2020 *Ch3\_08-12-21*)

**12-903. Available in recorder's office.** Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502 one (1) copy of the International Energy Conservation Code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (as replaced by Ord. #489, July 2015 *Ch3\_08-12-21*, and Ord. #534, Dec. 2020 *Ch3\_08-12-21*)

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<sup>1</sup>Copies of this code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.



**12-904. Violations and penalty.** It shall be unlawful for any person to violate or fail to comply with any provision of the International Energy Conservation Code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to fifty dollars (\$50.00). Each day a violation is allowed to continue shall constitute a separate offense. (as replaced by Ord. #489, July 2015 *Ch3\_08-12-21*, and Ord. #534, Dec. 2020 *Ch3\_08-12-21*)

**CHAPTER 10****PROPERTY MAINTENANCE CODE****SECTION**

- 12-1001. Property maintenance/housing code adopted.
- 12-1002. Modifications.
- 12-1003. Conflicts with dilapidated dwelling code.
- 12-1004. Available in recorder's office.
- 12-1005. Violations and penalty.

**12-1001. Property maintenance code/housing code adopted.**

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 International Property Maintenance Code,<sup>1</sup> 2018 edition, as prepared and adopted by the International Code Council is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the International Property Maintenance/Housing Code. (Ord. #322, Dec. 1998, as replaced by Ord. #437, Nov. 2008, Ord. #489, July 2015 *Ch3\_08-12-21*, and Ord. #584, Dec. 2020 *Ch3\_08-12-21*)

**12-1002. Modifications.** (1) Definitions. Whenever in the International Property Maintenance Code reference is made to the duties of a certain official named therein, that designated official of the City of Henderson who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of the International Property Maintenance Code are concerned.

(2) Section 101.1. Insert "City of Henderson, Tennessee as the name of the jurisdiction.

(3) Section 302.4. Insert "Twelve Inches (12)" for height of Weeds or Grass.

(4) Section 304.14. Insert "April 1st to September 30th" for Insect Screens.

(5) Section 602.3. Insert "October 1st to March 31th" for Heat in Habitable Spaces.

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<sup>1</sup>Copies of this code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

(6) Section 602.4. Insert "October 1st to March 31th" for Heat in Work Spaces.

(7) Section 103.5. Permit fees. The schedule of permit fees shall be set from time to time by resolution of the Board of Mayor and Aldermen. (Ord. #322, Dec. 1998, modified, as replaced by Ord. #437, Nov. 2008 Ord. #489, July 2015 *Ch3\_08-12-21*, and Ord. #584, Dec. 2020 *Ch3\_08-12-21*)

**12-1003. Conflicts with dilapidated dwelling code.** If any portion of the International Property Maintenance Code conflicts with the requirements of the Dilapidated Dwelling Code, then the Dilapidated Dwelling Code shall take precedence. (Ord. #322, Dec. 1998, as replaced by Ord. #437, Nov. 2008 Ord. #489, July 2015 *Ch3\_08-12-21*, and Ord. #584, Dec. 2020 *Ch3\_08-12-21*)

**12-1004. Available in recorder's office.** Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502 one (1) copy of the International Property Maintenance Code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (Ord. #322, Dec. 1998, as replaced by Ord. #437, Nov. 2008 Ord. #489, July 2015 *Ch3\_08-12-21*, and Ord. #584, Dec. 2020 *Ch3\_08-12-21*)

**12-1005. Violations and penalty.** . It shall be unlawful for any person to violate or fail to comply with any provision of the International Property Maintenance Code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to fifty dollars (\$50.00). Each day a violation is allowed to continue shall constitute a separate offense. (Ord. #322, Dec. 1998, as replaced by Ord. #437, Nov. 2008 Ord. #489, July 2015 *Ch3\_08-12-21*, and Ord. #584, Dec. 2020 *Ch3\_08-12-21*)

**CHAPTER 11**

**[RESERVED FOR FUTURE USE]**

**CHAPTER 12**

**[RESERVED FOR FUTURE USE]**

(moved to title 10 by Ord. #534, Dec. 2020 *Ch3\_08-12-21*)

**CHAPTER 13**

**[RESERVED FOR FUTURE USE]**

**CHAPTER 14**

**[RESERVED FOR FUTURE USE]**

**CHAPTER 15****DILAPIDATED DWELLING CODE****SECTION**

- 12-1501. Finding of board of mayor and alderman.
- 12-1502. Definitions.
- 12-1503. Initiation of proceedings; hearings.
- 12-1504. Orders to owners of unfit structures.
- 12-1505. Public officer may cause to repair, etc.
- 12-1506. Public officer may cause to demolish, etc.
- 12-1507. Lien for expenses.
- 12-1508. Determining property unfit.
- 12-1509. Service of complaint or orders.
- 12-1510. Enjoining enforcement of orders.
- 12-1511. Additional powers of public officer.
- 12-1512. Powers conferred.
- 12-1513. Structures unfit deemed unlawful.
- 12-1514. Penalty for violation of code.

**12-1501. Finding of board of mayor and alderman.** Pursuant to Tennessee Code Annotated, § 13-21-101, et seq., the City of Henderson hereby finds that there exist in this municipality structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city. The City of Henderson hereby ordains that such properties be cleared, cleaned or abated and that such dwellings shall be repaired, closed or demolished in the manner herein described. (Ord. #322, Dec. 1998)

**12-1502. Definitions.** Whenever used in this chapter, the following words and terms shall have the following meanings unless the context necessarily requires otherwise:

(1) "Dwelling" means any building or structure, or part thereof, used and occupied for human occupation or use or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

(2) "Governing body" shall mean the Board of Mayor and Alderman of the City of Henderson.

(3) "Municipality" shall mean the City of Henderson, Tennessee, and the areas encompassed within existing city limits or as hereafter annexed.



(4) "Owner" shall mean the holder of title in fee simple and every mortgagee of record.

(5) "Parties of interest" shall mean all individuals, associations, corporations and other who have interest of record in dwelling and any who are in possession thereof.

(6) "Place of public accommodation" means any building or structure in which goods are supplied or services performed, or in which the trade of the general public is solicited.

(7) "Public authority" means any housing authority or any officer who is in charge of any department or branch of the government of the municipality or state relating to health, fire, building regulations, or other activities concerning structures in the municipality.

(8) "Public officer" shall mean the building official or his designee who is authorized by this chapter to exercise the powers prescribed herein and pursuant to Tennessee Code Annotated, § 13-21-101 et seq.

(9) "Structures" means any dwelling or place of public accommodation or vacant building or structure suitable as a dwelling or place of public accommodation. (Ord. #322, Dec. 1998)

**12-1503. Initiation of proceedings; hearings.** Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the city charging that any structure is unfit for human occupancy or use, or whenever it appears to the public officer (or his own motion) that any structure is unfit for human occupation or use, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of, and parties in interest of, such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer (or his designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the service of the complaint, and the owner and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at that time and place fixed in the complaint; and the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer. (Ord. #322, Dec. 1998)

**12-1504. Orders to owners of unfit structures.** If, after such notice and hearing as provided for in the proceeding section, the public officer determines that the structure under consideration is unfit for human occupancy or use, he shall state in writing his finding of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order:

(1) If the repair, alteration or improvement of the structure can be made at a reasonable cost in relation to the value of the structure (not exceeding fifty percent [50%] of the reasonable value), requiring the owner, within the time

specified in the order, to repair, alter, or improve such structure to render it fit for human occupation or use or to vacate and close the structure for human occupation or use; or

(2) If the repair, alteration or improvement of said structure cannot be made at a reasonable cost in relation to the value of the structure (not to exceed fifty percent [50%] of the reasonable value of the premises), requiring the owner within the time specified in the order, to remove or demolish such structure. (Ord. #322, Dec. 1998)

**12-1505. Public officer may cause to repair, etc.** If the owner fails to comply with the order to repair, alter, or improve or to vacate and close the structure as specified in the preceding section hereof, the public officer may cause such structure to be repaired, altered, or improved or to be vacated and closed. A placard with the following words may be placed on the premises: "This building is unfit for human occupation or use. The use or occupation of this building for human occupation or use is prohibited unlawful." (Ord. #322, Dec. 1998)

**12-1506. Public officer may cause to demolish, etc.** If the owner fails to comply with an order, as specified above, to remove or demolish the structure, the public officer may cause such structure to be removed and demolished. A placard with the following words will be placed on the premises: "This building is unfit for human occupation or use. The use or occupation of this building for human occupation or use is prohibited unlawful." (Ord. #322, Dec. 1998)

**12-1507. Lien for expenses.** The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer 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 Chester County, be a lien on the property in favor of the municipality, second only to liens of the state, county, and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing municipal tax collector or county 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 taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes. In addition, the municipality may collect the cost assessed against the owner through an action for debt filed in any court of competent jurisdiction. The municipality may bring one (1) action for debt against more than one or all of the owners of properties against whom said costs have been assessed and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a misjoinder of parties. If the structure is removed

or demolished by the public officer, he shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the chancery court of Chester County by the public officer, shall be secured in such manner as may be directed by such court. Nothing in this section shall be construed to impair or limit in any way the power of the City of Henderson to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise. (Ord. #322, Dec. 1998)

**12-1508. Determining property unfit.** The public officer defined herein shall have the power and may determine that a structure is unfit for human occupation and use if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants or users of neighboring structures or other residents of the City of Henderson. Such conditions may include the following (without limiting the generality of the foregoing): defect therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation, disrepair; structural defects; or uncleanliness. (Ord. #322, Dec. 1998)

**12-1509. Service of complaint or orders.** Complaints or orders issued by the public officer pursuant to this chapter shall be served upon persons, either personally or by registered mail but if the whereabouts of such persons are unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the city. In addition, a copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the Register's Office of Chester County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (Ord. #322, Dec. 1998)

**12-1510. Enjoining enforcement of orders.** Any persons affected by an order issued by the public officer served pursuant to this chapter may file a bill in chancery court for an injunction restraining the public officer from carrying out the provisions of the order, and the court may, upon the filing of the cause, provided, however, that within sixty (60) days after the posting and service of the order of the public officer, such person shall file such bill in the court. The remedy provided herein shall be the exclusive remedy and no person effected by an order of the public officer shall be entitled to recover any damages for actions taken pursuant to any order of the public officer, or because of noncompliance by such person with any order of the public officer. (Ord. #322, Dec. 1998)

**12-1511. Additional powers of public officer.** The public officer, in order to carry out and effectuate the purpose and provisions of this chapter, shall have the following powers in addition to those otherwise granted herein:

(1) To investigate conditions of the structure in the city in order to determine which structures therein are unfit for human occupation or use;

(2) To administer oaths, affirmations, examine witnesses and receive evidence;

(3) To enter upon premises for the purpose of making examination, provided that such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession;

(4) To appoint and fix the duties of such officers, agents, and employees as he deems necessary to carry out the purposes of this chapter; and

(5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate. (Ord. #322, Dec. 1998)

**12-1512. Powers conferred.** This shall not be construed to abrogate or impair the powers of the city with regard to the enforcement of the provisions of this charter or any other ordinances or regulations, not to prevent or punish violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by the charter and other laws. (Ord. #322, Dec. 1998)

**12-1513. Structures unfit deemed unlawful.** It shall be unlawful for any owner of record to create, maintain or permit to be maintained in the city structures which are unfit for human occupation due to dilapidation, defects, increasing the hazards of fire, accident or other calamities. Lack of ventilation, light or sanitary facilities or due to other conditions rendering such dwelling unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city. (Ord. #322, Dec. 1998)

**12-1514. Penalty for violation of code.** Violation of this chapter shall subject the offender to a penalty of up to five hundred dollars (\$500.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (Ord. #322, Dec. 1998)

## CHAPTER 16

### FAIR HOUSING PLAN

#### SECTION

- 12-1601. Definitions.
- 12-1602. Unlawful acts.
- 12-1603. Exception.
- 12-1604. Access to multiple-listing, etc.
- 12-1605. Complaints.
- 12-1606. Violations.
- 12-1607. Exhaustion of remedies.

**12-1601. Definitions.** Whenever used in this chapter, the following words and terms shall have the following meanings unless the context necessarily requires otherwise:

(1) "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or locations of any such building.

(2) "Family" includes a single individual.

(3) "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trust un-incorporated organizations, trustee, trustees in bankruptcy, receivers and fiduciaries.

(4) "To rent" includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

(5) "Fair housing committee" means the board of mayor and alderman which will hear, make determination, issue findings in all cases of discriminatory practice. (Ord. #322, Dec. 1998)

**12-1602. Unlawful acts.** Subject to the exceptions hereinafter set out, it shall be unlawful for any person to do any of the following acts:

(1) To refuse to sell or rent after the making of a bona fide offer to do so or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny a dwelling to any person because of race, color, religion, national origin, or sex.

(2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, national origin, or sex.

(3) To make, print, or publish, or cause to be made, printed, or published, any notice, statement, or advertisement, with respect to the sale or

rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, or national origin or sex.

(4) To represent to any person because of race, color, religion, national origin, or sex that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

(5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, or national origin. (Ord. #322, Dec. 1998)

**12-1603. Exception.** Nothing in this chapter shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society from limiting the sale, rental, or occupancy of dwellings which it owns or operated for other than commercial purposes to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, national origin, or sex. (Ord. #322, Dec. 1998)

**12-1604. Access to multiple-listing services, etc.** It shall be unlawful to deny any person access to or membership or participation in any multiple listing services, real estate brokers' organization or other service, organization or facility relating to business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation on account of race, color, religion, national origin, or sex. (Ord. #322, Dec. 1998)

**12-1605. Complaints.** Any person who claims to have been injured by an act made unlawful by this chapter, or who claims that he will be injured by such an act, may file a complaint with the mayor, chairman of the "fair housing committee." A complaint shall be filed within 30 days after the alleged unlawful act occurred. Complaints shall be in writing and shall contain such information and be in such form as required by the said committee. Upon receipt of a complaint, the committee shall promptly investigate it and shall complete its investigation within 30 days. If a majority of the committee finds reasonable cause to believe that a violation of this chapter has occurred, or if a person charged with a violation of this chapter refuses to furnish information to said committee, the committee may request the city attorney to prosecute an action in the city court against the person charged in the complaint. Such request shall be in writing. Upon receiving such written request and with the assistance of the aggrieved person and said committee, within the 15 days after receiving such request, the city attorney shall be prepared to prosecute an action in the city court, provided a warrant is sworn out by the aggrieved person and served upon the person or persons charged with the offense. (Ord. #322, Dec. 1998)

**12-1606. Violations.** Any person violating any provision of this chapter shall be guilty of an offense and upon conviction shall pay a penalty of not more than \$500.00 for each offense. Each day such violation shall continue constitutes a separate offense. (Ord. #322, Dec. 1998, modified)

**12-1607. Exhaustion of remedies.** Nothing in this chapter requires any person claiming to have been injured by an act made unlawful by this chapter to exhaust the remedies provided herein, nor prevent any such person from seeking relief at any time under the Federal Civil Rights Act or other applicable legal provisions. (Ord. #322, Dec. 1998)

**CHAPTER 17**

**[RESERVED FOR FUTURE USE]**



**CHAPTER 18**

**[RESERVED FOR FUTURE USE]**

**CHAPTER 19**

**[RESERVED FOR FUTURE USE]**

**CHAPTER 20**

**[RESERVED FOR FUTURE USE]**