

**TITLE 12**

**BUILDING, UTILITY, ETC. CODES<sup>1</sup>**

**CHAPTER**

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10. ENERGY CONSERVATION CODE.
11. ONE AND TWO FAMILY DWELLING CODE.
12. ACCESSIBILITY CODE.
13. REGISTRATION OF VACANT COMMERCIAL AND INDUSTRIAL BUILDINGS.

**CHAPTER 1**

**IN GENERAL**

**SECTION**

- 12-101. Copies of codes adopted by reference.
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- 12-103. Code advisory/appeals board.
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- 12-105. Posting of address by permit holders required.
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<sup>1</sup>Municipal code references

Comprehensive sign regulations: title 14.

Fire protection, fireworks, and explosives: title 7.

Mobile home and mobile home parks: title 14.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

**12-101. Copies of codes adopted by reference.** Pursuant to the requirements of Tennessee Code Annotated, § 6-54-501 one (1) copy of each code adopted herein by reference is on file with the building and housing code department and is available for public use and inspection during business hours. (1995 Code, § 12-101)

**12-102. Building and housing codes department established; general powers and duties.** There is hereby created and established the building and housing codes department. The person in charge of the department shall be known as the director. The director of the building and housing codes department shall designate qualified personnel to assume the powers and duties of the "official" and/or the inspector(s) as defined in the model codes adopted herein. (1995 Code, § 12-102)

**12-103. Code advisory/appeals board.** (1) Board established. There is hereby established a board to be called the code advisory/appeals board, which shall consist of thirteen (13) voting members and two (2) nonvoting members. The code advisory/appeals board shall have all powers and duties as prescribed in the codes adopted in this chapter and for the "board of adjustments and appeals" and as otherwise described.

(2) Qualification of members. The code advisory/appeals board shall be appointed by the mayor and shall be composed of individuals with the following qualifications:

- One (1) state licensed general contractor
- One (1) master plumbing contractor
- One (1) gas contractor (pipe fitter)
- One (1) state licensed general contractor: rehabilitation, remodeling specialist
- One (1) civil structural engineer
- One (1) mechanical contractor
- One (1) mechanical engineer
- One (1) master electrical contractor
- One (1) electrical engineer
- One (1) architect
- One (1) attorney
- One (1) city fire department representative
- One (1) lay person
- Fire chief (non-voting)
- Director of building and housing codes department (non-voting)

(3) Terms of office. Of voting members first appointed, four (4) shall be appointed for a term of one (1) year, three (3) for a term of two (2) years, three (3) for a term of two (2) years, three (3) for a term of four (4) years and hereafter they shall be appointed for terms of four (4) years. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required

to be made. Continued absence of any member from regular meetings of the board shall, at the discretion of the mayor, render any such member liable to immediate removal from office.

(4) Quorum. Seven (7) voting members of the board shall constitute a quorum. In varying the application of any provisions of any adopted code or in modifying an order of any official, affirmative votes of the majority present, shall be required. A board member shall not act in a case in which he has a personal interest.

(5) Secretary of board. The director of the building and housing codes department, or his designated representative, shall serve as secretary to the board. The secretary shall make a detailed record of all its proceedings, which shall set forth the reasons for its decisions, the vote of each member, the absence of a member, and any failure of a member to vote.

(6) Procedure. The board shall adopt by-laws necessary to the conduct of its affairs not inconsistent with the provisions of this code. Every decision of the board shall be promptly filed in the office of the codes department and shall be open to inspection. All decisions of the board are final, subject, however, to such remedy as any aggrieved party might have at law or in equity.

(7) Powers. The advisory/appeals board shall have the responsibility to review and recommend construction related codes for presentation to the city council for adoption. (1995 Code, § 12-103)

**12-104. Appeals.** (1) General. Whenever the building and/or fire official shall reject or refuse to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building or structure, or when it is claimed that the provisions of codes adopted in this title do not apply, or that any equally good or more desirable form of installation can be employed in any specific case, or when it is claimed that the true intent and meaning of codes adopted in this title or any regulations thereunder have been misconstrued or incorrectly interpreted, the owner of such building or structure, or his duly authorized agent, may appeal from the decision of the building official and/or the fire official to the code advisory/appeals board. Notice of the appeal shall be filed in writing on forms supplied by the building/fire official and filed within ninety (90) days after the decision is rendered by the building and/or fire official.

Upon receipt of the notice of appeal and the appeal fee (fee determined from time to time by resolution) by the department of building and housing codes, a hearing shall be held at the next meeting of the codes advisory/appeals board. All appeals for a given meeting must be received ten (10) working days prior to the meeting. A public notice of each meeting shall be made a minimum of seven (7) days prior to the board meeting.

(2) Unsafe or dangerous buildings. In case of a building or structure which, in the opinion of the building official, is unsafe or dangerous, the building official may, in his order, limit the time for such appeal to a shorter period.

(3) Variance. The code advisory/appeals board, when so appealed to and after a hearing may vary the application of any provision of codes adopted in this title to any particular case when in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of codes adopted in this title or public interest, or when, in its opinion the interpretation of the building and/or fire official should be modified or reversed.

(4) Action. The code advisory/appeals board shall in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the code advisory/appeals board shall also include the reasons for the decision. If a decision of the code advisory/appeals board reverses or modifies a refusal order, or disallowance of the building official and/or fire official or varies the application of any provision of codes adopted in this title, the building official and/or when appropriate the fire official shall immediately take action in accordance with such decision. (1995 Code, § 12-104)

**12-105. Posting of address by permit holders required.** Work requiring a permit by this title shall not commence until the permit holder or his agent posts the official street address in a conspicuous place on the front of the premises. The address shall be protected from the weather and located in such a position as to be legible from the street accessing the work being done. The address shall be maintained until such time as a permanent means of address identification has been provided on the premises. (1995 Code, § 12-105)

**12-106. Misdemeanor to violate codes.** Any person, who shall violate any provision of the codes adopted in this chapter, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, demolish or move any structure, or who has erected, constructed, altered, repaired, moved or demolished a building or structure in violation of a detailed statement or drawing submitted and approved thereunder, shall be guilty of a misdemeanor and shall be punished in accordance with the general penalty provision of this municipal code of ordinances. (1995 Code, § 12-106)

## CHAPTER 2

### BUILDING CODE

#### SECTION

12-201. Adopted.

12-202. Fees.

12-203. Deleted.

**12-201. Adopted.** Pursuant to authority granted by Tennessee Code Annotated, § 6-54-502, et seq., and for the purpose of regulating the construction, alteration, repair, and demolition of every building or structure, or any appurtenance connected or attached to any building or structure, the 2012 edition of the International Building Code (First Printing),<sup>1</sup> as prepared and adopted by the International Code Council, excluding all appendices thereto, and containing certain modifications, is hereby adopted and incorporated by reference as a part of this code of ordinances. (Ord. #2008-33, Dec. 2008, as replaced by Ord. #2015-004, April 2015)

**12-202. Fees.** All fees shall be set forth in a schedule of fees as authorized and approved from time to time by resolution of the city council. (Ord. #2008-33, Dec. 2008, as replaced by Ord. #2015-004, April 2015)

**12-203. [Deleted.]** (1995 Code, § 12-203, as deleted by Ord. #2015-004, April 2015)

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

### CHAPTER 3

#### ELECTRICAL CODE

##### SECTION

12-301. Adopted.

12-302. Low voltage permit required.

12-303. Deleted.

**12-301. Adopted.** Pursuant to authority granted by Tennessee Code Annotated, § 6-54-502, et seq., and for the purpose of regulating the construction, alteration, repair, and demolition of every building or structure, or any appurtenance connected or attached to any building or structure, the 2011 edition of the National Electrical Code (First Printing), of the National Fire Protection Association, excluding all appendices thereto, and containing certain modifications, is hereby adopted and incorporated by reference as a part of this code of ordinances. (Ord. #2008-033, Dec. 2008, as replaced by Ord. #2015-004, April 2015)

**12-302. Low voltage permit required.** A low voltage permit, which shall include phone, cable, data, with the exception of alarm wiring, shall be henceforth required for any new residential and/or commercial construction.

All such permits shall be issued at the cost of twenty-five dollars (\$25.00) when the project is less than twenty-five thousand dollars (\$25,000.00). (Ord. #2008-033, Dec. 2008, modified, as replaced by Ord. #2015-004, April 2015)

**12-303. [Deleted.]** (Ord. #2008-033, Dec. 2008, modified, as replaced by Ord. #2015-004, April 2015)

**CHAPTER 4**

**GAS CODE**

**SECTION**

12-401. Adopted.

**12-401. Adopted.** Pursuant to the authority granted by Tennessee Code Annotated, § 6-54-502, et seq., the 2012 edition of the International Gas Code (First Printing),<sup>1</sup> excluding all appendices thereto, as prepared and adopted by the International Code Council, is hereby adopted by reference and incorporated in this code of ordinances. (Ord. #2008-033, Dec. 2008, as replaced by Ord. #2015-004, April 2015)

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**CHAPTER 5**

**PLUMBING CODE<sup>1</sup>**

**SECTION**

12-501. Adopted.

**12-501. Adopted.** Pursuant to the authority granted by Tennessee Code Annotated, § 6-54-502, et seq., the 2012 edition of the International Plumbing Code (First Printing),<sup>2</sup> excluding all appendices thereto, as prepared and adopted by the International Code Council, is hereby adopted by reference and incorporated in this code of ordinances. (Ord. #2008-033, Dec. 2008, as replaced by Ord. #2015-004, April 2015)

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<sup>1</sup>Municipal code reference

City water and wastewater system administration: title 18.

<sup>2</sup>Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.



**CHAPTER 6**

**MECHANICAL CODE**

**SECTION**

12-601. Adopted.

**12-601. Adopted.** Pursuant to authority granted by Tennessee Code Annotated, § 6-54-502, et seq., the 2012 edition of the International Mechanical Code (First Printing),<sup>1</sup> excluding all appendices thereto, as prepared and adopted by the International Code Council, is hereby adopted by reference and incorporated in this code of ordinances. (Ord. #2008-033, Dec. 2008, as replaced by Ord. #2015-004, April 2015)

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**CHAPTER 7**

**SWIMMING POOL CODE**

**SECTION**

12-701. Adopted.

12-702. Deleted.

**12-701. Adopted.** Pursuant to the authority granted by Tennessee Code Annotated, § 6-54-502, et seq., and for the purpose of regulating the construction, alteration, repair, use and occupancy, location, maintenance, removal and demolition of every swimming pool or any appurtenance connected or attached to any swimming pool, the 2012 edition of the International Residential Code (First Printing)<sup>1</sup> Appendix (G), as prepared and adopted by the International Code Council, and containing certain modifications, is hereby adopted and incorporated by reference in this code of ordinances. (Ord. #2008-033, Dec. 2008, as replaced by Ord. #2015-004, April 2015)

**12-702. [Deleted.]** (Ord. #2008-033, Dec. 2008, as deleted by Ord. #2015-004, April 2015)

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

**CHAPTER 8**

**PROPERTY MAINTENANCE CODE**

**SECTION**

12-801. Adopted.

**12-801. Adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-502 et seq., the 2012 edition of the International Property Maintenance Code (First Printing),<sup>1</sup> as prepared and adopted by the International Code Council, and containing certain modifications, is hereby adopted and incorporated by reference as a part of this code of ordinances. (Ord. #2008-033, Dec. 2008, as replaced by Ord. #2015-004, April 2015)

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

## CHAPTER 9

### UNSAFE BUILDING ABATEMENT CODE

#### SECTION

- 12-901. Adopted.
- 12-902. Definitions.
- 12-903. Enforcement.
- 12-904. Powers given the director.
- 12-905. Conditions rendering a building unsafe.
- 12-906. Inspection; owner notification.
- 12-907. Hearing.
- 12-908. Condemnation.
- 12-909. Condemnation appeal.
- 12-910. Repair, improvement or demolition by city.
- 12-911. Judicial review.
- 12-912. Immediate dangers to public.

**12-901. Adopted.** Pursuant to the authority granted by Tennessee Code Annotated, § 13-21-101, et seq., this chapter, to known as the Unsafe Building Abatement Code, for the purpose of insuring the safety of the citizens of Jackson from the structures which are unfit for human occupation or use, is hereby adopted. (1995 Code, § 12-801)

**12-902. Definitions.** The following terms whenever used or referred to in this chapter shall have the following respective meanings for the purposes of this chapter unless a different meaning clearly appears from the context:

(1) "Building" means any building, dwelling, or structure, or part thereof, used or intended to be used for human occupancy, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith;

(2) "City" means the City of Jackson, Tennessee;

(3) "Director" means the director of the department of building and housing codes of the city, or his authorized agent.

(4) "Owner" means the holder(s) of the legal title in fee simple and every mortgagee of record;

(5) "Party in interest" means any individual, association, corporation or others who have interest of record in a building and who are in possession thereof;

(6) "Public authority" means any officer who is in charge of any department of the city or the State of Tennessee relating to health, fire, building regulations, public safety, or other activities concerning the structures in the city and the public safety.

The use of the singular number in this chapter shall be deemed to include the plural and the plural the singular. The use of either gender shall apply to both genders. (1995 Code, § 12-802)

**12-903. Enforcement.** The person responsible for enforcement of this chapter shall be the director. (1995 Code, § 12-803)

**12-904. Powers given the director.** The director is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter including the following powers in addition to others herein granted:

(1) To investigate the conditions of buildings in the city in order to determine which are unsafe.

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

(3) To enter upon premises for the purposes of making inspections provided that such entries 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.

(5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate. (1995 Code, § 12-804)

**12-905. Conditions rendering a building unsafe.** An unsafe building shall include any building that has any of the following conditions, such that the life, health, property or safety of its occupants or the general public are endangered:

(1) Any means of egress or portion thereof is not of adequate size or is not arranged to provide a safe path of travel in case of fire or panic.

(2) Any means of egress or portion thereof, such as but not limited to fire doors, closing devices and fire resistive ratings, is in disrepair or in a dilapidated or nonworking condition such that the means of egress could be rendered unsafe in case of fire or panic.

(3) The stress in any material, member or portion thereof due to all imposed loads including dead load exceeds the stresses allowed in the International Building Code for new buildings.

(4) The building has been damaged by fire, flood, earthquake, wind or other cause, to the extent that the structural integrity of the building is less than it was prior to the damage and is less than the minimum requirement established by the International Building Code for new buildings.

(5) The building has an exterior appendage or portion thereof not securely fastened, attached or anchored such that it is capable of resisting wind, seismic or similar loads as required by the International Building Code for new buildings.

(6) The building is manifestly unsafe or unsanitary for the purpose for which it is being used.

(7) The building as a result of decay, deterioration or dilapidation is likely to fully or partially collapse.

(8) The building has been constructed or maintained in violation of a specific requirement of the standard codes of the city or state or federal law.

(9) The building is in such a condition as to constitute a public nuisance.

(10) The building is unsafe, unsanitary or not provided with adequate egress, or constitutes a fire hazard, or is otherwise dangerous to human life, or in relation to existing use, constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment.

(11) The building is unfit for human occupation or use 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 building unsafe or unsanitary or dangerous or detrimental to the health, safety or morals or otherwise inimical to the, welfare of, the residents of the City of Jackson. (1995 Code, § 12-805, modified)

**12-906. Inspection; owner notification.** (1) Inspection. The director shall inspect or cause to be inspected any building under the following circumstances:

(a) A public authority requests an inspection;

(b) A petition requesting an inspection if filed with the director signed by a minimum of five (5) residents of the City of Jackson;

(c) An inspection may be made by the director when he has reason to believe the structure is unfit or unsafe.

(2) Notification. If the director inspects a building and determines it to be unsafe as defined in this chapter, the director shall:

(a) Serve a certified letter of complaint on the owner and any party in interest stating the basis upon which the building has been determined unsafe. The letter of complaint shall contain notice of a time and date for a hearing before the director (or his designated agent), said date being not more than thirty (30) days, nor less than ten (10) days from the date the letter of complaint is served. Service shall be complete upon mailing.

(b) If the whereabouts of the owner is unknown and the same cannot be ascertained by the director in the exercise of reasonable diligence, the director shall make affidavit to that effect, and publish a notice of the complaint and hearing once each week for two (2) consecutive weeks in a newspaper printed and published in the city. A notice shall also be posted in a conspicuous place on the premises affected by the letter of complaint. (1995 Code, § 12-806)

**12-907. Hearing.** The hearing before the director shall give the owner and a party in interest the opportunity to respond to the letter of complaint as follows:

(1) The owner and a party in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the letter of complaint.

(2) The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the director. (1995 Code, § 12-807)

**12-908. Condemnation.** If after such notice and hearing, the director determines that the building is unsafe, he shall state in writing his findings of fact in support of such determination and shall serve a certified letter of condemnation to the owner, which shall contain an order to:

(1) Vacate and close and/or repair, alter or improve the building or structure in such a manner as to make it safe and fit for human occupation or demolish the structure.

(2) If the repair, alteration or improvement cost exceeds seventy-five percent (75%) of the taxable value of the property, the director may order the structure to be removed or demolished.

(3) The letter of condemnation shall contain a time limitation of not less than sixty (60) days to be determined by the director based on the condition of the building and the potential for rehabilitation.

(4) If the director finds a building to be unsafe and if after the director has ordered the building repaired, improved, demolished, vacated or closed and if the owner does not take such action, the director may post signs stating that "THIS BUILDING IS UNSAFE AND UNFIT FOR HUMAN USE. THE USE OR OCCUPATION OF THIS BUILDING FOR HUMAN OCCUPATION OR USE IS PROHIBITED AND UNLAWFUL." The director may take such action as he deems necessary to protect the public from the structural failure of any building or structure, including but not limited to, closing streets, walks, erecting barricades, etc.

(5) At any time after the initial inspection the director may cause the utilities (gas, water and electricity) to be disconnected, should they in his opinion pose a threat to the public safety. (1995 Code, § 12-808)

**12-909. Condemnation appeal.** The owner or any party in interest may appeal the decision of the director in accordance with the following:

(1) The decision of the director may be appealed to the City of Jackson code advisory/appeals board or its successor. The appeal shall be made within ten (10) days of the letter of condemnation and shall be made following the procedures in title 12, chapter 1 of this municipal code.

(2) If the board agrees with the director's finding, the building shall be repaired, altered, improved or demolished as provided in the letter of condemnation within not less than sixty (60) days after the board makes its

written findings, a copy of, which shall be served on the owner or party in interest. (1995 Code, § 12-809)

**12-910. Repair, improvement or demolition by city.** (1) If the owner fails to comply with the letter of condemnation, and after the time allowed for appeal expires, or if the board agrees with the director, the director may cause the building or structure to be repaired, altered, removed or demolished.

(2) The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition shall be determined by the director and shall be a lien against the real property in respect of which such cost was incurred. These costs shall be placed upon the tax rolls of the City of Jackson as a lien and shall be added to property tax bills to be collected 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. Notice of such lien shall be filed in the Office of the Register of Madison County. If the building is removed or demolished by the director, he shall sell the materials of such structure and shall credit the proceeds of such sale against the costs of the removal or demolition and any balance remaining shall be deposited in the chancery court. (1995 Code, § 12-810)

**12-911. Judicial review.** Any person affected by an order issued by the director may file a bill in the Chancery Court for Madison County as provided in Tennessee Code Annotated, § 13-21-106. (1995 Code, § 12-811)

**12-912. Immediate dangers to public.** No provision of this chapter shall limit the director in taking any action authorized in other sections of this chapter to protect the public from immediate hazards or dangers posed by any building. (1995 Code, § 12-812)



**CHAPTER 10**

**ENERGY CONSERVATION CODE**<sup>1</sup>

**SECTION**

12-1001. Adopted.

**12-1001. Adopted.** Pursuant to authority granted by Tennessee Code Annotated, § 6-54-502 et seq., the 2012 edition of the International Energy Conservation Code (Second Printing),<sup>2</sup> as prepared and adopted by the International Code Council, and containing certain modifications, is hereby adopted and incorporated by reference in this code of ordinances. (Ord. #2008-033, Dec. 2008, as replaced by Ord. #2015-004, April 2015)

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<sup>1</sup>Municipal code references

Fire protections, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

<sup>2</sup>Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

## CHAPTER 11

### ONE AND TWO FAMILY DWELLING CODE

#### SECTION

12-1101. Adopted.

**12-1101. Adopted.** Pursuant to authority granted by Tennessee Code Annotated, § 6-54-502 et seq., the 2012 edition of the International Residential Code (First Printing),<sup>1</sup> excluding all the appendices thereto except Appendix G, as prepared and adopted by the International Code Council, and containing certain modifications, is hereby adopted and incorporated by reference in this code of ordinances. The Code shall be additionally modified by deleting Section R313 - Requirement for Automatic Fire Sprinkler Systems in Townhouses and One and Two Family Dwellings. (Ord. #2008-033, Dec. 2008, as replaced by Ord. #2015-004, April 2015, as amended by Ord. #2017-005, June 2017)

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

**CHAPTER 12**

**ACCESSIBILITY CODE**

**SECTION**

12-1201. Adopted.

**12-1201. Adopted.** Pursuant to authority granted by Tennessee Code Annotated, § 6-54-502 et seq., the 2009 edition of ICC/ANSI A117.1 Accessible and Usable Buildings and Facilities (First Printing), is hereby adopted and incorporated by reference in this code of ordinances. (Ord. #2008-033, Dec. 2008, as replaced by Ord. #2015-004, April 2015)

## CHAPTER 13

### REGISTRATION OF VACANT COMMERCIAL AND INDUSTRIAL BUILDINGS

#### SECTION

- 12-1301. Definitions.
- 12-1302. Purpose.
- 12-1303. Regulatory area defined.
- 12-1304. Obligations of owners and persons in control.
- 12-1305. Registration.
- 12-1306. Registration fees.
- 12-1307. Vacant building plan.
- 12-1308. Inspection.
- 12-1309. Vacant building maintenance standards.
- 12-1310. Violations.
- 12-1311. Notice of violation.
- 12-1312. Appeals.
- 12-1313. Interpretation of chapter.
- 12-1314. Separability.

#### **12-1301. Definitions.**

“Authorized agent.” A person that resides within Madison County, Tennessee, who shall be authorized in writing by the owner or person in control of a vacant commercial or industrial building to be responsible for the security and maintenance of the building and property, who shall have access to the building and property and who shall be available at all times during business and non-business hours in the case that an emergency occurs requiring immediate response and/or to make immediate repairs.

“Building Code.” The latest edition of the Building Code adopted by the City of Jackson, Tennessee, as referenced in the Municipal Code of the City of Jackson, Tennessee, Title 12, Chapter 2.

“Commercial and industrial building.” Any structure or part thereof, that is used, designed to be used for any private manufacturing, industrial, or commercial business purposes whether or not legally zoned for such use. A multifamily building involving three (3) or more units is considered a commercial building.

“Evidence of vacancy.” Any condition that on its own or combined with other conditions present would lead a reasonable person to believe the building is vacant. Such conditions include, but are not limited to, no or significantly below standard utility usage, overgrown and/or dead vegetation, accumulation of newspapers, circulars, flyers and/or mail, accumulation of trash, junk and/or

debris, broken or boarded up windows, abandoned vehicles, automobile parts and materials, the absence of window coverings, such as curtains, blinds, and/or shutters, the absence of furnishings and/or personal items consistent with habitation or occupation, statement(s) by neighboring property owners, delivery persons, U.S. Postal Service employees, and/or governmental employee(s) that the building is vacant.

“Fire Code.” The latest edition of the Fire Code adopted by the City of Jackson, Tennessee, as referenced in the Municipal Code of the City of Jackson, Tennessee, Title 7, Chapter 2.

“Key box.” A secure device with a lock operable only by a fire department master key, and containing building entry keys and other keys that may be required for access in an emergency.

“Person.” An individual, partnership, association, syndicate, company, firm, trust, corporation, government corporation, department, agency, or any entity recognized by law.

“Person in control.” The owner of the property; a mortgagee or vendee in possession; a receiver; an executor; a trustee; and any person, public or private entity, lessee or holder of a lesser estate in the property, and/or its duly authorized agent(s), with the authority to bring a building or property into compliance with the provisions of this chapter, including but not limited to any mortgagee that has filed an action of foreclosure on the particular property at issue, based on breach or default of a mortgage agreement, until title to the property is transferred to a third party.

“Property.” Not only the vacant commercial or industrial building and other structures of any kind or nature located on the lot, but also the entire parcel of land surrounding the vacant commercial or industrial building, including, but not limited to, fences, walkways, walls, and appurtenances.

“Regulatory area.” The defined geographic area where the regulations contained in this chapter are applied and enforced.

“Vacant commercial or industrial building.” A commercial or industrial building that is not occupied by its owner, lessee, or other person in lawful possession, or at which substantially all lawful manufacturing, industrial, or commercial business operations and/or occupancy has ceased. For the purposes of this Chapter, a building is considered vacant if more than fifty percent (50%) of the gross square footage of the structure or part thereof is not occupied or at which substantially all lawful manufacturing, industrial, or commercial business operations and/or occupancy has ceased. (as added by Ord. #2019-023, Sept. 2019)

**12-1302. Purpose.** This chapter is adopted to establish a program for identifying and registering vacant commercial and industrial buildings within a defined area of the city that may present a fire hazard, become an attractive nuisance, may detract from private and/or public efforts to rehabilitate or maintain surrounding buildings, and present a hazard to the health, safety, and

welfare of the public. Through a registration, inspection, and monitoring process, vacant commercial and industrial buildings will be kept weather tight and secure from trespassers, will provide safe entry to police officers and firefighters in times of emergency, will not impede private and/or public efforts to rehabilitate or maintain surrounding buildings, and will not otherwise present a public hazard so that the health, safety, and welfare of the public is served by these regulations. (as added by Ord. #2019-023, Sept. 2019)

**12-1303. Regulatory area.** The regulations contained in this Chapter shall apply to all vacant commercial and industrial buildings and associated property within the Center City Revitalization Project Area, within any Subarea designated by the One Jackson Civic Master Plan, and within any area designated as a redevelopment area. (as added by Ord. #2019-023, Sept. 2019)

**12-1304. Obligations of owners and persons in control.** No owner or person in control of a vacant commercial or industrial building shall fail to do any of the following:

- (1) Register the vacant commercial or industrial building with the Planning Department in accordance with the requirements of this chapter.
- (2) Designate an authorized agent if the owner or person in control of the vacant commercial or industrial building does not reside within Madison County, Tennessee.
- (3) Submit a Vacant Building Plan which shall be approved by the Planning Department in accordance with § 12-1307 of this Chapter.
- (4) Maintain the property at all times in accordance with the Vacant Building Maintenance Standards set forth in § 12-1309 of this Chapter.
- (5) Acquire or otherwise maintain general liability insurance covering the vacant commercial or industrial building and property in an amount of not less than one million dollars (\$1,000,000). The insurance policy shall provide for written notice to the Planning Department within 30 days of any lapse, cancellation, or change in coverage. (as added by Ord. #2019-023, Sept. 2019)

**12-1305. Registration.**

(a) Registration and renewal deadlines. All buildings located within the regulatory area that are vacant commercial or industrial buildings shall be registered by the owner or person in control thereof with the Planning Department within sixty (60) days after the effective date of this chapter and renewed not later than January 15 of every year thereafter. Every commercial or industrial building that subsequently becomes vacant shall be registered by the owner or person in control thereof with the Planning Department within thirty (30) days from the date of the last occupancy, or within thirty (30) days of being notified by the Planning Department of the requirement to register based on evidence of vacancy.

(b) Forms. Registration shall be made on forms provided by the Planning Department and verified by the owner or person in control of the vacant commercial or industrial building and shall contain all the following:

(1) The name, address, telephone number and email address of the owner or person in control;

(2) The name, address, telephone number and email address of the authorized agent, if required;

(3) The names, addresses, telephone numbers, and email addresses of all known lien holders and all other parties with any legal interest in the vacant commercial or industrial property;

(4) If the vacant commercial or industrial building is for sale, the name, address, telephone number and email address of the company and the realtor or agent responsible for marketing the property;

(5) The address of the vacant commercial or industrial building and the permanent parcel tax identification number of the land on which the vacant commercial or industrial building is located;

(6) The date on which the building became vacant or will become vacant;

(7) The reason for the vacancy and the estimated length of time the building is expected to remain vacant;

(8) A certificate of general liability insurance in the amount of one million dollars (\$1,000,000);

(9) A Vacant Building Plan in accordance with § 12-1307 of this Chapter.

(c) False Information. No person shall furnish false information to the Planning Department in the Registration Form.

(d) Period of validity. Registration and renewal shall be valid until December 31 of each year, unless a transfer of title to the vacant commercial or industrial building has been completed.

(e) Transfer of property. No person, including but not limited to, an owner, person in control, purchaser, escrow agent, real estate agent, or realtor, shall participate in a transfer of title to, or disburse proceeds from a transfer of title to, a vacant commercial or industrial building without having in escrow with an escrow agent handling the transfer of title of the property, a copy of a registration form completed by the purchaser of the property and the annual registration or renewal fee, if due, in an amount based on the duration of the time the building has been vacant. The escrowed documents and the annual registration fee shall be forwarded to the Planning Department upon transfer of title. The annual registration fee shall not be prorated. In the event that the transfer of title is completed within ninety (90) days from the end of the calendar year, the annual registration fee shall be applied to the following calendar year.

(f) Change in registration information. No owner or person in control of a vacant commercial or industrial building shall fail to notify the Planning

Department and file an amended registration form within seven (7) business days of any change in the registration information required by this section.

(g) Exemptions.

(1) A building which has suffered fire damage or damage caused by extreme weather conditions shall be exempt from the registration requirement for a period of ninety (90) days after the date of the fire or extreme weather event if the property owner or person in control submits a request for exemption in writing to the Planning Department.

(2) If a vacant building is under active construction/renovation and has a valid building permit(s) at the time of initial registration, the building shall be exempt from registration until the expiration of the longest running, currently active building permit.

(3) Government agencies shall be exempt from the requirements of this Chapter. (as added by Ord. #2019-023, Sept. 2019)

**12-1306. Registration fees.**

(a) Fee required with registration. The owner or person in control of a vacant commercial or industrial building shall pay an initial registration fee and annual renewal fees for consecutive, subsequent years of vacancy as follows:

Initial registration fee:	\$400
Annual registration renewal fees:	
1st renewal:	\$800
2nd renewal:	\$1,600
3rd renewal:	\$3,200
4th renewal and renewals thereafter:	\$6,400

Note: Delinquent fees are subject to a fifty percent (50%) surcharge.

(b) Prerequisite for building permits. The registration shall be paid in full prior to the issuance of any building permits.

(c) Fee rationale. Registration fees shall be reasonably related to the administrative costs of the vacant commercial and industrial building registration process and for the costs incurred by the city in monitoring vacant commercial or industrial properties. Increases in annual registration fee amounts shall be reasonably related to the city's continued administrative costs as well as enforcement and abatement costs associated with vacant buildings that have property maintenance, building and fire code violations.

(d) Fee reductions and waivers. The Planning Department may reduce or waive registration or renewal fees as follows:

(1) The renewal fee may be reduced by fifty percent (50%), if, at the time of renewal, the building has no outstanding notices or orders



regarding violation of property maintenance, building or fire codes; and has been placarded as having normal structural conditions per § 12-1309(c)(1).

(2) The Planning Department shall refund the registration or renewal fee paid if the subject building is brought into compliance with the standards of the Building Code and reoccupied within one year of payment of the registration or renewal fee. The refund shall be for the amount of the registration or renewal fee paid during the year in which the building was approved for re-occupancy. Registration or renewal fees paid in previous years shall not be refunded.

(3) The initial registration fee may be waived for up to twelve (12) months from the time a building is required to be registered if a building is being actively marketed for sale or lease, based upon proof submitted by the owner or person in control. Actively marketing shall be defined as placement of a "for sale" or "for lease" sign on the property with accurate contact information, which is also provided to the Planning Department, as well as listing of the building with a licensed State of Tennessee Realtor in the Multiple Listing Service (MLS) with name, address, telephone number, and email address of the realtor provided to the Planning Department. In addition, the listing sale or lease price must be legitimate based on comparable sales and lease rates of similar properties in the defined area. The Planning Department may grant an extension to the initial registration fee waiver for additional twelve (12) months at the time of first renewal and each renewal thereafter if: (1) a building has continued to be consistently and actively marketed for sale or lease, based upon proof submitted by the owner or person in control; and (2) the building has remained in compliance with the provisions of this Chapter and all other applicable zoning, building and fire codes. In granting waiver extensions, the Planning Department can use other factors such as the number of times a building has been shown, offers received, open houses, marketing and promotions, in addition to signage and listing requirements, to determine whether a building is being consistently and actively marketed.

(e) Delinquent fees. If a registration or renewal fee is not paid by the due date specified in § 12-1305(a) of this Chapter, the fee shall be increased by fifty percent (50%) or one thousand dollars (\$1,000), whichever is less. The Planning Department shall pursue collection of delinquent fees pursuant to § 12-1310(b) of this Chapter. All delinquent registration or renewal fees shall be paid by the owner prior to any transfer of an ownership interest in the vacant commercial or industrial building. (as added by Ord. #2019-023, Sept. 2019)

**12-1307. Vacant building plan.**

(a) The owner or person in control of the vacant commercial or industrial building shall submit a Vacant Building Plan that shall be reviewed

for acceptance by the Planning Department. The Vacant Building Plan shall be selected from and include the minimum requirements from one of the following three categories:

(1) Demolition. If the vacant commercial or industrial building is to be demolished, the Vacant Building Plan shall include a proposed time frame for demolition which shall include a commencement date within thirty (30) days of the approval of the proposed demolition time frame and shall not exceed one (1) year in duration.

(2) Secured structure. If the vacant commercial or industrial building is to remain vacant, the Vacant Building Plan shall contain all of the following:

(A) A plan for fire alarm and fire protection as required by the Fire Marshal.

(B) A plan of action to remedy any public nuisance existing in the building or on the property.

(C) A lighting plan for the exterior of the building and property, walkways adjacent thereto, parking or loading areas and nighttime illumination of areas and walkways of the building and property which may be vulnerable to vandalism and vagrancy.

(D) A regular maintenance plan for all exterior lighting and illumination fixtures.

(E) A plan for the maintenance of all structural openings, such as windows, doors, areaways and other openings to avoid the necessity of boarding up. Windows, doors, areaways and other openings that are located on the first floor and facing the street shall not be papered, soaped, blacked out or boarded up, and to avoid the appearance of vacancy, a form of display shall be set up that shall be approved by the Planning Department.

(F) A plan of action to maintain the vacant commercial or industrial building and property in compliance with the Vacant Building Maintenance Standards set forth in § 12-1309 of this Chapter.

(3) Rehabilitation. If the vacant commercial or industrial building is to be returned to lawful occupancy or use, the Vacant Building Plan shall include a rehabilitation time frame for the building and property. The rehabilitation time frame shall not exceed twelve (12) months. The Planning Department may grant an extension of time upon receipt of a written statement from the owner detailing the reasons for the extension. All applicable laws shall be complied with and all required permits shall be obtained. The building shall be kept secured and in compliance with the Vacant Building Maintenance Standards as provided in § 12-1309 of this Chapter at all times during rehabilitation. (as added by Ord. #2019-023, Sept. 2019)

**12-1308. Inspection.**

(a) At the time of registration and renewal the owner or person in control shall arrange for an inspection of the property by the Planning Department, Building Department and Fire Marshal in the presence of the owner, person in control, or authorized agent of the owner having responsibility for security and maintenance of the property for the purpose of determining structural integrity of the building, that it will be safe for entry by firefighters and police officers in times of emergency, and that it complies with the requirements of this Chapter.

(b) If the owner or person in control fails or refuses to consent to and arrange for an inspection, the Planning Department shall obtain a search warrant from a court of competent jurisdiction to authorize inspection of the property. (as added by Ord. #2019-023, Sept. 2019)

**12-1309. Vacant building maintenance standards.** All vacant commercial and industrial buildings and property within the City shall be maintained in accordance with the following Vacant Building Maintenance standards:

(a) Exterior openings, except those prohibited by § 12-1307(a)(2)(E) which cannot be secured by locking an existing door or window shall be boarded, secured, and protected from intrusion by birds, vermin and trespassers.

(b) A vacant commercial or industrial building shall be maintained, protected from deterioration and kept clean, safe, sanitary and free from public nuisance in accordance with the Property Maintenance Code, Building Code and Fire Code.

(c) A vacant commercial or industrial building shall display the following signs in a manner which is readily visible and legible from normal access points of the building:

(1) A vacant building placard consistent with Fire Code requirements for identifying unsafe vacant buildings.

(2) A sign which indicates the name, address and telephone number of the owner and the owner's authorized agent for the purpose of service of process. The name, address and telephone number of a person responsible for day-to-day supervision and management of the building, if such person is different from the owner or authorized agent, shall be indicated on the sign as well.

(d) A key box shall be installed on each vacant commercial or industrial building in the city in case immediate access to the interior of the building by Fire Department or other public safety personnel is necessary for life-saving or firefighting purposes. Each key box shall be of a type that is approved by the Fire Chief or designee. The key box shall be installed in a location approved by the Fire Chief or designee. The cost of purchase and installation of each key box shall be paid by the owner. Each key box shall contain keys to gain access to all areas of the building including the roof and

basement. The person in control of the building shall immediately notify the Fire Chief or designee and provide the new key when a lock is changed or rekeyed. The key to such lock shall be secured in the key box. (as added by Ord. #2019-023, Sept. 2019)

**12-1310. Violations.**

(a) Failure to maintain. Upon failure of the owner or person in control of a vacant commercial or industrial property to secure and maintain the property consistent with § 12-1309, the Planning Department shall serve a Notice of Violation consistent with § 12-1311. Upon failure of the owner or person in control to comply with the Notice of Violation, the Planning Department shall be authorized to enter upon the property and cause compliance with § 12-1309 through any public agency or by contract.

(b) Assessment. The Planning Department shall send a statement of fees or costs incurred pursuant to § 12-1306(e) or 12-1310(a) to the owner or person in control of the property utilizing a method of service consistent with § 12-1311(b). If payment of such statement is not made within 30 days of the date of the statement, the Recorder's Office shall initiate a collection of the fees or costs incurred, based on the standard process or procedures used to collect other fees or costs.

(c) Violation penalties. Any person violating any provision of this Chapter who fails to correct said violation within this notification period shall be issued an injunction through the Environmental Court to correct this problem or face a fine of fifty dollars (\$50.00) for each separate violation until the required action has been taken or face imprisonment not to exceed ten (10) days. Each day that any such violation continues shall constitute a separate violation. (as added by Ord. #2019-023, Sept. 2019)

**12-1311. Notice of violation.**

(a) Content. Whenever the Planning Department determines that there is a violation of the provisions of this chapter, he or she shall give notice of such violation to the person or persons responsible therefor and order compliance, as herein provided. Such notice and order shall:

- (1) Be in writing;
- (2) Include a description of the real estate sufficient for identification;
- (3) Include a statement of the violation or violations and why the notice is being issued;
- (4) Include a correction order allowing a reasonable time to bring the property into compliance with the provisions of this chapter;
- (5) Inform the property owner of the right to appeal; and
- (6) Include a statement that any action taken by the city on such property shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

(b) Service. A notice of violation shall be deemed to be properly served if one or more of the following methods are used:

(1) By personal delivery to the owner or occupant of the property or by leaving the notice at the property with a person of suitable age and discretion; or

(2) By certified or first-class mail to the last known address; or

(3) If the notice is returned showing that the notice was not delivered, a copy thereof shall be posted in a conspicuous place in or on the property found in violation. (as added by Ord. #2019-023, Sept. 2019)

**12-1312. Appeals.**

Any person aggrieved by an order of the Planning Department, or whenever the Planning Department fails to approve a Vacant Building Plan as required in § 12-1307 of this chapter, the person may file an Administrative Appeal with the Board of Zoning Appeals pursuant to the procedures described in Official City of Jackson Zoning Ordinance. (as added by Ord. #2019-023, Sept. 2019)

**12-1313. Interpretation of chapter.**

This Chapter shall not, in any manner, abrogate any of the other provisions of the Municipal Code of the City of Jackson, Tennessee pertaining to the abatement of public nuisances or unsafe buildings. (as added by Ord. #2019-023, Sept. 2019)

**12-1314. Separability.**

If any provisions of this Chapter, or any portion thereof, or the application of such provisions or portions to any person or circumstance, shall be held invalid, the remainder of this Chapter and its application to persons or circumstances other than those to which it is held invalid shall not be affected thereby. (as added by Ord. #2019-023, Sept. 2019)