

TITLE 12

BUILDING, UTILITY, ETC. CODES

CHAPTER

1. BUILDING CODE.
2. PLUMBING CODE.
3. ELECTRICAL CODE.
4. GAS CODE.
5. HOUSING CODE.
6. COMMERCIAL, BUSINESS, AND INDUSTRIAL STRUCTURES CODE.
7. MECHANICAL CODE.
8. ENERGY CONSERVATION CODE.
9. ACCESSIBILITY CODE.
10. RESIDENTIAL BUILDING CODE.

CHAPTER 1

BUILDING CODE<sup>1</sup>

SECTION

- 12-101. Building code adopted.
- 12-102. Modifications.
- 12-103. Available in city manager's office.
- 12-104. Buildings must front on "existing" streets.
- 12-105. Movement of buildings restricted.
- 12-106. Violations.

12-101. Building code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506 and for the purpose of regulating construction, maintenance, removal and demolition of every building or structure or any appurtenance connected or attached to any building, the International Building Code, 2009 edition<sup>2</sup>, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as

---

<sup>1</sup>Municipal code references

Fire protection, 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.

part of this code, as is hereinafter referred to as the building code. (1972 Code, § 4-101, modified, as replaced by Ord. #836, § 1, Oct. 1997, amended by Ord. #860, Aug. 1999, replaced by Ord. #960, July 2007, and amended by Ord. #1008, Aug. 2012)

12-102. Modifications. (1) Whenever the building code refers to the "chief appointing authority" or the "chief administrator," it shall be deemed to be a reference to the "city manager."

(2) Subsections 102.1 and 102.2 of section 102 of the building code are amended in their entirety to read as follows:

102.1 Community Development Director.

(a) There is hereby established a department to be called the Department of Community Development which shall be in charge of the building programs.

(b) The Community Development Director shall be appointed by and serve at the pleasure of the city manager.

102.2 Inspectors.

The Community Development Director, with the approval of the City Manager, may appoint such number of officers, inspectors, assistants, and other employees as shall be authorized from time to time.

(3) Section 108 of the building code, "Board of Adjustments and Appeals," is amended in its entirety to read as follows:

The Board of Housing Appeals provided for in § 12-519 of the Athens Municipal Code is hereby designated to serve also as the Board of Adjustments and Appeals for the building code.

Three members of the board shall constitute a quorum. In varying the application of any provisions of this code or in modifying an order of the Community Development Director, affirmative votes of the majority present, but not less than three affirmative votes shall be required. No board member shall act in a case in which he has a personal interest.

The Community Development Director shall act as Secretary of the Board of Adjustments and Appeals and shall make a detailed record of all its proceedings, which shall set forth the reasons for its decisions, the vote of each member participating therein, the absence of a member, and any failure of a member to vote.

The board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this code. The board may meet at regular intervals, to be determined by the Chairman, or in any event, the board shall meet within ten days after notice of an appeal has been received. (1972 Code, § 4-102, modified, as amended by Ord. #960, July 2007)

12-103. Available in city manager's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the building code

has been placed on file in the city manager's office and shall be kept there for the use and inspection of the public. (1972 Code, § 4-103, modified)

12-104. Buildings must front on "existing" streets. No building shall be constructed on any newly created lot which does not abut on an "existing" street, as defined in § 16-401(2) of this code, for at least forty (40) feet, excluding flag lots. (1972 Code, § 4-104, as amended by Ord. #960, July 2007, and replaced by Ord. #984, March 2010)

12-105. Movement of buildings restricted. It shall be unlawful for any person to move any building without a moving permit. Furthermore, no single-family dwelling, including manufactured homes, having less than nine hundred (900) square feet shall be moved into the corporate limits. (1972 Code, § 4-105, modified, as amended by Ord. #1008, Aug. 2012 )

12-106. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of this chapter or the building code as herein adopted by reference and modified. (1972 Code, § 4-106)

CHAPTER 2

PLUMBING CODE<sup>1</sup>

SECTION

12-201. Plumbing code adopted.

12-202. Modifications.

12-203. Available in city manager's office.

12-204. Violations.

12-201. Plumbing code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506 and for the purpose of regulating plumbing installations, including alterations, repairs, equipment, appliances, fixtures, fittings, and the appurtenances thereto, within or without the municipality, when such plumbing is or is to be connected with the municipal water and sewer system, the International Plumbing Code, 2009 edition<sup>2</sup>, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as part of this code, and is hereinafter referred to as the plumbing code. (1972 Code, § 4-201, modified, as amended by Ord. #836, § 2, Oct. 1997, replaced by Ord. #960, July 2007, and amended by Ord. #1008, Aug. 2012)

12-202. Modifications. Wherever the plumbing code refers to the "Chief Appointing Authority," or the "Administrative Authority," it shall be deemed to be a reference to the city manager.

Wherever "City Engineer," "Engineering Department," "Plumbing Official," or "Inspector" is named or referred to, it shall mean the person appointed or designated by the city manager to administer and enforce the provisions of the plumbing code. (1972 Code, § 4-202, modified)

12-203. Available in city manager's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the plumbing code has been placed on file in the city manager's office and shall be kept there for the use and inspection of the public. (1972 Code, § 4-203, modified)

---

<sup>1</sup>Municipal code references

Cross connections: title 18.

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer 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.

12-204. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the plumbing code as herein adopted by reference and modified. Furthermore, the plumbing official may discontinue or refuse water service to any premises where the plumbing does not comply with this chapter and/or the plumbing code. (1972 Code, § 4-204)

## CHAPTER 3

ELECTRICAL CODE<sup>1</sup>

## SECTION

- 12-301. Electrical code adopted.
- 12-302. Available in city manager's office.
- 12-303. Permit required for doing electrical work.
- 12-304. Violations.
- 12-305. Enforcement.
- 12-306. Fees.

12-301. Electrical code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506 and for the purpose of regulating conditions hazardous to life and property from fire or explosion, the NFPA 70 National Electrical Code, 2008 edition<sup>2</sup>, as prepared and adopted by the National Fire Protection Association and chapter 0780-2-1 of the 2009 edition Electrical Installation as adopted by the Department of Commerce and Insurance are hereby adopted and incorporated by reference as part of this code, and is hereafter referred to as the electrical code. Said National Electrical Code is adopted and incorporated fully as set out at length herein with the following addendum: all commercial and industrial buildings shall be wired in a metal raceway. (1972 Code, § 4-301, as replaced by Ord. #813, June 1996, amended by Ord. #860, Aug. 1999, and Ord. #903, Oct. 2002, replaced by Ord. #960, July 2007, and amended by Ord. #1003, May 2012)

12-302. Available in city manager's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the electrical code has been placed on file in the city manager's office and shall be kept there for the use and inspection of the public. (1972 Code, § 4-302, modified)

12-303. Permit required for doing electrical work. No electrical work shall be done within this municipality until a permit therefor has been issued by the municipality. The term "electrical work" shall not be deemed to include minor repairs that do not involve the installation of new wire, conduits, machinery, apparatus, or other electrical devices generally requiring the services of an electrician. (1972 Code, § 4-303)

---

<sup>1</sup>Municipal code reference

Fire protection, fireworks and explosives: title 7.

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

12-304. Violations. It shall be unlawful for any person to do or authorize any electrical work or to use any electricity in such manner or under such circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the electrical code. (1972 Code, § 4-304)

12-305. Enforcement. The electrical inspector shall be such person as the city manager shall appoint or designate. It shall be his duty to enforce compliance with this chapter and the electrical code as herein adopted by reference. He is authorized and directed to make such inspections of electrical equipment and wiring, etc., as are necessary to insure compliance with the applicable regulations, and may enter any premises or building at any reasonable time for the purpose of discharging his duties. He is authorized to refuse or discontinue electrical service to any person or place not complying with this chapter and/or the electrical code that was in effect at the time of construction. (1972 Code, § 4-305, modified)

12-306. Fees. The electrical inspector shall collect the same fees as are authorized in Tennessee Code Annotated, § 68-102-143 for electrical inspections by deputy inspectors of the state fire marshal, said fees to be paid over to the city. The city reserves the right to round up to the nearest whole dollar of said fee. (1972 Code, § 4-306, modified)

CHAPTER 4

GAS CODE<sup>1</sup>

SECTION

- 12-401. Title and definitions.
- 12-402. Purpose and scope.
- 12-403. Use of existing piping and appliances.
- 12-404. Bond and license.
- 12-405. Gas inspector and assistants.
- 12-406. Powers and duties of inspector.
- 12-407. Permits.
- 12-408. Inspections.
- 12-409. Certificates.
- 12-410. Fees.
- 12-411. Violations and penalties.
- 12-412. Nonliability.

12-401. Title and definitions. This chapter and the code herein adopted by reference shall be known as the gas code of the city and may be cited as such.

The following definitions are provided for the purpose of interpretation and administration of the gas code.

(1) "Inspector" means the person appointed as inspector, and shall include each assistant inspector, if any, from time to time acting as such under this chapter by appointment of the city manager.

(2) "Person" means any individual, partnership, firm, corporation, or any other organized group of individuals.

(3) "Gas company" means any person distributing gas within the corporate limits or authorized and proposing to so engage.

(4) "Certificate of approval" means a document or tag issued and/or attached by the inspector to the inspected material, piping, or appliance installation, filled out, together with date, address of the premises, and signed by the inspector.

(5) "Certain appliances" means conversion burners, floor furnaces, central heating plants, vented wall furnaces, water heaters, and boilers. (1972 Code, § 4-401)

12-402. Purpose and scope. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506 to provide minimum standards, provisions, and requirements for safe installation of consumer's gas piping and

---

<sup>1</sup>Municipal code reference

Gas system administration: title 19, chapter 2.

gas appliances, all gas piping and gas appliances installed, replaced, maintained, or repaired within the corporate limits shall conform to the requirements of this chapter and to the International Fuel Gas Code, 2006 edition<sup>1</sup>, as prepared and adopted by the International Code Council which is hereby incorporated by reference and made part of this chapter as if fully set forth herein. One (1) copy of the gas code shall be kept on file in the office of the city manager for the use and inspection of the public. (1972 Code, § 4-402, modified, as replaced by Ord. #960, July 2007)

12-403. Use of existing piping and appliances. Notwithstanding any provision in the gas code to the contrary, consumer's piping installed prior to the adoption of the gas code or piping installed to supply other than natural gas may be converted to natural gas if the inspector finds, upon inspection and proper tests, that such piping will render reasonably satisfactory gas service to the consumer and will not in any way endanger life or property; otherwise, such piping shall be altered or replaced, in whole or in part, to conform with the requirements of the gas code. (1972 Code, § 4-403)

12-404. Bond and license. (1) No person shall engage in or work at the installation, extension, or alteration of consumer's gas piping or certain gas appliances, until such person shall have secured a license as hereinafter provided, and shall have executed and delivered to the city manager a good and sufficient bond in the penal sum of \$25,000, with corporate surety, conditioned for the faithful performance of all such work, entered upon or contracted for, in strict accordance and compliance with the provisions of the gas code. The bond herein required shall expire on the first day of January next following its approval by the city manager, and thereafter on the first day of January of each year a new bond, in form and substance as herein required, shall be given by such person to cover all such work as shall be done during such year.

(2) Upon approval of said bond, the person desiring to do such work shall secure from the city manager a nontransferable license which shall run until the first day of January next succeeding its issuance, unless sooner revoked. The person obtaining a license shall pay any applicable license fees to the city manager.

(3) Nothing herein contained shall be construed as prohibiting an individual from installing or repairing his own appliances or installing, extending, replacing, altering, or repairing consumer's piping on his own premises, or as requiring a license or a bond from an individual doing such work on his own premises; provided, however, all such work must be done in

---

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

conformity with all other provisions of the gas code, including those relating to permits, inspections, and fees. (1972 Code, § 4-404)

12-405. Gas inspector and assistants. To provide for the administration and enforcement of the gas code, the office of gas inspector is hereby created. The inspector, and such assistants as may be necessary in the proper performance of the duties of the office, shall be appointed by the city manager. (1972 Code, § 4-405)

12-406. Powers and duties of inspector. (1) The inspector is authorized and directed to enforce all of the provisions of the gas code. Upon presentation of proper credentials, he may enter any building or premises at reasonable times for the purpose of making inspections or preventing violations of the gas code.

(2) The inspector is authorized to disconnect any gas piping or fixture or appliance for which a certificate of approval is required but has not been issued with respect to same, or which, upon inspection, shall be found defective or in such condition as to endanger life or property. In all cases where such a disconnection is made, a notice shall be attached to the piping, fixture, or appliance disconnected by the inspector, which notice shall state that the same has been disconnected by the inspector, together with the reason or reasons therefor, and it shall be unlawful for any person to remove said notice or reconnect said gas piping or fixture or appliance without authorization by the inspector and such gas piping or fixture or appliance shall not be put in service or used until the inspector has attached his certificate of approval in lieu of his prior disconnection notice.

(3) It shall be the duty of the inspector to confer from time to time with representatives of the local health department, the local fire department, and the gas company, and otherwise obtain from proper sources all helpful information and advice, presenting same to the appropriate officials from time to time for their consideration. (1972 Code, § 4-406)

12-407. Permits. (1) No person shall install a gas conversion burner, floor furnace, central heating plant, vented wall furnace, water heater, boiler, consumer's gas piping, or convert existing piping to utilize natural gas without first obtaining a permit to do such work from the city; however, permits will not be required for setting or connecting other gas appliances, or for the repair of leaks in house piping.

(2) When only temporary use of gas is desired, the inspector may issue a permit for such use, for a period of not to exceed sixty (60) days, provided the consumer's gas piping to be used is given a test equal to that required for a final piping inspection.

(3) Except when work in a public street or other public way is involved the gas company shall not be required to obtain permits to set meters, or to

extend, relocate, remove, or repair its service lines, mains, or other facilities, or for work having to do with its own gas system. (1972 Code, § 4-407)

12-408. Inspections. (1) A rough piping inspection shall be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been attached thereto.

(2) A final piping inspection shall be made after all piping authorized by the permit has been installed and after all portions thereof which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been attached thereto. This inspection shall include a pressure test, at which time the piping shall stand an air pressure equal to not less than the pressure of a column of mercury six (6) inches in height, and the piping shall hold this air pressure for a period of at least ten (10) minutes without any perceptible drop. A mercury column gauge shall be used for the test. All tools, apparatus, labor, and assistance necessary for the test shall be furnished by the installer of such piping. (1972 Code, § 4-408)

12-409. Certificates. The inspector shall issue a certificate of approval at the completion of the work for which a permit for consumer piping has been issued if after inspection it is found that such work complies with the provisions of the gas code. A duplicate of each certificate issued covering consumer's gas piping shall be delivered to the gas company and used as its authority to render gas service. (1972 Code, § 4-409)

12-410. Fees. (1) The total fees for inspection of consumer's gas piping at one location (including both rough and final piping inspection) shall be \$1.50 for one to five outlets, inclusive, and \$0.50 for each outlet above five.

(2) The fees for inspecting conversion burners, floor furnaces, boilers, or central heating plants shall be \$1.50 for each unit.

(3) The fees for inspecting vented wall furnaces and water heaters shall be \$1.00 for each unit.

(4) If the inspector is called back, after correction of defects noted, an additional fee of \$1.00 shall be made for each such return inspection.

(5) Any and all fees shall be paid by the person to whom the permit is issued. (1972 Code, § 4-410)

12-411. Violations and penalties. Any person who shall violate or fail to comply with any of the provisions of the gas code shall be guilty of a misdemeanor, and upon conviction thereof shall be fined under the general penalty clause for this code of ordinances, or the license of such person may be revoked, or both fine and revocation of license may be imposed. (1972 Code, § 4-411)

12-412. Nonliability. This chapter shall not be construed as imposing upon the city any liability or responsibility for damages to any person injured by any defect in any gas piping or appliance mentioned herein, or by installation thereof, nor shall the city, or any official or employee thereof, be held as assuming any such liability or responsibility by reason of the inspection authorized hereunder or the certificate of approval issued by the inspector. (1972 Code, § 4-412)

## CHAPTER 5

HOUSING CODE

## SECTION

- 12-501. Scope and application.
- 12-502. Definitions.
- 12-503. Minimum standards for lighting.
- 12-504. Minimum standards for ventilation.
- 12-505. Minimum standards for heating.
- 12-506. Minimum standards for basic equipment and facilities.
- 12-507. Basements and cellars.
- 12-508. Space requirements.
- 12-509. Egress.
- 12-510. Infestation.
- 12-511. Responsibilities of the occupant.
- 12-512. Responsibilities of the owner.
- 12-513. Conditions of structures.
- 12-514. Minimum standards for rooming houses.
- 12-515. Duties of the inspector.
- 12-516. Administrative rules and regulations.
- 12-517. Emergency powers.
- 12-518. Service of notices and orders.
- 12-519. Board of housing appeals.
- 12-520. Hearings.
- 12-521. Appeal to court.
- 12-522. Violations.
- 12-523. Conflicting provisions.

12-501. Scope and application. Every building used in whole or in part as a dwelling unit or as two or more dwelling units shall conform to the requirements of this chapter irrespective of the class to which such buildings may otherwise belong, and irrespective of when such buildings may have been constructed, altered or repaired.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit for the purpose of living, sleeping, cooking or eating therein which does not comply with the requirements of §§ 12-503 through 12-513. (1972 Code, § 4-501)

12-502. Definitions. The following definitions shall apply in the interpretation and enforcement of this chapter:

(1) "Approved" shall mean constructed, installed and maintained in accordance with the provisions of this chapter and other pertinent provisions of this code and with rules and regulations adopted pursuant hereto.

(2) "Basement" shall mean a portion of a building located partly underground but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.

(3) "Board of Housing Appeals" shall mean the board established by § 12-519 of this code.

(4) "Cellar" shall mean a portion of a building located partly or wholly underground, and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

(5) "Dwelling" shall mean any building or structure, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto and enjoyed therewith.

(6) "Dwelling unit" shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

(7) "Extermination" shall mean the control and elimination of insects, rodents, or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food, by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods approved by the inspector.

(8) "Garbage" shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

(9) "Habitable room" shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers, communicating corridors, closets or storage spaces.

(10) "Household" shall mean all persons who occupy a dwelling unit. A person living alone or any group of persons sharing a dwelling unit is a household.

(11) "Infestation" shall mean the presence, within or around a dwelling, of any insects, rodents, or other pests.

(12) "Inspector" shall mean the person designated by the city manager to carry out the duties of inspector as stated in §§ 12-515 through 12-519.

(13) "Multiple dwelling" shall mean any dwelling containing more than two dwelling units.

(14) "Occupant" shall mean any person, over one year of age, living, sleeping, cooking, or eating in, or having actual possession of, a dwelling unit or rooming unit.

(15) "Ordinary minimum winter conditions" shall mean a temperature of 0°F.

(16) "Owner" is deemed to mean and include a holder of any legal or equitable estate in the premises, whether alone or jointly with others, and whether in possession or not.

(17) "Parties in interest" shall mean all individuals, associations, partnerships, corporations, and others who have any interest in a dwelling and

any who are in possession or control thereof as agent of the owner or as executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the owner. Any such person thus representing the owner or owners shall be bound to comply with the provisions of this chapter and of the rules and regulations adopted pursuant hereto, to the same extent as if he were the owner.

(18) "Plumbing" shall mean and include all of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer, or gas lines.

(19) "Premises" shall mean any platted or unplatted lot, parcel or plot of land, improved or unimproved with any dwelling or non-dwelling structure.

(20) "Public hall" shall mean any hall, corridor or passageway not within the exclusive control of one family.

(21) "Rooming unit" shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

(22) "Rooming house" shall mean any dwelling, or that part of any dwelling containing one or more rooming units, in which space is let by the occupant to three or more persons who are not husband, wife, son, daughter, mother, father, sister or brother of the occupant.

(23) "Rubbish" shall mean all waste materials, except garbage. The term shall include the residue from the burning of wood, coal, coke, and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, and dust.

(24) "Single unit dwelling" shall mean a dwelling occupied by one family alone.

(25) "Supplied" shall mean paid for, furnished, or provided by, or under the control of, the owner or operator, his agents and/or representatives.

(26) "Water closet" shall mean a toilet, with a bowl and trap made in one piece, which is connected to the city water and sewer system or other approved water supply and sewer system.

(27) "Workmanlike state of maintenance and repair" shall mean in such a state as to comply with all codes and ordinances pertaining to construction of buildings and installation of utilities.

(28) "Meanings of certain words." Whenever the words "dwelling," "dwelling unit," "rooming house," "rooming unit," or "premises" are used in this chapter, they shall be construed as though they were followed by the words, "or any part thereof." (1972 Code, § 4-502, modified)

12-503. Minimum standards for lighting. Where there is electric service available from power lines which are not more than 300 feet away from a

dwelling, every habitable room in such dwelling shall contain one electric outlet, and every bathroom, laundry room, furnace room, and public hall shall contain at least one ceiling or wall type electric light fixture. Every such outlet and fixture shall be in working condition and installed in accordance with the requirements of the electric code.

Every habitable room shall have at least one window or skylight facing directly to the outside or other means of lighting which is approved as adequate by the inspector. The minimum total window area for every habitable room shall be 10 per cent of the total floor area of such room unless the only window in the room is the skylight type, then the minimum total window area shall be 15 per cent of total floor area of such room, except where other means of artificial lighting are approved.

Every public hall and stairway in every multiple dwelling containing five or more dwelling units shall be adequately lighted at all times. Every public hall and stairway in a structure containing not more than four dwelling units may be supplied with conveniently located light switches controlling an adequate lighting system which may be turned on when needed instead of full-time lighting.

Bathrooms shall conform to the lighting requirements for habitable rooms. (1972 Code, § 4-503)

12-504. Minimum standards for ventilation. Every habitable room shall have at least one window or skylight opening directly to the outdoors which can easily be opened, or such other device as will adequately ventilate such room. The minimum total openable window area in every habitable room shall be equal to one-half of the minimum total window area required in § 12-503, except where there is supplied some other device affording adequate ventilation and approved by the inspector. (1972 Code, § 4-504)

12-505. Minimum standards for heating. Every dwelling shall have heating facilities which are properly installed, are maintained in safe and good working condition and are capable of safely and adequately heating all habitable rooms and bathrooms.

All gas-burning room heaters shall be vented to the outside air by a smoke pipe or flue. Rubber tube or armoured rubber tube connections on gas heating fixtures are prohibited. (1972 Code, § 4-505)

12-506. Minimum standards for basic equipment and facilities. The following minimum standards for basic equipment and facilities are prescribed:

(1) Water supply: There shall be a potable supply of running water piped into each dwelling unit.

(2) Sewerage: In every dwelling, plumbing fixtures shall be properly installed, properly connected to the water supply and sewer systems, approved by the inspector and maintained in good working order.

(3) Sanitary equipment: Every dwelling unit shall contain a sink, tub or shower, and a lavatory in a room affording privacy, properly connected to a hot water supply and sewer system.

(4) Sink: Every dwelling unit shall contain a kitchen sink which is properly connected to the hot water supply and sewer system.

(5) Water closets: Every dwelling unit shall have a flush type water closet located therein.

(6) Water heating facilities: Every dwelling shall have water heating facilities properly connected to the water piping system, and such facilities shall have a capacity to supply a sufficient quantity of water to each fixture connected at a minimum temperature of 120°F. (1972 Code, § 4-506)

12-507. Basements and cellars. No cellar space shall be used as a habitable room.

Basement space may be used as a habitable room if:

(1) The windows are sufficiently above the lot's ground level so as to allow the room to meet requirements of habitable rooms as to light and ventilation (§§ 12-503 and 12-504); and if

(2) The floors below grade level of the lot are impervious to water and free from dampness at all times; and if

(3) The clear inner height is at least 6 feet 8 inches, and no pipes or beams are below 6 feet from the floor level. (1972 Code, § 4-507)

12-508. Space requirements. The number of persons occupying any dwelling unit shall be limited by the following requirements:

(1) Sleeping rooms: Every sleeping room for one occupant shall have at least 70 square feet of floor space, or if occupied by more than one person, at least 50 square feet per occupant.

(2) Size of dwelling unit: The total of all habitable rooms in a dwelling unit shall be such as to provide at least 600 square feet of floor space for the first occupant and 100 square feet of floor space for each additional occupant. Provided that in the case of municipally sponsored low rental housing, the size of an efficiency dwelling unit that combines the living room and bedroom shall have at least 500 square feet of floor space for the first occupant and 100 square feet for each additional occupant.

(3) Minimum height of habitable rooms: Every habitable room shall be not less than 7 feet in height from the floor to the ceiling throughout one-half of the area of such room. Any portion of a room having a ceiling height of less than 5 feet shall not be considered in computing the total floor area for such room.

(4) No habitable room shall contain less than 70 square feet of floor area, nor shall the least horizontal dimension of such room be less than 7 feet. (1972 Code, § 4-508)

12-509. Egress. Every dwelling unit shall have a safe, unobstructed means of egress to a safe and open space at ground level. All structures of three or more stories with a dwelling unit occupying the third or higher story shall be provided with two separate, usable, unobstructed means of egress for each dwelling unit located above the second story. The exit facilities from such dwelling units shall lead to a public thoroughfare either directly or through a court or yard, and passage to such exits shall not lead through any other dwelling unit or through a space that might reasonably be locked by anyone who is not a member of the household. An escape hatch or scuttle to a flat roof for escape through adjoining buildings may be considered as a usable means of egress for the dwelling unit occupying the top floor.

Dual egress will not be required of structures that are of fully fireproof construction. (1972 Code, § 4-509)

12-510. Infestation. During that portion of each year extending from May 1st through September 30th, for protection against mosquitoes, flies and other insects, every door opening directly from a dwelling unit to outdoor space shall be equipped with screens and a self-closing device; and every window or other device with openings to outdoor space used or intended to be used for ventilation shall likewise be equipped with screens or other insect deterrents.

Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents, shall be permanently equipped with screens or such other device as will effectively prevent their entrance.

During the summer months, there shall be no standing pools of water which might provide a breeding place for mosquitoes.

Dwellings should be free from rodents and other vermin at all times. Responsibility for extermination rests with the occupant or owner as set forth in §§ 12-511 and 12-512. (1972 Code, § 4-510)

12-511. Responsibilities of the occupant. The responsibilities of the occupant are as follows:

(1) To keep the dwelling and premises he controls and occupies in a clean and sanitary condition.

(2) To dispose of rubbish and garbage in a clean and sanitary manner as prescribed by city regulations.

(3) To hang and remove screens provided by the owner except where the owner has agreed to supply such services.

(4) To keep plumbing fixtures therein in a clean and sanitary condition and to exercise reasonable care in the proper use and operation thereof.

(5) To exterminate in the following cases:

(a) The occupant of a single dwelling is responsible for extermination of any insects, rodents or other pests therein or on the premises.

(b) The occupant of a dwelling unit in a multiple-unit structure is responsible for extermination of any insects, rodents or other pests if his unit is the only unit infested.

Notwithstanding the foregoing provisions of this subsection, whenever infestation is caused by the failure of the owner to maintain the dwelling in a ratproof or reasonably insectproof condition, the occupant is not responsible for extermination of any insects, rodents, or other pests therein. (1972 Code, § 4-511)

12-512. Responsibilities of the owner. The responsibilities of the owner are as follows:

(1) To let no dwelling to anyone for occupancy unless it meets minimum standards set forth in §§ 12-503 through 12-513.

(2) To have the dwelling in a clean, sanitary and habitable condition; to free from infestation before renting; to paint walls and ceilings and to clean, repair and exterminate if necessary to meet aforesated requirements before offering for rent.

(3) To provide screens to be hung.

(4) To exterminate in the following cases:

(a) When infestation exists in two or more units of a multiple-unit structure.

(b) When infestation exists in shared or public areas of a multiple-unit structure.

(c) When infestation exists in a single unit of a multiple-unit structure or in a single-unit structure when infestation is due to failure of the owner to maintain the dwelling in a ratproof and reasonably insectproof condition.

(5) Vacant buildings to be kept locked. It shall be the duty of the owner of any vacant building within the City of Athens to keep all doors, windows and other openings in such building locked or otherwise secured so as to prevent unauthorized persons from entering such buildings.

(6) Damaged buildings to be secured. It shall be the duty of the owner of any building which has been damaged by fire, wind or any other act of God or man, to fence or close all openings or otherwise secure such building within ten (10) days from the date of damage to said building so as to prevent children or any unauthorized person from entering. (1972 Code, § 4-512)

12-513. Conditions of structures. (1) All dwelling structures shall be watertight, weatherproof, rodent and insectproof and in good repair.

(2) Every foundation, exterior wall and roof shall be reasonably watertight, weathertight and rodentproof, shall adequately support the building at all times, and shall be in a workmanlike state of maintenance and repair.

(3) Every interior partition, wall, floor and ceiling shall be reasonably tight, capable of affording privacy and maintained in a workmanlike state of repair and in a clean and sanitary condition.

(4) All rainwater shall be so drained and conveyed from every roof, and the lot shall be so graded and drained as not to cause dampness in the walls, ceiling, floors or basement of any dwelling.

(5) Every window, exterior door and basement hatchway shall be reasonably weathertight, watertight and rodentproof, and shall be maintained in sound condition and repair.

(6) Every inside and outside stairway, every porch and every appurtenance thereto shall be so constructed as to be safe for use and capable of supporting the load that normal use may cause to be placed thereon and shall be maintained in sound condition and repair.

(7) Every supplied plumbing fixture and water and waste pipe shall be properly installed and maintained in a sanitary working condition, free from defects, leaks and obstructions.

(8) Every toilet, bathroom and kitchen floor shall be constructed and maintained so as to be reasonably impervious to water, and such floor shall be kept in a clean and sanitary condition.

(9) Every supplied facility, piece of equipment or utility which is required under this chapter shall be so constructed and installed that it will function safely and effectively, and shall be maintained in good working condition. (1972 Code, § 4-513)

12-514. Minimum standards for rooming houses. No person shall operate a rooming house or let to another for occupancy any room unless such rooming house or room complies with the following requirements:

(1) Every rooming house and room shall comply with the minimum standards set forth in §§ 12-503, 12-504, 12-505 and 12-508 as to light, ventilation, heating and space requirements.

(2) Every rooming house shall be equipped with at least one flush water closet, one lavatory and one tub or shower for each eight persons or fraction thereof within the rooming house, including members of the family if they are to share the use of the facilities. In rooming houses in which rooms are let only to males, flush urinals may be substituted for not more than one-half of the required number of water closets. All such facilities shall be properly connected to the water supply and sewer systems.

(3) Every flush water closet, flush urinal, lavatory, tub or shower required above shall be located within the rooming house in a room, or rooms, which:

(a) Affords privacy.

(b) Is accessible by a common hall without going outside the rooming house.

(c) In accessible from a common hall without going through sleeping quarters of others.

(d) Is not more than one story removed from the room of any occupant intended to share the facilities.

(4) Where bedding, bed linen or towels are supplied, the operator shall maintain the bedding in a clean and sanitary manner, shall furnish clean bed linen and towels at least once each week and prior to the letting of any room to an occupant. (1972 Code, § 4-514)

12-515. Duties of the inspector. The inspector or his duly authorized representative is hereby authorized, upon showing proper identification, to enter, examine, and survey at any reasonable time all dwellings, dwelling units, rooming units, and premises located within the city. The occupant of every dwelling, dwelling unit, rooming unit, or the person in charge thereof, shall give the inspector or his representative free access to such dwellings, dwelling units, rooming units, and premises at all reasonable times for the purposes of such inspection, examination and survey. Every occupant of a dwelling or a dwelling unit shall give the owner thereof, or his agent or employee, access to any part of such dwelling or dwelling unit, or its premises, at all reasonable times for the purposes of making such repairs or alterations as are necessary to effect compliance with the provisions of this chapter or with any lawful rule, regulation or order adopted or issued pursuant to the provisions of this chapter. (1972 Code, § 4-515)

12-516. Administrative rules and regulations. The inspector is hereby authorized to make and adopt such written rules and regulations as may be necessary for the proper enforcement of the provisions of this chapter; provided that such rules and regulations shall not be in conflict with the provisions of this chapter. The inspector shall file a certified copy of all rules and regulations which he may adopt in the office of the City of Athens. Such rules and regulations shall have the same force and effect as the provisions of this chapter and the penalty for violation thereof shall be the same as the penalty for violation of the provisions of this chapter. (1972 Code, § 4-516)

12-517. Emergency powers. The inspector is hereby granted certain emergency powers. Whenever the inspector finds that a condition exists which requires immediate action to protect the public health or safety, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this code, such order shall be effective immediately. Any person on whom such an order is directed shall comply therewith immediately, but upon a petition shall be afforded a hearing by the board of housing appeals as soon as possible. After such hearing, depending upon the findings as to whether the provisions of this chapter have

been complied with, the board shall continue such order in effect, or modify it, or revoke it. (1972 Code, § 4-517)

12-518. Service of notices and orders. (1) Whenever at least five residents of the city charge that any dwelling is unfit for human habitation, or whenever the inspector determines that there has been a violation, or that there are reasonable grounds to believe that there has been a violation of any provision of this chapter or of any rule or regulation adopted pursuant hereto, he shall give notice to the person or persons responsible therefor. Such notice shall:

(a) Be in writing.

(b) Include such description of the real estate as is sufficient for identification.

(c) Include a statement of the reason or reasons why the notice is being issued.

(d) Inform the violator of his right to petition for a hearing before the board of housing appeals, and specify that this petition must be received within twenty days after the notice was served.

(e) Be served upon the owner, or the occupant, as the case may require; provided, that such notice shall be deemed to be properly served upon such violator if a copy thereof is delivered to him personally or by registered mail, but if the whereabouts of such person is unknown and the same cannot be ascertained by the inspector in the exercise of reasonable diligence, and the inspector shall make an affidavit to that effect, then the serving of such notice or order may be made by publishing the same once each week for two consecutive weeks in a newspaper printed and published in the municipality, or in the absence of such newspaper, in one printed and published in the county and circulating in the municipality in which the dwelling is located. A copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the notice or order. A copy of such notice or order shall also be filed for record in the register's office of the county in which the dwelling is located, and the filing of such notice or order shall have the same force and effect as other lis pendens notices provided by law.

(2) Such notice may include an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter and with rules and regulations adopted pursuant hereto. (1972 Code, § 4-518)

12-519. Board of housing appeals. There is hereby created and established a board of housing appeals, hereinafter referred to as the board, which shall consist of the inspector and five members appointed by the mayor and approved by a majority vote of the city council. All appointed members shall be registered voters of the city and they shall not receive any remuneration for their services. Initially two members shall be appointed for two-year terms,

and three for three-year terms, and they may be reappointed at the expiration of their terms. All future appointments shall be for two-year terms. The appointed members shall not be candidates for public office at the time of their appointment, and if later they become such they must retire from the board. A vacancy shall be filled by the mayor for the unexpired term of the member whose term becomes vacant. The members shall be removable for cause by the mayor upon written charges and after a public hearing.

The board shall meet within ten days after its appointment and shall elect a chairman from among its membership. The elected member shall be chairman until the expiration of his term. A vice-chairman shall also be elected. His duties are to assume the responsibilities of the chairman in the latter's absence. The duties of the chairman are to preside over the hearings and to question petitioners. The chairman may vote on all matters. The rules of evidence prevailing in courts of law and equity shall not be controlling on hearings. The inspector shall serve as the permanent secretary of the board, but he shall not vote on any matter. The board shall adopt such rules and regulations as it may deem necessary to carry into effect the provisions of this chapter.

The inspector shall call meetings and shall notify board members. In open meetings the board shall hear appeals. The presence of three members shall constitute a quorum and the concurring vote of three members shall be necessary to reverse or modify any order or notice of the inspector. The proceedings at such hearings, including the findings and decisions of the board shall be summarized, reduced to writing, and entered as a matter of public record in the office of the City of Athens.

Any person affected by any notice which has been issued in connection with the enforcement of any provision of this chapter, or of any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the board; provided that such person shall file in the office of the City of Athens a written petition requesting such hearing and setting forth a statement of the grounds therefor within twenty days after the date the notice was served. Within ten days after receipt of the petition the inspector shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show cause why such notice should be modified or withdrawn. The hearing before the board shall be commenced not later than thirty days after the date on which the petition was filed; provided that, upon written application of the petitioner to the board, the date of the hearing may be postponed beyond the thirty day period if the petitioner shows good and sufficient reason why it should be postponed. Any notice served automatically becomes an order if a written petition for hearing is not filed in the office of the City of Athens within twenty days after the notice is served. (1972 Code, § 4-519)

12-520. Hearings. After such hearings, the board shall sustain, modify, or withdraw the notice, depending upon its findings as to whether the provisions of this chapter and of the rules and regulations adopted pursuant hereto have been complied with. The board may also modify any notice so as to authorize a variance from the provisions of this chapter when because of special conditions, a literal enforcement of the provisions of this chapter will result in practical difficulty or unnecessary hardship; provided, that the spirit of this chapter will be observed, public health and welfare secured and substantial justice done. The board may also extend the time specified for compliance if the case warrants. If the board sustains or modifies such notice, it shall be deemed to be an order and the violator shall comply with all provisions of such order within the afore specified length of time. (1972 Code, § 4-520)

12-521. Appeal to court. Any person or persons, jointly or severally, aggrieved by any decision of the board, or any taxpayer, or any officer, department, board or bureau of the municipality, may seek relief therefrom in any court of competent jurisdiction as provided by the laws of the state. (1972 Code, § 4-521)

12-522. Violations. If a person upon whom a notice has been served does not, within the specified period after the notice was served, commence compliance with the directives thereof, or, within the specified time, petition the board, or if, after the board's hearing, he does not comply with the decision thereof, such person shall be fined under the general penalty clause for this code. (1972 Code, § 4-522)

12-523. Conflicting provisions. In any case where a provision in this chapter is found to be in conflict with any other provision in this code, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. (1972 Code, § 4-523)

## CHAPTER 6

COMMERCIAL, BUSINESS, AND INDUSTRIAL STRUCTURES CODE

## SECTION

- 12-601. Reasons for and purposes of code.
- 12-602. Definitions.
- 12-603. Applicability.
- 12-604. Duties and responsibilities of owner and operator.
- 12-605. Duties and responsibilities of operator.
- 12-606. Administrative provisions.

12-601. Reasons for and purposes of code. It is hereby found and declared that there exist in the City of Athens structures used for commercial, business, or industrial use which are, or may become in the future, substandard with respect to structure, equipment, or maintenance, or further, that such conditions, including, but not limited to, structural deterioration, lack of maintenance, and appearance of exterior of premises, infestation, plumbing, lack of maintenance or upkeep of essential facilities and utilities, existence of fire hazards, inadequate provisions for light and air and unsanitary conditions, constitute a menace to the health, safety, morals, welfare, and reasonable comfort of the citizens and inhabitants of the City of Athens. It is further found and declared that by reason of lack of maintenance and progressive deterioration, certain properties have the further effect of creating blighting conditions and initiating slums, and that if the same are not curtailed and removed, the aforesaid conditions will grow and spread and will necessitate in time the expenditure of large amounts of public funds to correct and eliminate the same, and that by reason of timely regulations and restrictions as herein contained, the growth of slums and blight may be prevented and the neighborhood and property values thereby maintained, the desirability and amenities of neighborhoods enhanced, and the public health, safety, and welfare protected and fostered.

The purpose of this code is to protect the public health, safety, morals, and welfare by establishing minimum standards governing the maintenance, appearance, and condition of commercial, business, and industrial premises; to establish minimum standards governing utilities, facilities, and other physical components and conditions essential to make the aforesaid facilities fit for occupancy and use; to fix certain responsibilities and duties upon owners and operators; to authorize and establish procedures for the inspection of commercial, business, and industrial premises; to fix penalties for the violations of this code, and to provide for the repair, demolition, or vacation of commercial, business, or industrial premises. This code is hereby declared to be remedial and essential for the public interest and it is intended that this code be liberally construed to effectuate the purposes as stated herein. (1972 Code, § 4-601)

12-602. Definitions. The following terms wherever used herein or referred to in this code shall have the respective meanings assigned to them unless a different meaning clearly appears from the context.

(1) "Accessory structure." A structure, the use of which is incidental to that of the main building and which is attached thereto or located on the same premises.

(2) "Building." A combination of materials to form a construction adapted to permanent or continuous occupancy or use for public, institutional, residence, business, or storage purposes.

(3) "Building code." The building code of the City of Athens.

(4) "Code officer." The code officer is the person appointed to administer and enforce the provisions of this commercial code as well as all the housing codes under Title 12 of the city code.

(5) "Deterioration." The condition or appearance of a building or part thereof, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting, or other evidence of physical decay or neglect, excessive use, or lack of maintenance.

(6) "Exposed to public view." Any premises, or any part thereof, or any building, or any part thereof, which may be lawfully viewed by the public, or any member thereof, from a sidewalk, street, alleyway, licensed open air parking lot, or from any adjoining or neighboring premises.

(7) "Exterior of premises." Those portions of a building which are exposed to public view and the open space of any premises outside of any building erected thereon.

(8) "Extermination." The control and elimination of insects, rodents, and vermin by eliminating their harborage places; by removing or making inaccessible material that may serve as their food by poisoning, spraying, fumigating, trapping, or by any other approved means of pest elimination.

(9) "Fire chief." The fire chief of the City of Athens.

(10) "Fire hazard." (Also see nuisance) Any thing or any act which increases or may cause an increase of the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service of preventing, suppressing, or extinguishing fire; or which may obstruct, delay, or hinder or may become the cause of an obstruction, a delay, a hazard or a hindrance to the prevention, suppression, or extinguishment of fire.

(11) "Garbage." (Also see refuse, rubbish) Putrescible animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

(12) "Health officer." The health officer of the Hiwassee Health District.

(13) "Infestation." The presence of insects, rodents, vermin, or other pests on the premises which constitute a health hazard.

(14) "Mixed occupancy." Any building containing one or more dwelling units or rooming units and also having a portion thereof devoted to non-dwelling uses.

(15) "Nuisance." (a) Any public nuisance known as common law or in equity jurisprudence, or as provided by the statutes of the State of Tennessee or the ordinances of the City of Athens.

(b) Any attractive nuisance which may prove detrimental to the health or safety of children whether in a building, on the premises of a building, or upon an unoccupied lot. This includes, but is not limited to, abandoned wells, shafts, basements, excavations, abandoned iceboxes, refrigerators, motor vehicles, any structurally unsound fences or structures, lumber, trash, fences, debris, or vegetation such as poison ivy, oak, or sumac, which may prove a hazard for inquisitive minors.

(c) Physical conditions dangerous to human life or detrimental to the health of persons on or near the premises where the condition exists.

(d) Unsanitary conditions or anything offensive to the senses or dangerous to health, in violation of this code.

(e) Whatever renders air, food, or drink unwholesome or detrimental to the health of human beings.

(f) Fire hazards.

(16) "Operator." Any person who has charge, care, or control of premises, or a part thereof, whether with or without the knowledge and consent of the owner.

(17) "Owner." Any person who, alone or jointly or severally with others, shall have legal or equitable title to any premises, with or without accompanying actual possession thereof; or shall have charge, care or control of premises, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee, receiver, or guardian of the estate, or as a mortgagee in possession either by virtue of a court order or by voluntary surrender by the person holding the legal title. Any person who is a lessee sub-letting or reassigning any part or all of any premises shall be deemed to be a co-owner with the lessor and shall have joint responsibility over the portion of the premises sublet or assigned by said lessee.

(18) "Plumbing." All of the following supplies, facilities, and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catch basins, vents, and any other similar supplied fixtures, together with all connections to water, sewer, or gas lines and water pipes and lines utilized in conjunction with air conditioning equipment.

(19) "Premises." A lot, plot, or parcel of land including the buildings or structures thereon.

(20) "Refuse." (Also see garbage, rubbish) All putrescible and non-putrescible solid wastes (except body wastes), including but not limited to garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.

(21) "Registered mail." Registered mail or certified mail.

(22) "Room." Space in an enclosed building, or space set apart by a partition or partitions.

(23) "Rubbish." (Also see garbage, refuse) Non-putrescible solid wastes consisting of both combustible and non-combustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery, and similar materials.

(24) "Sanitary sewer." Any sanitary sewer owned, operated, and maintained by the City of Athens and available for public use for the disposal of sewage.

(25) "Sewage." Waste from a flush toilet, bathtub, sink, lavatory, dishwashing or laundry machine, or the water-carried waste from any other fixture or equipment or machine.

(26) "Story." That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished ceiling level directly above a basement or cellar is more than 6 feet above grade, such basement or cellar shall be considered a story.

(27) "Structure." Combination of any materials, whether fixed or portable, forming a construction, including buildings.

(28) "Washrooms." Enclosed space containing one or more bathtubs, showers, or both, and which shall also include toilets, lavatories, or fixtures serving similar purposes.

(29) "Water closet compartment." Enclosed space containing one or more toilets which may also contain one or more lavatories, urinals, and other plumbing fixtures.

(30) "Weathering." Deterioration, decay, or damage caused by exposure to the elements.

(31) "Meaning of certain words." Whenever any words are used in this code, they shall be construed, unless expressly stated to the contrary, to include the plurals of those words and/or as if they were followed by the words "or any part thereof." The word "shall" shall be applied retroactively as well as prospectively. (1972 Code, § 4-602, modified)

12-603. Applicability. (1) Every commercial, business, or industrial establishment and the premises on which it is situated in the city used or intended to be used for commercial, business, or industrial occupancy shall comply with the provisions of this code, whether or not such building shall have been constructed, altered, or repaired before or after the enactment of this code, and irrespective of any permits or licenses which shall have been issued for the use or occupancy of the building or premises, for the construction or repair of the building, or for the installation or repair of equipment or facilities prior to the effective date of this code. This code establishes minimum standards for the

initial and continued occupancy and use of all such buildings, and does not replace or modify standards otherwise established for the construction, repair, alteration, or use of the building, equipment, or facilities contained therein, except as provided in subsection (2) hereof. Where there is mixed occupancy, any commercial, business, or industrial use therein shall be nevertheless regulated by and subject to the provisions of this code.

(2) Higher standard to prevail in case of conflict with other ordinances or laws. In any case where the provisions of this code impose a higher standard than set forth in any other ordinances of the city or under the laws of the State of Tennessee, then the standard as set forth herein shall prevail, but if the provisions of this code impose a lower standard than any other ordinance of the city or of the laws of the State of Tennessee, then the higher standard contained in any such other ordinance or law shall prevail.

(3) Issuance and renewal of other permits and licenses. After the date of enactment hereof, all licenses and permits shall be issued upon compliance with this code as well as compliance with the ordinance under which such licenses and permits are granted.

(4) Enforcement of and compliance with other ordinances. No license or permit or other certification of compliance with this code shall constitute a defense against any violation of any other ordinance of the city applicable to any structure or premises, nor shall any provision herein relieve any owner or operator from complying with any such other provision or any official of the city from enforcing any such other provision. (1972 Code, § 4-603)

#### 12-604. Duties and responsibilities of owner and operator.

(1) Maintenance of exterior of premises. The exterior of the premises and of all structures thereon shall be kept free of all nuisances and any hazards to the safety of occupants, pedestrians, and other persons utilizing the premises, and free of unsanitary conditions, and any of the foregoing shall be promptly removed and abated by the owner or operator. It shall be the duty of the owner or operator to keep the premises free of hazards which include but are not limited to the following:

(a) Refuse. Brush, weeds, broken glass, stumps, roots, obnoxious growths, and accumulations of filth, garbage, trash, refuse and debris.

(b) Natural growth. Dead and dying trees and limbs or other natural growth which, by reason of rotting or deteriorating condition or storm damage, constitute a hazard to persons in the vicinity thereof. Trees shall be kept pruned and trimmed to prevent such conditions.

(c) Overhangings. Loose and overhanging objects and accumulations of ice and snow which by reason of location above ground level constitute a danger of falling on persons in the vicinity thereof.

(d) Ground surface hazards or unsanitary conditions. Holes, excavations, breaks, projections, obstructions, icy conditions, uncleared

snow, and excretions of pets and other animals on paths, walks, driveways, parking lots, and parking areas, and other parts of the premises which are accessible to and used by persons on the premises. All such holes and excavations shall be filled and repaired, walks and steps replaced, and other conditions removed where necessary to eliminate hazards or unsanitary conditions with reasonable dispatch upon their discovery.

(e) Recurring accumulations of storm water. Adequate run-off drains shall be provided and maintained to eliminate any recurrent or excessive accumulation of storm water.

(f) Sources of infestation.

(g) Foundation walls. Foundation walls shall be kept structurally sound, free from defects and damage, and capable of bearing imposed loads safely.

(h) Chimneys and all flue and vent attachments thereto. Chimneys and all flue and vent attachments thereto shall be maintained structurally sound, free from defects, and so maintained as to capably perform at all times the functions for which they were designed. Chimneys, flues, gas vents, or other draft-producing equipment shall provide sufficient draft to develop the rated output of the connected equipment, shall be structurally safe, durable, smoke-tight, and capable of withstanding the action of flue gases.

(i) Exterior porches, landings, balconies, stairs and fire escapes. Exterior porches, landings, balconies, stairs, and fire escapes shall be provided with banisters or railings properly designed and maintained to minimize the hazard of falling, and the same shall be kept structurally sound, in good repair, and free from defects.

(2) Appearance of exterior of premises and structures. The exterior of the premises and the condition of accessory structures shall be maintained so that the appearance of the premises and all buildings thereon shall reflect a level of maintenance in keeping with the standards of the neighborhood or such higher standards as may be adopted as part of a plan of urban renewal by the City of Athens, and such that the appearance of the premises and structures shall not constitute a blighting factor for adjoining property owners nor an element leading to the progressive deterioration and downgrading of the neighborhood with the accompanying diminution of property values including the following:

(a) Landscaping. Premises shall be kept landscaped and lawns, hedges, and bushes shall be kept trimmed and from becoming overgrown and unsightly where exposed to public view and where the same constitute a blighting factor depreciating adjoining property.

(b) Signs and billboards. All permanent signs and billboards exposed to public view permitted by reason of other regulations or as a lawful non-conforming use shall be maintained in good repair. Any signs

which have excessively weathered or faded or those upon which the paint has excessively peeled or cracked shall, with their supporting members, be removed forthwith, or put into a good state of repair. All non-operative or broken electrical signs shall be repaired or shall, with their supporting members, be removed forthwith.

(c) Windows. All windows exposed to public view shall be kept clean and free of marks or foreign substances except when necessary in the course of changing displays. No storage of materials, stock, or inventory shall be permitted in window display areas or other areas ordinarily exposed to public view unless said areas are first screened from the public view by drapes, venetian blinds, or other permanent rendering of the windows opaque to the public view. All screening of interiors shall be maintained in a clean and attractive manner and in a good state of repair.

(d) Store fronts. All store fronts shall be kept in good repair, painted where required, and shall not constitute a safety hazard or nuisance. In the event repairs to a store front becomes necessary, such repairs shall be made with the same or similar materials used in the construction of the store front in such a manner as to permanently repair the damaged area or areas. Any cornice visible above a store front shall be kept painted, where required, and in good repair.

(e) Signs or advertisements - removal. Except for "For Rent" signs, any temporary sign or other paper advertising material glued or otherwise attached to a window or windows or otherwise exposed to public view shall be removed at the expiration of the event or sale for which it is erected, or within sixty (60) days after erection, whichever shall sooner occur.

Except during the course of repairs or alterations, no more than 33-1/3% of the square footage of any single window or single window display area shall be devoted to signs or other temporary advertising material attached to said window or windows or otherwise exposed to public view.

(f) Awnings and marquees. Any awning or marquee and its accompanying structural members which extend over any street, sidewalk, or any other portion of the premises shall be maintained in good repair and shall not constitute a nuisance or a safety hazard. In the event such awnings or marquees are not properly maintained in accordance with the foregoing, they shall, together with their supporting members, be removed forthwith. In the event said awnings or marquees are made of cloth, plastic, or of a similar material, said cloth or plastic where exposed to public view shall be maintained in good condition and shall not show evidence of excessive weathering, discoloration, ripping, tearing or other holes. Nothing herein shall be construed to authorize

any encroachment on streets, sidewalks, or other parts of the public domain.

(3) General maintenance. The exterior of every structure or accessory structure (including fences, signs, and store fronts) shall be maintained in good repair and all surfaces thereof shall be kept painted or white-washed where necessary for purposes of preservation and appearance. All surfaces shall be maintained free of broken glass, loose shingles, crumbling stone or brick, excessive peeling paint or other condition reflective of deterioration or inadequate maintenance to the end that the property itself may be preserved, safety and fire hazards eliminated, and adjoining properties and the neighborhood protected from blighting influences.

(a) Reconstruction of walls and sidings. All reconstruction of walls and sidings shall be of standard quality and appearance commensurate with the character of the properties in the same block and on both sides of the street on which the premises front, such that the materials used will not be of a kind that by their appearance under prevailing appraisal practices and standards will depreciate the values of neighboring and adjoining premises as aforesaid.

(b) Floors, interior walls, and ceilings. Floors, interior walls, and ceilings of every structure shall be structurally sound and maintained in a clean and sanitary condition.

(c) Floors generally. Floors shall be considered to be structurally sound when capable of safely bearing imposed loads and shall be maintained at all times in a condition so as to be smooth, clean, free from cracks, breaks, and other hazards.

(d) Washroom and water closet compartment floors. Washroom and water closet compartment floors shall be surfaced with water-resistant material and shall be kept in a dry, clean, and sanitary condition at all times.

(e) Supporting structural members. Supporting structural members are to be kept structurally sound, free of deterioration, and capable of bearing imposed loads safely.

(f) Walls and ceilings generally. Walls and ceilings shall be considered to be in good repair when clean, free from cracks, breaks, loose plaster, and similar conditions. Walls shall be provided with paint, paper sealing material, or other protective covering so that the said walls and ceilings shall be kept clean, free of visible foreign matter, sanitary, and well-maintained at all times.

(g) Lighting of washrooms. Every washroom and water closet compartment shall be provided with permanently installed artificial lighting fixtures with a switch and wall plat so located and maintained that there is no danger of short-circuiting from water from other bathroom facilities or from splashing of water.

(h) Electrical service generally. All premises shall be properly connected to and be provided with electric power through safely insulated conductors conforming to the National Electrical Code and the local requirements of the Athens Utilities Board.

(i) Loose or exposed wiring. Except as hereinafter stated, all wiring or cables shall be properly affixed or attached to the structure. Insulation shall be provided for all wiring and cables and kept in good repair. No loose cords or loose extension lines in excess of 6 feet in length shall be permitted and no ceiling or wall fixture shall be used for supplying power to equipment other than that for which they are designed.

(j) Fuses and protective devices. Maximum fuse sizes consistent with safety shall be posted conspicuously on the inside cover of all fuse boxes and no fuse shall be installed therein in excess of the stated maximum except that owners shall not be responsible for violations in fuse installations without their knowledge where the correct maximum is stated and the fuse box is located within any part of the premises which is in the exclusive possession of occupants other than the owner.

(k) Overloading of circuits. Overloading of circuits is prohibited. Where the code officer finds, after notice and hearing, that by reason of the appliances and fixtures creating a hazard, the owner shall be required to install a line of sufficient capacity to absorb the load to which the line is subjected or otherwise eliminate the conditions causing the overload. For purposes of this section, the code officer may consider the peak seasonal load to which the line is subjected.

(l) Responsibility for removal. The owner or operator shall have the duty and responsibility of removing garbage.

(m) Accumulating refuse and non-fireproof storage prohibited. Storage bins, rooms, and areas shall not be used for accumulated garbage or refuse. Inflammable or combustible liquids or other materials may be stored on the premises unless they are of a type approved for storage by the regulations of the fire department, and then only in such quantities and in such fireproof storage containers as may be prescribed by the regulations.

(4) Vacant buildings to be kept locked. It shall be the duty of the owner of any vacant building within the City of Athens to keep all doors, windows and other openings in such building locked or otherwise secured so as to prevent unauthorized persons from entering such buildings.

(5) Damaged buildings to be secured. It shall be the duty of the owner of any building which has been damaged by fire, wind or any other act of God or man, to fence or close all openings or otherwise secure such building within ten (10) days from the date of damage to said building so as to prevent children or any unauthorized person from entering. (1972 Code, § 4-604)

12-605. Duties and responsibilities of operator. (1) General and specific provisions. Upon discovery by an occupant of any condition on the premises which constitutes a violation hereof, the occupant shall report the same to the code officer responsible for enforcement thereunder.

All parts of the premises under the control of the operator shall be kept in a clean and sanitary condition and the occupant shall refrain from performing any acts which would render other parts of the premises unclean or unsanitary or which would obstruct the owner or operator from performing any duty required hereunder of maintaining the premises in a clean and sanitary condition.

(2) Eliminating infestation. Every operator shall be responsible for the elimination of infestation in and on the premises subject to his control.

(3) Malicious damage. Every operator shall be responsible for willfully or maliciously causing damage to any part of the premises.

(4) Maintenance of plumbing. Every operator shall maintain all plumbing fixtures used by him in a clean and sanitary condition and he shall not deposit any material in any fixture or sewer system which would result in stoppage of or damage to the fixture or sewer system.

(5) Providing notice of defect to owner. Where the owner would not otherwise know of a defect of any facility, utility, or equipment required to be furnished hereunder and the same is defective or inoperable, each operator affected thereby shall, upon learning of said defect, provide notice to the owner or person in charge of the premises. Nothing herein shall be construed to provide a defense for any owner violating this code. (1972 Code, § 4-605)

12-606. Administrative provisions. (1) Supervision vested in the code officer. Responsibility for enforcement of this code is vested in the code officer and all inspections, regulations, enforcement, and hearings on violations of the provisions of this code, unless expressly stated to the contrary, shall be under his direction and supervision. He may appoint or designate such other public officials or employees of the city to perform duties as may be necessary to the enforcement of this code, including the making of inspections and the holding of hearings.

(2) When inspections are to be made. All buildings and premises subject to this code are subject to inspections from time to time by the enforcing officer. At the time of such inspections, all rooms and parts of the premises must be available and accessible for such inspections, and the owner and operator are required to provide the necessary arrangements to facilitate such inspections. Such inspections shall be made during regular open hours of the business occupying the said premises unless there is reason to believe a violation exists of a character which is an immediate threat to health or safety requiring inspection or abatement without delay.

(3) Where entry by inspectors is refused. Where the code officer or his agent is refused entry or access or is otherwise impeded or prevented by the

owner or operator from conducting an inspection of the premises, such person shall be in violation of this code and subject to the penalties hereunder.

In addition, the code officer may, upon affidavit, apply to the city judge of the City of Athens for a search warrant setting forth factually the actual conditions and circumstances that provide a reasonable basis for believing that a nuisance or violation of this code exists on the premises, and if the judge is satisfied as to the matter set forth in the said affidavit, he shall authorize the issuance of a search warrant permitting access to and inspection of that part of the premises on which the nuisance or violation exists.

(4) Procedure where violation discovered. Where a violation of this code or the regulation hereunder is found to exist, a written notice from the code officer shall be served on the person or persons responsible for the correction thereof. The notice shall specify the violation or violations committed, what must be done to correct the same, a reasonable period of time not to exceed 30 days to correct or abate the violation, the right of the person served to request a hearing, and that the notice shall become an order of the code officer in ten (10) days after service unless a hearing is requested.

(5) Service of notice. Notice may be served personally or by prepaid telegram or by mail with postage prepaid, addressed to the last known address of the person to be served. If the last known address cannot be ascertained, the notice may be posted on the outside front entrance of the building.

(6) Notice to become an order unless hearing is requested. Within ten (10) days of the date of service of a notice, the notice shall constitute a final order unless any person affected by the notice requests a hearing thereon and serves a written request within the ten-day period in person or by mail to the code officer. Such request for a hearing shall set forth briefly the grounds or reasons on which the request for a hearing is based and the factual matters contained in the notice of violation which are to be disputed at the hearing. The code officer, upon receipt of the request, shall within thirty (30) days therefrom and upon five (5) days notice to the party aggrieved set the matter down for hearing.

(7) Determination at hearing. At any hearing provided hereunder the code officer shall be vested with all powers provided by law to compel the attendance of witnesses and parties in interest by service of subpoena, to require by subpoena the production of books, records, or other documents at any such hearing which may be pertinent to matters to be determined by him and to enforce any such subpoena or secure any order for the enforcement of such subpoena as provided by law. A determination shall be made within 10 days from the completion of the hearing. The code officer shall issue an order either incorporating the determinations and directions contained in the notice, modifying the same, or withdrawing the notice.

(8) Extension of time. The code officer may extend the time for correction or abatement of the violations for an additional period of time not to exceed thirty (30) days, except where major capital improvements or renovations

are involved, in which instance the time for completion may be extended for a period not to exceed ninety (90) days beyond the expiration date of the original notice.

(9) Summary abatement in emergency - notice and hearing not required. Where the violation or condition existing on the premises is of such a nature as to constitute an immediate threat to life and limb unless abated without delay, the code officer may either abate the violation or condition immediately or order the owner, operator, or occupant to correct the violation within a period or time not to exceed three (3) days, and upon failure to do so, the code officer shall abate the condition immediately thereafter.

(10) Cost of abatement to be a lien against premises. Where abatement of a violation or condition is required hereunder, the code officer shall cause to be certified to the owner of the premises the cost thereof, and the owner may request a hearing on the reasonableness of the cost as provided in (6) above. After such hearing, a final determination shall be made as to the reasonable cost of abatement, which determination shall be certified to the tax collector and shall become a lien on the property and be collected by the same procedure as real property taxes. (1972 Code, § 4-606)

CHAPTER 7

MECHANICAL CODE

SECTION

12-701. Mechanical code adopted.

12-702. Modifications.

12-703. Available in city manager's office.

12-704. Violations.

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 providing minimum requirements for safe mechanical installation, alterations or repairs to new equipment, replacement of equipment, appliances, fixtures, fittings, and the appurtenances thereto, so as to safeguard life, health, and public welfare and the protection of property, the International Mechanical Code, 2009 edition<sup>1</sup>, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as part of this code, and is hereinafter referred to as the mechanical code. (1972 Code, § 4-901, modified, as amended by Ord. #836, § 3, Oct. 1997, replaced by Ord. #960, July 2007, and amended by Ord. #1008, Aug. 2012)

12-702. Modifications. Wherever the mechanical code refers to the "Chief Appointing Authority" or the "Administrative Authority," it shall be deemed to be a reference to the "city manager."

Wherever "Mechanical Official" is named or referred to, it shall mean the person appointed or designated by the city manager to administer and enforce the provisions of the mechanical code. (1972 Code, § 4-902)

12-703. Available in city manager's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the mechanical code has been placed on file in the city manager's office and shall be kept there for the use and inspection of the public. (1972 Code, § 4-903)

12-704. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the mechanical code as herein adopted by reference and modified. Furthermore, the mechanical official may discontinue or refuse electrical service to any premises where the mechanical installation does not comply with this chapter and/or the mechanical code. (1972 Code, § 4-904)

---

<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

ENERGY CONSERVATION CODE<sup>1</sup>

## SECTION

- 12-801. Energy conservation code adopted.  
 12-802. Modifications.  
 12-803. Available in city manager's office.  
 12-804. Violations and penalty.

12-801. Energy conservation code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506 and for the purpose of regulating the design of buildings for adequate thermal resistance and low air leakage, and the design and selection of mechanical, electrical, water-heating, and illumination systems and equipment which will enable the effective use of energy in new building construction, the International Energy Conservation Code, 2006 edition<sup>2</sup>, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as part of this Code, and is hereinafter referred to as the Energy Code. (as replaced by Ord. #960, July 2007)

12-802. Modifications. Whenever the energy code refers to the "responsible government agency," it shall be deemed to be a reference to the City of Athens. When the "building official" is named it shall, for the purposes of the energy code, mean such person as the city manager shall have appointed or designated to administer and enforce the provisions of the energy code.

12-803. Available in city manager's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the energy code has

---

<sup>1</sup>State law reference

Tennessee Code Annotated, § 13-19-106 requires Tennessee cities either to adopt the Model Energy Code, 1992 edition, or to adopt local standards equal to or stricter than the standards in the energy code.

Municipal code references

Fire protection, 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.

been placed on file in the city manager's office and shall be kept there for the use and inspection of the public.

12-804. Violations and penalty. It shall be a civil offense for any person to violate or fail to comply with any provision of the energy 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 five hundred dollars (\$500) for each offense. Each day a violation is allowed to continue shall constitute a separate offense.

CHAPTER 9

ACCESSIBILITY CODE

SECTION

12-901. Accessibility code adopted.

12-902. Available in recorder's office.

12-903. Violations and penalty.

12-901. Accessibility code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506 and for the purpose of making all public buildings accessible to and functional for persons who are physically handicapped the 1999 Accessibility Code, North Carolina edition Volume 1-C with the 2002 and the 2004 revisions<sup>1</sup>, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the accessibility code. (as amended by Ord. #836, § 4, Oct. 1997, as replaced by Ord. #960, July 2007)

12-902. Available in city manager's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502 one (1) copy of the accessibility code has been placed on file in the city manager's office and shall be kept there for the use and inspection of the public.

12-903. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the accessibility code as herein adopted by reference. Each day a violation is allowed to continue shall constitute a separate offense.

---

<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 10

RESIDENTIAL CODE

SECTION

- 12-1001. Residential code adopted.
- 12-1002. Modifications.
- 12-1003. Amendments.
- 12-1004. Available in city manager's office.
- 12-1005. Violations.

12-1001. Residential code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506 and for the purpose of providing building, plumbing, electrical, and mechanical provisions, the International Residential Code,<sup>1</sup> 2009 edition and all reference standards and Appendix F, J, M and O, except section R 312.2 One and Two Family Dwellings Automatic Sprinkler Systems and chapters 34-43 relating to electrical, as prepared and adopted by the International Code Council is hereby adopted and incorporated by reference as part of this code, and is hereinafter referred to as the residential code. (as added by Ord. #960, July 2007, and amended by Ord. #1008, Aug. 2012)

12-1002. Modifications. Whenever the residential code refers to the "Chief Appointed Authority" or the "Chief Administrator" it shall be deemed to be a reference to the "City Manager." (as added by Ord. #960, July 2007)

12-1003. Amendments. Section 313.1, Townhouse automatic sprinkler system is amended by adding, "However, an automatic sprinkler system shall not be required in a three (3) unit townhouse with less than five thousand (5,000) gross square feet and three (3) or fewer stories if each unit is separated by a two (2) hour fire wall." (as added by Ord. #1008, Aug. 2012)

12-1004. Available in city manager's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the residential code has been placed on file in the city manager's office and shall be kept there for the use and inspection of the public. (as added by Ord. #960, July 2007, and renumbered by Ord. #1008, Aug. 2012)

---

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

12-1005. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of this chapter or the residential code as herein adopted by reference and modified. (as added by Ord. #960, July 2007, and renumbered by Ord. #1008, Aug. 2012)