

**TITLE 12**

**BUILDING, UTILITY, ETC. CODES**

**CHAPTER**

1. BUILDING CODE.
2. PLUMBING CODE.
3. ELECTRICAL CODE.
4. GAS CODE.
5. RESIDENTIAL CODE.
6. HOUSING.
7. SWIMMING POOL CODE.
8. SWIMMING POOL ENCLOSURE.
9. AMUSEMENT DEVICE CODE.
10. EXISTING BUILDING CODE.
11. MECHANICAL CODE.
12. UNSAFE BUILDING ABATEMENT CODE.

**CHAPTER 1**

**BUILDING CODE**<sup>1</sup>

**SECTION**

- 12-101. Building code adopted.
- 12-102. Modifications.
- 12-103. Available in mayor's office.
- 12-104. Violations.
- 12-105. Highway right of entry permit required.

**12-101. Building code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 to 6-54-506, inclusive, and for the purpose of regulating the construction, alteration, repair, use, occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the International Building Code,<sup>2</sup> 2006 edition, as prepared and adopted by the

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<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  
(continued...)

International Code Council, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the building code. (1980 Code, § 4-101, as amended by Ord. #2000-01, March 2000, and Ord. #2010-03, May 2010)

**12-102. Modifications.** Whenever the building code refers to the "Chief Appointing Authority" or the "Chief Administrator," it shall be deemed to be a reference to the board of mayor and aldermen. When the "Building Official" or "Director of Public Works" is named it shall, for the purposes of the building code, mean such person as the board of mayor and aldermen shall have appointed or designated to administer and enforce the provisions of the building code. The recommended schedule of permit fees set forth in Appendix "K" is amended so that the fees to be collected shall be as follows:

<u>Building Value</u>	<u>Fee</u>
\$ 100.00--\$15,000.00	\$2.00 per thousand or fraction thereof.
\$15,000.01--\$100,000.00	\$30.00 for first \$15,000.00 plus \$1.00 for each additional \$1,000.00 or fraction thereof.
\$100,000.01--\$500,000.00	\$115.00 for first \$100,000.00 plus \$.50 for each additional \$1,000.00 or fraction thereof.
\$500,000.01--\$1,000,000.00	\$315.00 for first \$500,000.00 plus \$.25 for each additional \$1,000.00 or fraction thereof.
\$1,000,000.01 and over	\$440.00 for first \$1,000,000.00 plus \$.15 for each additional \$1,000.00 or fraction thereof.

Provided, however, that the minimum fee for an inspection shall be \$5.00. Section 114 of the building code is hereby deleted.

There shall also be a permit required for the demolition of a building which permit fee shall be \$4.00 and for the moving of a building, the permit for

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(...continued)

International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

which shall be \$10.00. (1980 Code, § 4-102, as amended by Ord. # 83-6, Oct. 1983)

**12-103. Available in mayor's office.** Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the building code has been placed on file in the mayor's office and shall be kept there for the use and inspection of the public. (1980 Code, § 4-103, modified)

**12-104. Violations.** It shall be unlawful for any person to violate or fail to comply with any provision of the building code as herein adopted by reference and modified. (1980 Code, § 4-104)

**12-105. Highway right of entry permit required.** On all state highways, a right of entry permit shall be obtained from the Tennessee Department of Transportation before any building permit will be issued by the city. (Ord. #86-04, June 1986)

**CHAPTER 2**

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

**SECTION**

12-201. Plumbing code adopted.

12-202. Modifications.

12-203. Available in mayor's office.

12-204. Violations.

**12-201. Plumbing code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 to 6-54-506, inclusive, and for the purpose of regulating plumbing installations, including alterations, repairs, equipment, appliances, fixtures, fittings, and the appurtenances thereto, within or without the City of Humboldt, when such plumbing is or is to be connected with the municipal water or sewerage system, the International Plumbing Code,<sup>2</sup> 2006 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the plumbing code. (1980 Code, § 4-201, as amended by Ord. #2000-01, March 2000, and Ord. #2010-03, May 2010)

**12-202. Modifications.** Wherever the plumbing code refers to the "Chief Appointing Authority," the "Administrative Authority," or the "Governing Authority," it shall be deemed to be a reference to the board of mayor and aldermen.

Wherever "City Engineer," "Engineering Department," "Plumbing Official," or "Inspector" is named or referred to, it shall mean the person appointed or designated by the board of mayor and aldermen to administer and enforce the provisions of the plumbing code. Section 110 of the plumbing code is hereby deleted.

The suggested schedule of permit fees in appendix "H" is modified so that the permit fees shall be as follows:

- |     |                                  |         |
|-----|----------------------------------|---------|
| (1) | House with one (1) bath          | \$12.00 |
| (2) | House with two (2) or more baths | \$24.00 |

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<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.

(3)	Commercial building with two (2) baths	\$12.00
(4)	Commercial building with more than (2) baths	\$24.00

(1980 Code, § 4-202, as amended by Ord. # 83-6, Oct. 1983)

**12-203. Available in mayor'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 mayor's office and shall be kept there for the use and inspection of the public. (1980 Code, § 4-203)

**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. (1980 Code, § 4-204)

**CHAPTER 3****ELECTRICAL CODE**<sup>1</sup>**SECTION**

- 12-301. Electrical code adopted.
- 12-302. Available in mayor's office.
- 12-303. Permit required for doing electrical work.
- 12-304. Inspection.
- 12-305. Enforcement.
- 12-306. Fees.
- 12-307. Violations.

**12-301. Electrical code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 to 6-54-506, inclusive, and for the purpose of providing practical minimum standards for the safeguarding of persons and of buildings and their contents from hazards arising from the use of electricity for light, heat, power, radio, signaling, or for other purposes, the National Electrical Code (International Series),<sup>2</sup> 2008 edition, as prepared by the National Fire Protection Association, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the electrical code. (1980 Code, § 4-301, as amended by Ord. #2000-01, March 2000, and Ord. #2010-03, May 2010)

**12-302. Available in mayor'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 mayor's office and shall be kept there for the use and inspection of the public. (1980 Code, § 4-302)

**12-303. Permit required for doing electrical work.** No electrical work shall be done within the City of Humboldt until a permit therefor has been issued by the city. 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.

No permit shall be issued to any person for electrical work until plans and specifications showing the proposed work in necessary detail have been

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<sup>1</sup>Municipal code reference

Electrical service: title 19, chapter 1.

<sup>2</sup>Copies of this code may be purchased from the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210.

submitted to the electrical inspector and twenty-four (24) hours allowed for the study of same; except, in the discretion of the electrical inspector, plans and specifications will not be required for a permit for alterations or repairs on small jobs when the applicant can show the electrical inspector, to the satisfaction of said inspector, the work to be done.

No permit will be required for the repair or installation of such appliances as radios, televisions, lamps, fixtures, fuses, bulbs, iron cords, or air conditioning units or any other appliance or device unless such installation or repair will necessitate a change from 110 volts to 220 volts or more, in which event a permit will be required. Electrical work in connection with remodeling or new construction costing not more than one hundred dollars (\$100.00) may be made without a permit; provided that such remodeling or new construction shall not violate any of the provisions of this chapter. (1980 Code, § 4-303)

**12-304. Inspection.** All wiring on jobs where a permit is required shall be inspected when roughed in and when the work is completed, and twenty-four (24) hours notice shall be given the electrical inspector before the work is ready for inspection.

An inspection shall be made and a fee of \$1.00 will be charged for such inspection where there has been fire damage to the electrical wiring or appurtenances which, in the discretion of the electrical inspector, requires an inspection, or where the inspector is called for a special service electrical inspection. (1980 Code, § 4-304)

**12-305. Enforcement.** It shall be the duty of the electrical inspector to enforce the provisions of this chapter and to make the inspections and tests required hereunder.

The electrical inspector may enter any building, structure, or premises in the City of Humboldt to perform any duty imposed upon him by this chapter, and any electrical inspector or other officer or employee of the city charged with the enforcement of this chapter, acting for the city in the discharge of his duties, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. (1980 Code, § 4-305)

**12-306. Fees.** Application for a permit for electrical work shall be made on suitable forms provided by the electrical inspector, and shall be accompanied by fees in accordance with the following:

SCHEDULE OF FEES

- (1) Run wire out of box or change wire . . . . . \$12.00
- (2) House containing one (1) to four (4)

	rooms . . . . .	12.00
(3)	House containing four (4) to eight (8) rooms .	24.00
(4)	Each room over eight (8) rooms . . . . .	1.00 per room
(5)	Commercial building with 100-amp entrance or under . . . . .	15.00
(6)	Commercial building with 101 to 600 amp entrance . . . . .	28.00
(7)	Commercial building with 601 to 1,000 amp entrance . . . . .	60.00
(1980 Code, § 4-306, as amended by Ord. # 83-6, Oct. 1983)		

**12-307. 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. (1980 Code, § 4-307)



## 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. Non-liability.

**12-401. Title and definitions.** This chapter and the code herein adopted by reference shall be known as the gas code of the City of Humboldt 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 board of mayor and aldermen.

(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. (1980 Code, § 4-401)

**12-402. Purpose and scope.** The purpose of the gas code is to provide minimum standards, provisions, and requirements for safe installation of

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<sup>1</sup>Municipal code reference  
Gas: title 19, chapter 2.

consumer's gas piping and 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 Gas Code,<sup>1</sup> 2006 edition, which is hereby incorporated by reference and made a 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 mayor for the use and inspection of the public. (1980 Code, § 4-402, as amended by Ord. #2000-01, March 2000, and Ord. #2010-03, May 2010)

**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. (1980 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 mayor a good and sufficient bond in the penal sum of \$10,000, 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 mayor, 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 mayor a non-transferable license which shall run until the first day of January next succeeding its issuance, unless sooner revoked. The person obtaining a license shall pay any applicable license fees to the mayor.

(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 conformity with all other provisions of the gas code, including those relating to permits, inspections, and fees. (1980 Code, § 4-404)

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

**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 or designated by the board of mayor and aldermen, and the compensation for such office shall be determined at the time of appointment. (1980 Code, § 4-405)

**12-406. Powers and duties of inspector.** (1) The inspector is authorized and directed to enforce all 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. (1980 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 gas inspector, at a fee of \$1.50 per permit issued; 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 recorder 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. (1980 Code, § 4-407, as amended by Ord. #83-6, Oct. 1983)

**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. (1980 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. (1980 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 inspections) shall be \$5.00.

(2) The fees for inspecting conversion burners, floor furnaces, boilers, or central heating plants of less than 500,000 BTU shall be \$5.00; and \$10.00 for 500,000 BTU or over.

(3) The fees for inspecting vented wall furnaces and water heaters shall be \$5.00 for each unit.

(4) The fee for inspecting gas installations at commercial buildings shall be \$20.00.

(5) Any and all fees shall be paid by the person to whom the permit is issued. (1980 Code, § 4-410, as amended by Ord. #83-6, Oct. 1983)

**12-411. Violations and penalties.** Section 114 of the gas code is hereby deleted. 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. (1980 Code, § 4-411)

**12-412. Non-liability.** 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. (1980 Code, § 4-412)

## CHAPTER 5

### RESIDENTIAL CODE<sup>1</sup>

#### SECTION

12-501. Residential code adopted.

12-502. Modifications.

12-503. Available in mayor's office.

12-504. Violations.

**12-501. Residential code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 to 6-54-506, inclusive, and for the purpose of securing the public safety, health, and general welfare through structural strength, stability, sanitation, adequate light, and ventilation in dwellings, apartment houses, rooming houses, and buildings, structures, or premises used as such, the International Residential Code,<sup>2</sup> 2006 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the residential code. (1980 Code, § 4-501, as amended by Ord. #2000-01, March 2000, and Ord. #2010-03, May 2010)

**12-502. Modifications.** Wherever the residential code refers to the "Building Official," it shall mean the person appointed or designated by the board of mayor and aldermen to administer and enforce the provisions of the residential code. Wherever the "Department of Law" is referred to it shall mean the city attorney. Wherever the "Chief Appointing Authority" is referred to it shall mean the board of mayor and aldermen. (1980 Code, § 4-502, as amended by Ord. #2010-03, May 2010)

**12-503. Available in mayor's office.** Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the residential code has been placed on file in the mayor's office and shall be kept there for the use and inspection of the public. (1980 Code, § 4-503, as amended by Ord. #2010-03, May 2010)

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<sup>1</sup>Municipal code references

Mobile home park restrictions: title 14, chapter 11.

Water and sewer: 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

**12-504. Violations.** It shall be unlawful for any person to violate or fail to comply with any provision of the residential code as herein adopted by reference and modified. (1980 Code, § 4-504, as amended by Ord. #2010-03, May 2010)

## CHAPTER 6

### HOUSING<sup>1</sup>

#### SECTION

- 12-601. Applicability, purpose of chapter.
- 12-602. Definitions.
- 12-603. Nonconforming habitable buildings declared a nuisance.
- 12-604. Electric, water service not to be available to nonconforming buildings.
- 12-605. Existence of dwellings unfit for human habitation.
- 12-606. Building inspector designated to act.
- 12-607. Institution of action and notification by building inspector.
- 12-608. Determination of and further notice by building inspector.
- 12-609. Failure of owner to comply to vacate and repair.
- 12-610. Failure of owner to remove or demolish.
- 12-611. Creation of lien and payment into court.
- 12-612. Conditions rendering dwelling unfit for human habitation.
- 12-613. Service of complaints or orders.
- 12-614. Enjoining enforcement of order.
- 12-615. Powers given the building inspector.

**12-601. Applicability, purpose of chapter.** Every building used in whole or part as a home or residence of a single family or person and every building used in whole or in part as a home or residence of two (2) or more persons as families, living in separate apartments, or otherwise, shall conform to the requirements of this chapter irrespective of the class to which such building may otherwise belong, and irrespective of when such building may have been constructed, altered, or repaired. This chapter establishes minimum standards for occupancy, and does not replace or modify standards otherwise established for the construction, replacement, or repair of buildings except such as are in conflict with the provisions of this chapter. (Ord. #92-05, July 1992)

**12-602. Definitions.** For the purpose of this chapter the following words and phrases shall have the meanings assigned herein:

- (1) "Basement" shall mean that portion of a building below the main floor, the ceiling of which is not less than three feet (3') above grade.
- (2) "Cellar" shall mean that portion of a building, the ceiling of which is less than three feet (3') above grade.
- (3) "Dwelling" shall mean any building or structure, or part thereof, used and occupied for human habitation or intended to be so used, and includes

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<sup>1</sup>Municipal code reference

Housing code: title 12, chapter 5.



any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

(4) "Family" shall mean a group of persons, not necessarily related by blood or marriage, living together as a single housekeeping unit.

(5) "Habitable building" shall mean any structure or part thereof that shall be used as a home or place of abode by one or more persons.

(6) "Habitable room" shall mean any room in any building in which persons sleep, eat, or carry on their usual domestic or social vocations or avocations, but shall not include private laundries, bathrooms, to-let rooms, pantries, storerooms, corridors, rooms for mechanical equipment for service in the building or other similar spaces not used by persons frequently or during extended periods.

(7) "Infestation" shall mean the presence of household pests, vermin, or rodents.

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

(9) "Plumbing" shall include all gas pipes, gas burning equipment, waste pipes, water pipes, water closets, sinks, lavatories, bathtubs, catch basins, drains, vents and any other fixtures connected to the water, sewer, or gas lines.

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

(11) "Substandard" shall be construed to include all buildings used for purposes of human habitation which do not conform to the minimum standards established by this chapter and by other provisions of this code.

(12) "Parties in interest" shall mean all individuals, associations, corporations, and others who have interests of record in a dwelling and any who are in possession thereof. (Ord. #92-05, July 1992)

**12-603. Nonconforming habitable buildings declared a nuisance.** Any habitable building which shall fail to conform to the requirements set forth in this chapter shall be deemed a nuisance and detrimental to the health, safety, and welfare of the habitants of this city. (Ord. #92-05, July 1992)

**12-604. Electric, water service not to be available to nonconforming building.** No electric power or water from the city's electrical or water distribution systems shall be made available to any habitable building within the city or within a radius of five (5) miles of the corporate limits of the city, which shall fail to conform to this housing code. (Ord. #92-05, July 1992)

**12-605. Existence of dwellings unfit for human habitation.** There exist in the City of Humboldt dwellings which are unfit for human habitation, due to dilapidation, defects increasing the hazards of fire, accident, or other calamities; lack of ventilation, light or sanitary facilities or due to other

conditions rendering such dwellings unsafe or unsanitary or dangerous or detrimental to the health, safety, or morals, or otherwise inimical to the welfare of the residents of the City of Humboldt. (Ord. #92-05, July 1992)

**12-606. Building inspector designated to act.** The building inspector is designated as the public officer of the City of Humboldt who is to exercise the powers herein prescribed. (Ord. #92-05, July 1992)

**12-607. Institution of action and notification by building inspector.** Whenever a petition is filed with the building inspector by a public authority or by at least five (5) residents of the City of Humboldt charging that any dwelling is unfit for human habitation, or whenever it appears to the building inspector (on his own motion) that any dwelling is unfit for human habitation, the building inspector shall, if after making a preliminary investigation, such investigation disclosing a basis for such charges, issue and cause to be served upon the owner of and parties in interest of such dwelling a complaint stating the charges in that respect and containing a notice that a hearing will be held before the building inspector (or his designated agent) at a time and place therein fixed, not less than ten (10) days nor more than thirty (30) days after the serving of said complaint; that the owners and parties in interest shall be given the right to file an answer to the complaint and to appear in person or otherwise and give testimony at the place and time fixed in the complaint; and the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the building inspector or his designated agent. As contained herein, "public authority" shall mean any housing authority, or any officer who is in charge of any department or branch of the government of the City of Humboldt or the State of Tennessee relating to health, fire, building regulations, or other activities concerning dwellings in the City of Humboldt. (Ord. #92-05, July 1992)

**12-608. Determination of and further notice by building inspector.** If, after such notice and hearing as above-prescribed, the building inspector determines that the dwelling under consideration is unfit for human habitation, he shall state in writing his findings of fact in support of such determination, and shall issue and cause to be served upon the owner thereof an order.

(1) If the repair, alteration, or improvement of the said dwelling can be made at a reasonable cost in relation to the value of the dwelling requiring the owner within the time specified in the order to repair, alter, or improve such dwelling to render it fit for human habitation or if not adequately repaired, altered, or improved within the time specified in the order to vacate and close the dwelling as a human habitation; or,

(2) If the repair, alteration, or improvement of the said dwelling cannot be made at a reasonable cost in relation to the value of the dwelling requiring

the owner within the time specified in the order to remove or demolish such dwelling.

Rebuilding in violation of existing zoning ordinances will not be permitted.

The building inspector shall determine the value of the dwelling in question existing on the land and the value of the land separately, and if the dwelling can be made to conform to such standards as will make it properly habitable by an expenditure of not more than fifty percent (50%) of said value of the dwelling, the order referred to in the preceding paragraph shall contain the first alternative. If an expenditure of more than fifty percent (50%) of the value of the dwelling would be necessary to make the dwelling properly habitable, the order in the preceding paragraph shall contain the second alternative or removal or demolition. (Ord. #92-05, July 1992)

**12-609. Failure of owner to comply to vacate and repair.** If the owner fails to comply with the order under part (1) of § 12-408, the building inspector may cause such dwelling to be repaired, altered, or improved or be vacated and closed; and in such event, the building inspector may cause to be posted on the main entrance of any dwelling so closed a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." (Ord. #92-05, July 1992)

**12-610. Failure of owner to remove or demolish.** If the owner fails to comply with an order as set forth in part (2) of § 12-408, the building inspector may cause such dwelling to be removed or demolished. (Ord. #92-05, July 1992)

**12-611. Creation of lien and payment into court.** The amount of the cost of such repairs, alterations or improvements, or expenses of vacating and closing or removal or demolition of the dwelling by the building inspector shall be a lien against the real property on which such cost was incurred. If the dwelling is removed or demolished by the building inspector, he shall sell the materials of such dwelling and shall credit the proceeds of such sale against the cost of the removal or demolition and any balance remaining shall be deposited in the chancery court by the building inspector, shall be secured in such manner as may be directed by such court and shall be disbursed by such court to the person found to be entitled thereto by final order or decree of such court, provided however, that nothing in this section shall be construed to impair or limit in any way the power of the City of Humboldt to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise. (Ord. #92-05, July 1992)

**12-612. Conditions rendering dwelling unfit for human habitation.** In addition to the other standards set forth in this chapter, the building inspector may determine that a dwelling is unfit for human habitation if he finds that conditions exist in such dwelling which are dangerous or injurious to the health, safety, or morals of the occupants of such dwelling, the occupants of neighboring dwellings or other residents of the city; such conditions may include the following (but without limiting the generality of the foregoing): Defects in increasing the hazards of fire, accident or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; and uncleanliness. (Ord. #92-05, July 1992)

**12-613. Service of complaints or orders.** Complaints or orders issued by the building inspector pursuant to the requirements of this chapter shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons is unknown and the same cannot be ascertained by the building inspector in the exercise of reasonable diligence and the said building inspector shall make affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the City of Humboldt. A copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. A copy of such complaint or order shall also be filed for the record in the register's office of Gibson County and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law. (Ord. #92-05, July 1992)

**12-614. Enjoining enforcement of order.** Any person affected by an order issued by the building inspector may file a bill in the chancery court for an injunction restraining the said inspector from carrying out the provisions of the order and the court may, upon the filing of such bill, issue a temporary injunction restraining the said inspector pending the final disposition of the cause; provided, however, that within sixty (60) days after the posting and service of the order of the building inspector, such persons shall file such bill in the court. Hearings shall be had by the court on such bills within twenty (20) days or as soon thereafter as possible, and shall be given preference over other matters on the court's calendar.

The court shall hear and determine the issue raised and shall enter such final order or decree as law and justice may require. In all such proceedings, the finding of the building inspector as to facts, if supported by evidence, shall be conclusive. Costs shall be in the discretion of the court. The remedies herein provided shall be exclusive remedies and no person affected by an order of the building inspector shall be entitled to recover any damages for action taken pursuant to any order of the building inspector, or because of noncompliance by such person with any order of the building inspector. (Ord. #92-05, July 1992)

**12-615. Powers given the building inspector.** The building inspector is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter including the following powers in addition to others herein granted:

(1) To investigate the dwelling conditions in the City of Humboldt to determine which dwellings therein are unfit for human habitation.

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

(3) To enter upon premises for the purposes of making examinations provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession.

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

(5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate. (Ord. #92-05, July 1992)

## CHAPTER 7

### SWIMMING POOL CODE<sup>1</sup>

#### SECTION

- 12-701. Swimming pool code adopted.
- 12-702. Modifications.
- 12-703. Available in recorder's office.
- 12-704. Violations.

**12-701. Swimming pool code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of setting standards for the design, construction, or installation, alteration, repair or alterations of swimming pools, public or private and equipment related thereto. The Standard Swimming Pool Code,<sup>2</sup> 1997 edition, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the swimming pool code. (Ord. #2000-01, March 2000)

**12-702. Modifications.** Within the swimming pool code, when reference is made to the duties of a certain official named therein, that designated official of the City of Humboldt, Tennessee who has duties corresponding to those of the named official in the swimming pool code shall be deemed to be the responsible official insofar as enforcing the provisions of the swimming pool code are concerned. (Ord. #2000-01, March 2000)

**12-703. Available in recorder's office.** Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the swimming pool code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (Ord. #2000-01, March 2000)

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<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.

Swimming pool enclosure: title 12, chapter 8.

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.

**12-704. Violations.** It shall be unlawful for any person to violate or fail to comply with any provision of the swimming pool code as herein adopted by reference and modified. (Ord. #2000-01, March 2000)

## CHAPTER 8

### SWIMMING POOL ENCLOSURE<sup>1</sup>

#### SECTION

- 12-801. Fence required.
- 12-802. Gates and doors to be self-closing, etc.
- 12-803. Application of requirements.
- 12-804. Modifications.
- 12-805. Permit required.

**12-801. Fence required.** Every outdoor swimming pool or family pool within the City of Humboldt shall be completely surrounded by a fence or wall not less than five (5) feet in height, which shall be so constructed as not to have openings, holes, or gaps larger than four (4) inches in any dimension except for doors and gates. A dwelling house or accessory building may be used as a part of such enclosure. (1980 Code, § 4-601)

**12-802. Gates and doors to be self-closing, etc.** All gates or doors opening into such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except the door of any building which forms a part of the enclosure need not be so equipped. Latches shall be placed a minimum of 4 1/2 feet above the underlying ground or otherwise made inaccessible from the outside to small children. (1980 Code, § 4-602)

**12-803. Application of requirements.** This requirement for enclosures of swimming pools shall be applicable to all municipal pools or family pools hereafter constructed, other than indoor pools, and shall apply to all existing pools which have the depth of at least 18 inches of water. No person in possession of land within the city, either as owner, purchaser, lessee, tenant, or licensee, upon which is situated a swimming pool or family pool having a depth of at least 18 inches of water shall fail to provide and maintain such fence or wall as herein provided. (1980 Code, § 4-603)

**12-804. Modifications.** The building inspector may make modifications in individual cases, upon a showing of good cause, with respect to the height, nature, or location of the fence, wall, gates, or latches, provided the protection of small children is not reduced thereby. The building inspector of Humboldt may permit other protective devices or structures to be used so long as the

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<sup>1</sup>Municipal code reference  
Swimming pool code: title 12, chapter 7.



degree of protection afforded by the substitute devices or structures is not less than the protection afforded by the wall, fence, gate, and latches described herein. The building inspector shall allow a reasonable period within which to comply with the requirements of this chapter. (1980 Code, § 4-604)

**12-805. Permit required.** No enclosure required herein shall be constructed without first securing a permit for the construction of same from the building inspector. (1980 Code, § 4-605)

## CHAPTER 9

### AMUSEMENT DEVICE CODE<sup>1</sup>

#### SECTION

- 12-901. Amusement device code adopted.
- 12-902. Modifications.
- 12-903. Available in recorder's office.
- 12-904. Violations.

**12-901. Amusement device code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the installation, construction, alteration, repair, removal, operation and use of amusement rides and devices. The Standard Amusement Device Code,<sup>2</sup> 1997 edition, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the amusement device code. (Ord. #2000-01, March 2000)

**12-902. Modifications.** Within the amusement device code, when reference is made to the duties of a certain official named therein, that designated official of the City of Humboldt, Tennessee who has duties corresponding to those of the named official in the amusement device code shall be deemed to be the responsible official insofar as enforcing the provisions of the amusement device code are concerned. (Ord. #2000-01, March 2000)

**12-903. Available in recorder's office.** Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the amusement device code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (Ord. #2000-01, March 2000)

**12-904. Violations.** It shall be unlawful for any person to violate or fail to comply with any provision of the amusement device code as herein adopted by reference and modified. (Ord. #2000-01, March 2000)

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<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.

## CHAPTER 10

### EXISTING BUILDINGS CODE<sup>1</sup>

#### SECTION

12-1001. Existing buildings code adopted.

12-1002. Modifications.

12-1003. Available in recorder's office.

12-1004. Violations.

**12-1001. Existing buildings code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of providing a concise set of regulations and procedures to effect safety in occupancy, the Standard Existing Buildings Code,<sup>2</sup> 1997 edition, as prepared by the Southern Building Code Congress International, Inc., is adopted and the same is incorporated herein by reference, subject to modifications as hereinafter provided, and shall be known and referred to as the standard existing buildings code. (Ord. #2000-01, March 2000)

**12-1002. Modifications.** Within the existing buildings code, when reference is made to the duties of a certain official named therein, that designated official of the City of Humboldt, Tennessee who has duties corresponding to those of the named official in the existing buildings code shall be deemed to be the responsible official insofar as enforcing the provisions of the existing buildings code are concerned. (Ord. #2000-01, March 2000)

**12-1003. Available in recorder's office.** Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the standard existing buildings code shall be placed on file in the office of the recorder and the same shall be kept there for the use and inspection of the public. (Ord. #2000-01, March 2000)

**12-1004. Violations.** It shall be unlawful for any person to violate or fail to comply with any provision of the standard existing buildings code or any final order made pursuant thereto. Such violation is declared an offense against the

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<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.

city and for which punishment shall be a fine of not more than \$50 for each such violation. Each day that a violation occurs shall be deemed a separate offense. The building official or his or her deputy or assistant is empowered to issue citations to answer in the municipal court of the city by any person, firm or corporation found to be in such violation. (Ord. #2000-01, March 2000)

## CHAPTER 11

### MECHANICAL CODE<sup>1</sup>

#### SECTION

- 12-1101. Mechanical code adopted.
- 12-1102. Modifications.
- 12-1103. Available in recorder's office.
- 12-1104. Violations.

**12-1101. Mechanical code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and/or appurtenances thereto, including ventilating, heating, cooling, air conditioning, and refrigeration systems, incinerators, and other energy-related systems, the International Mechanical Code,<sup>2</sup> 2006 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the mechanical code. (Ord. #2000-01, March 2000, as amended by Ord. #2010-03, May 2010)

**12-1102. Modifications.** Within the mechanical code, when reference is made to the duties of a certain official named therein, that designated official of the City of Humboldt, Tennessee who has duties corresponding to those of the named official in the mechanical code shall be deemed to be the responsible official insofar as enforcing the provisions of the mechanical code are concerned. (Ord. #2000-01, March 2000)

**12-1103. Available in recorder'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 recorder's office and shall be kept there for the use and inspection of the public. (Ord. #2000-01, March 2000)

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<sup>1</sup>Municipal code references

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.

**12-1104. 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. (Ord. #2000-01, March 2000)

**CHAPTER 12****UNSAFE BUILDING ABATEMENT CODE****SECTION**

12-1201. Unsafe building abatement code adopted.

12-1202. Modifications.

12-1203. Available in recorder's office.

12-1204. Violations.

**12-1201. Unsafe building abatement code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating buildings and structures to insure structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use and occupancy of buildings, structures or premises, within or without the city, the Standard Unsafe Building Abatement Code,<sup>1</sup> 1985 edition, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the unsafe building abatement code. (Ord. #2000-01, March 2000)

**12-1202. Modifications.** Within the unsafe building abatement code, when reference is made to the duties of a certain official named therein, that designated official of the City of Humboldt, Tennessee who has duties corresponding to those of the named official in the unsafe building abatement code shall be deemed to be the responsible official insofar as enforcing the provisions of the unsafe building abatement code are concerned. (Ord. #2000-01, March 2000)

**12-1203. Available in recorder's office.** Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the unsafe building abatement code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (Ord. #2000-01, March 2000)

**12-1204. Violations.** It shall be unlawful for any person to violate or fail to comply with any provision of the unsafe building abatement code as herein adopted by reference and modified. (Ord. #2000-01, March 2000)

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