

TITLE 12

BUILDING, UTILITY, ETC. CODES¹

CHAPTER

1. BUILDING CODE.
2. PLUMBING CODE.
3. ELECTRICAL CODE.
4. HOUSING CODE.
5. FAIR HOUSING.

CHAPTER 1

BUILDING CODE¹

SECTION

- 12-101. Building code adopted.
 12-102. Modifications.
 12-103. Available in city clerk's office.
 12-104. Violations.

12-101. Building code adopted. Pursuant to authority granted by section 6-54-501 of the Tennessee Code Annotated and for the purpose of regulating the construction, alteration) repair, use, and occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the Southern Standard Building Code,² 1969 edition, as prepared and adopted by the Southern Building Code Congress, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the building code. (1973 Code, sec. 4-101)

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 council. 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 governing body shall have appointed or designated to administer and enforce the provisions of the building code. The schedule of permit fees set

¹Municipal code reference

For related provisions see title 7, "Fire Protection and Fireworks"; title 14, "Zoning and Land Use Control."

²Copies of this code (and any amendments) may be purchased from the Southern Building Code Congress, International, Inc., 900 Montclair Road, Birmingham, Alabama 35203.

forth in section 107.4 is amended so that the fees to be collected shall be exactly one-half of the sums therein prescribed. Provided, however, that the minimum fee for an inspection shall be \$1.50. Section 114 of the building code is hereby deleted. (1973 Code, sec. 4-102)

12-103. Available in city clerk's office. Pursuant to the requirements of section 6-621 of the Tennessee Code Annotated, one (1) copy of the building code with the above modifications has been placed on file in the city clerk's office and shall be kept there for the use and inspection of the public. (1973 Code, sec. 4-103)

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. (1973 Code, sec. 4-104)

CHAPTER 2

PLUMBING CODE¹

SECTION

- 12-201. Plumbing code adopted.
12-202. Modifications.
12-203. Available in city clerk's office.
12-204. Violations.

12-201. Plumbing code adopted. Pursuant to authority granted by section 6-54-501 of the Tennessee Code Annotated 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 or sewerage system, the Southern Standard Building Code, Part III, Plumbing,² 1971 edition, as prepared and adopted by the Southern Building Code Congress, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the plumbing code. (1973 Code, sec. 4-201)

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 governing body.

Wherever "City Engineer," "Engineering Department," "Plumbing Official," or "Inspector" is named or referred to, it shall mean the person appointed or designated by the governing body to administer and enforce the provisions of the plumbing code. Section 111 of the plumbing code is hereby deleted. (1973 Code, sec. 4-202)

12-203. Available in city clerk's office. Pursuant to the requirements of section 6-54-502 of the Tennessee Code Annotated, one (1) copy of the plumbing code with the above modifications has been placed on file in the city clerk's office and shall be kept there for the use and inspection of the public. (1973 Code, sec. 4-203)

¹Municipal code reference
See also title 18, Water and Sewers.

²Copies of this code (and any amendments) may be purchased from the Southern Building Code Congress, International, Inc., 900 Montclair Road, Birmingham, Alabama 35203.

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. (1973 Code, sec. 4-204)

CHAPTER 3

ELECTRICAL CODE

SECTION

- 12-301. Electrical code adopted.
- 12-302. Available in city clerk'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 section 6-54-501 of the Tennessee Code Annotated 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,¹ 1971 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. (1973 Code, sec. 4-301)

12-302. Available in city clerk's office. Pursuant to the requirements of section 6-54-502 of the Tennessee Code Annotated, one (1) copy of the electrical code has been placed on file in the city clerk's office and shall be kept there for the use and inspection of the public. (1973 Code, sec. 4-302)

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. (1973 Code, sec. 4-303)

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. (1973 Code, sec. 4-304)

12-305. Enforcement. The electrical inspector shall be such person is the governing body shall appoint or designate. It shall be his duty to enforce

¹Copies of this code are available at the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02110.

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. (1973 Code, sec. 4-305)

12-306. Fees. The electrical inspector shall collect the same fees as are authorized in section 68-17-143, Tennessee Code Annotated, for the electrical inspections by deputy inspectors or the state fire marshal. (1973 Code, sec. 4-306)

CHAPTER 4

HOUSING CODE

SECTION

- 12-401. Housing code adopted.
- 12-402. Modifications.
- 12-403. Available in city clerk's office.
- 12-404. House trailers.
- 12-405. Violations.

12-401. Housing code adopted. Pursuant to authority granted by section 6-54-501 of the Tennessee Code Annotated, 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 Southern Standard Housing Code,¹ 1969 edition, as prepared and adopted by the Southern Building Code Congress, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the housing code. (1973 Code, sec. 4-401)

12-402. Modifications. Wherever the housing code refers to the "Building Official" it shall mean the person appointed or designated by the governing body to administer and enforce the provisions of the housing 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 council. Section 109 of the housing code is deleted. (1973 Code, sec. 4-402)

12-403. Available in city clerk's office. Pursuant to the requirements of section 6-64-502 of the Tennessee Code Annotated, one (1) copy of the housing code with the above modifications has been placed on file in the city clerk's office and shall be kept there for the use and inspection of the public. (1973 Code, sec. 4-403)

12-404. House trailers. It shall be unlawful for any person to park, locate, or occupy any house trailer or portable building unless it complies with all plumbing, electrical, sanitary, and building provisions applicable to stationary structures and the proposed location conforms to the zoning provisions of the municipality and unless a permit therefore shall have been

¹Copies of this code are available from the Southern Building Code Congress, Brown-Marx Building, Birmingham, Alabama 35203.

first duly issued by the building official, as provided for in the building code. (1973 Code, sec. 8-404)

12-405. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the housing code as herein adopted by reference and modified. (1973 Code, sec. 4-404)

CHAPTER 5

FAIR HOUSING

SECTION

- 12-501. Definitions.
- 12-502. Purposes of law; construction; effect.
- 12-503. Unlawful housing practices.
- 12-504. Blockbusting.
- 12-505. Exemptions from housing provisions.
- 12-506. Provisions for enforcement.
- 12-507. Agency no defense in proceeding against real estate dealer.
- 12-508. Establishment of procedures for conciliation.
- 12-509. Findings of hearing committee; nature of affirmative action.
- 12-510. Investigations, power, records.
- 12-511. Conspiracy to violate this chapter unlawful.

12-501. Definitions. Except where the context clearly indicates otherwise, the following terms as used in this chapter shall have the following meanings:

(1) "Hearing committee" means the New Johnsonville City Council. Said committee shall hear, make determinations, and issue findings in all cases of discriminatory practices in housing resulting from conciliation failure.

(2) "Conciliation agreement" means a written agreement or statement setting forth the terms of the agreement mutually signed and subscribed to by both compliantant(s) and respondent(s) and witnessed by a duly authorized enforcing agent.

(3) "Conciliation failure" means any failure to obtain a conciliation agreement between the parties to the discrimination charge or a breach thereof.

(4) "Discrimination" means any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, or any other act or practice of differentiation or preference in the treatment of person or persons because of race, color, religion, national origin, or sex, or the aiding, abetting, inciting, coercing, or compelling thereof.

(5) "Real property" includes buildings, structures, real estate, lands, tenements, leaseholds, cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest in the above.

(6) "Housing accommodations" includes improved and unimproved property and means a building, structure, lot, or part thereof which is used or occupied, or is intended, arranged, or designed to be used or occupied as a home or residence of one or more individuals.

(7) "Real estate operator" means any individual or combination of individuals, labor unions, joint apprenticeship committees, partnerships, associations, corporations, legal representatives, mutual companies, joint stock

companies, trust, unincorporated organizations, trustees in bankruptcy, receivers, or other legal or commercial entity, the city or any of its agencies or any owner of real property that is engaged in the business of selling, purchasing, exchanging, renting or leasing real estate, or the improvements thereof, including options, or that derives income, in whole or in part, from the sale, purchase, exchange, rental or lease of real estate; or an individual employed by or acting on behalf of any of these.

(8) "Real estate broker" or "real estate salesman" means an individual whether licensed or not who, on behalf of others, for a fee, commission, salary, or other valuable consideration, or who with the intention or expectation of receiving or collecting the same, lists, sells, purchases, exchanges, rents, or leases real estate, or the improvements to negotiate on behalf of others such an activity; or who advertises or holds themselves out as engaged in such activities; or who negotiates or attempts to negotiate on behalf of others a loan secured by mortgage or other encumbrances upon a transfer of real estate, or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he undertakes to promote the sale, purchase, exchanger rental, or lease of real estate through its listing in a publication issued primarily for such purpose, or an individual employed by or acting on behalf of any of these. (Ord. # 1983-4)

12-502. Purposes of law, construction: effect. The general purposes of this chapter are:

(1) To provide for execution, within the City of New Johnsonville of the policies embodied in Title VIII of the Federal Civil Rights Act of 1968, as amended.

(2) To safeguard all individuals within the city from discrimination in housing opportunities because of race, color, religion, national origin, or sex; thereby to protect their interests in personal dignity and freedom from humiliation; to secure the city against domestic strife and unrest which would menace its democratic institutions; to preserve the public health and general welfare; and to further the interests, rights, and privileges of individuals within the city.

Nothing contained in the chapter shall be deemed to repeal any other law of this city relating to discrimination because of race, color, religion, national origin, or sex. (Ord. # 1983-4)

12-503. Unlawful housing practices. It is an unlawful practice for a real estate owner or operator for a real estate broker, real estate salesman, or any individual employed by or acting on behalf of any of these:

(1) To refuse to sell, exchange, rent, or lease or otherwise deny to or withhold real property from an individual because of his or her race, color, religion, national origin, or sex.

(2) To discriminate against an individual because of his or her race, color, religion, national origin, or sex in the terms, conditions, or privileges of this sale, exchange, rental, or lease of real property or in the furnishing of facilities or services in connection therewith.

(3) To refuse to receive or transmit a bonafide offer to purchase, rent, or lease real property from an individual because of his or her race, color, religion, national origin, or sex.

(4) To refuse to negotiate for the sale, rental, or lease of real property to an individual because of his or her race, color, religion, national origin, or sex.

(5) To represent to an individual that real property is not available for inspection, sale, rental, or lease when, in fact, it is so available, or to refuse to permit an individual to inspect real property because of his or her race, color, religion, national origin, or sex.

(6) To print, circulate, post, or mail or cause to be printed, circulated, posted, or mailed an advertisement or sign, or to use a form of application for the purchase, rental, or lease of real property, or to make a record of inquiry in connection with the prospective purchase, rental, or lease of real property which indicates, directly or indirectly, a limitation, specification, or discrimination as to race, color, religion, national origin, or sex or an intent to make such a limitation specification, or discrimination.

(7) To offer, solicit, accept, use, or retain a listing of real property for sale, rental, or lease with the understanding that an individual may be discriminated against in the sale, rental, or lease of that real property or in the furnishing of facilities or services in connection therewith because of race, color, religion, national origin, or sex.

(8) To otherwise deny to or withhold real property from an individual because of race, color, religion, national origin, or sex. (Ord. # 1983-4)

12-504. Blockbusting. It is an unlawful practice for a real estate owner or operator, a real estate broker, a real estate salesman, a financial institution, an employee of any of these, or any other person, for the purpose of inducing a real estate transaction from which he may benefit financially:

(1) To represent that a change has occurred or will or may occur in the composition with respect to race, color, religion, or national origin of the owners or occupants in the block, neighborhood, or areas in which the real property is located.

(2) To represent that this change will or may result in the lowering of property values, an increase in criminal or anti-social behavior, or a decline in the quality of schools in the block, neighborhood, or area in which the real property is located. (Ord. # 1983-4)

12-505. Exemptions from housing provisions. (1) Nothing in section 12-503 shall apply:

(a) To the rental of housing accommodations in a building which contains housing accommodations for not more than four families living independently of each other, if the owner or member of his family resides in one of the housing accommodations.

(b) To the rental of one room or one rooming unit in a housing accommodation by an individual if he or a member of his family resides therein.

(c) To a landlord who refuses to rent to an unmarried male-female couple.

(2) A religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental, or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion or from giving preference to such persons, unless membership in such a religion is restricted on account of race, color, sex, or national origin.

(3) Single sex dormitory rental property shall be excluded from the provisions of this act which relate to discrimination based on sex. (Ord. # 1983-4)

12-506. Provisions for enforcement. (1) The violation of any of the provisions of this chapter shall subject the violator to a civil penalty in the amount of \$50.00 to be recovered in a civil action, provided that in the case of a continuing violation, the total penalty shall not exceed \$1,000.00.

(2) The city may sue in a civil act through the General Court of Justice for appropriate remedies to enforce the provisions of this chapter, including temporary restraining orders and mandatory and prohibitory injunctions.

(3) In addition to appropriate civil and/or equitable remedies for enforcement of this chapter, a violation of this shall constitute a misdemeanor punishable as provided by law. (Ord. # 1983-4)

12-507. Agency no defense in proceeding against real estate dealer. It shall be no defense to a violation of this chapter by a real estate owner or operator, real estate broker, real estate salesman, a financial institution, or other person subject to the provisions of this chapter, that the violation was requested, sought, or otherwise procured by a person not subject to the provisions of this chapter. (Ord. # 1983-4)

12-508. Establishment of procedures for conciliation. (1) The city shall designate an agent(s) to investigate, make determinations of probable cause, and seek to conciliate apparent violations of this chapter. Conciliation efforts

may be initiated by any person(s) said to be subject to discrimination as defined in this chapter.

(2) The City of New Johnsonville shall establish a hearing committee which in turn shall adopt formal rules and procedures to hear complaints and make appropriate findings. Such procedures shall be made known to all parties given charge of discrimination. Hearings by the committee shall commence whenever the agent(s) acting on behalf of the city decides a conciliation failure has occurred and the respondent agrees to participate in the hearing committee proceedings. Hearing open to the public may be initiated by the responding party at any time during the conciliation process. (Ord. # 1983-4)

12-509. Findings of hearing committee; nature of affirmative action.

(1) If the hearing committee determines that the respondent has not engaged in an unlawful practice, the committee shall state its findings of fact and conclusions of law and shall issue an order dismissing the complaint. A copy of the order shall be delivered to the complainant, the respondent, the city attorney, and such other public officials, officers, and persons as the committee deems proper.

(2) If the hearing committee determines that the respondent has engaged in an unlawful practice, it shall state its findings of fact and conclusions of law and shall negotiate such affirmative action as in its judgement will carry out the purposes of this chapter. A copy of the findings shall be delivered to the respondent, the complainant, the city attorney and such other public officials, officers, and persons as the committee deems proper.

(3) Affirmative action negotiated under this section may include, but not be limited to:

(a) Extension to all individuals of the full and equal enjoyment of the advantages, facilities, privileges, and services of the respondent.

(b) Reporting as to the manner of compliance.

(c) Posting notices in conspicuous places in the respondent's place of business in a form prescribed by the hearing committee.

(d) Sale, exchange, lease, rental, assignment, or sublease of real property to an individual.

(e) Payment to the complainant of damages for injury caused by an unlawful practice, including compensation for humiliation and embarrassment, and expenses incurred by the complainant as a direct result of such unlawful practices.

(4) The provisions for conciliation and affirmative action shall not preclude or in any way impair the enforcement provisions of this chapter. (Ord. # 1983-4)

12-510. Investigations, powers, records. (1) In connection with an investigation of a complaint filed under this chapter, the enforcing agent(s) at any reasonable time may request voluntary access to premises, records, and

documents relevant to the complaint and may request the right to examine, photograph, and copy evidence.

(2) Every person subject to this chapter shall make, keep, and preserve records relevant to the determination of whether unlawful practices have been or are being committed, such records being maintained and preserved in a manner and to the extent required under the Civil Rights Act of 1968 and any regulations promulgated thereunder.

(3) A person who believes that the application to him of a regulation or order issued under this section would result in undue hardship may apply to the hearing committee for an exemption from the application of the regulational order if the committee finds that the application of the regulation or order to the person in question would impose an undue hardship, it may grant appropriate relief. (Ord. # 1983-4)

12-511. Conspiracy to violate this chapter unlawful. It shall be an unlawful practice for a person or for two or more persons to conspire:

(1) To retaliate or discriminate in any manner against a person because he or she has opposed a practice declared unlawful by this chapter, or because he or she has made a charge, filed a complaint, testified, assisted, or participated in any manner in any investigation, proceeding, or hearing under this chapter.

(2) To aid, abet, incite, compel, or coerce a person from complying with the provisions of this chapter or any order issued thereunder.

(3) To obstruct or prevent a person from complying with the provisions of this chapter or any order issued thereunder.

(4) To resist, prevent, impede, or interfere with the enforcing agent(s), hearing committee, or any of its members or representatives in the lawful performance of duty under this chapter. (Ord. # 1983-4)