

**TITLE 12****BUILDING, UTILITY, ETC. CODES****CHAPTER**

1. BUILDING CODE.
2. PLUMBING CODE.
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4. GAS CODE.
5. HOUSING CODE.
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**CHAPTER 1****BUILDING CODE<sup>1</sup>****SECTION**

- 12-101. Adopted.
- 12-102. Modifications.
- 12-103. Amendments.
- 12-104. Filing.
- 12-105. Violations.

**12-101. Adopted.** 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 Standard Building Code,<sup>2</sup> 1999 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as if set out at length in this chapter and

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<sup>1</sup>Municipal code references

Fire protection: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: 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.

shall be the building code of the city. (1973 Code, § 6-17, as amended by Ord. #99-08-A, Aug. 1999)

**12-102. Modifications.** Whenever the building code adopted in this chapter 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. (1973 Code, § 6-18)

**12-103. Amendments.** The building code of the city as adopted in this chapter, is amended in the following respects:

Section 107.2. Failure to Obtain a Permit. This section is amended to read as follows:

It shall be unlawful for any person to commence any work on a building or structure before obtaining the necessary permit therefor from the city.

Section 107.4. Schedule of Permit Fees. This section is amended to read as follows:

On all buildings, structures or alterations requiring a building permit, as set forth in section 105, a fee shall be paid as required at the time of filing application, in accordance with the following schedule:

(a) Permit fees.

1. Where the valuation does not exceed one hundred dollars (\$100.00), no fee shall be required unless an inspection is necessary, in which case there shall be a one dollar (\$1.00) fee.
2. For a valuation over one hundred dollars (\$100.00) up to and including two thousand five hundred dollars (\$2,500.00), the fee shall be one dollar (\$1.00) per five hundred dollars (\$500.00) or fraction thereof.
3. For a valuation over two thousand five hundred dollars (\$2,500.00), the fee shall be five dollars (\$5.00) for the first two thousand five hundred dollars (\$2,500) plus one dollar (\$1.00) for each additional thousand or fraction thereof.

(b) Moving of building or structures. For the moving of any building or structure, the fee shall be ten dollars (\$10.00).

(c) Demolition of buildings or structures. For the demolition of any building or structure, the fee shall be ten dollars (\$10.00).

Section 114. Violations and Penalties. This section is deleted in its entirety. (1973 Code, § 6-19, as amended by Ord. #90-9-B, Oct. 1990)

**12-104. Filing.** One (1) copy of the building code adopted in this chapter, with the modifications and amendments thereof are on file in the recorder's office and shall be kept there for the use and inspections of the public. (1973 Code, § 6-20, modified)

**12-105. Violations.** It shall be unlawful for any person to violate or fail to comply with any provision of the building code adopted in this chapter, as modified and amended in this chapter. (1973 Code, § 6-21)

## CHAPTER 2

### PLUMBING CODE<sup>1</sup>

#### SECTION

- 12-201. Adopted.
- 12-202. Modifications.
- 12-203. Amendments.
- 12-204. Filing.
- 12-205. Compliance required.

**12-201. Adopted.** For the purpose of regulating plumbing installations including alterations, repairs, equipment, appliances, fixtures, fittings and the appurtenances thereto, within and without the city when such plumbing is, or is to be, connected with the city public water or sewerage systems, the Standard Plumbing Code,<sup>2</sup> 1997 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as if set out at length in this chapter and shall be referred to as the plumbing code. (1973 Code, § 6-64, as amended by Ord. #99-08-A, Aug. 1999)

**12-202. Modifications.** (1) Whenever the plumbing code adopted in this chapter 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.

(2) When the "city engineer" is named in the plumbing code adopted in this chapter, it shall mean the "superintendent of streets."

(3) The "plumbing official" or "inspector," as used in the plumbing code adopted in this chapter, shall be such person as the board of mayor and aldermen shall have appointed or designated to administer and enforce the provisions of the plumbing code. (1973 Code, § 6-65)

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<sup>1</sup>Charter references

Newport Utilities Board: § 1.18.

Sewer charges: § 1.20.

Waterworks and sewers: § 1.19.

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.

**12-203. Amendments.** The plumbing code adopted in this chapter is amended in the following respects:

Section 106.2. Failure to Obtain a Permit. This section is amended to read as follows:

It shall be unlawful for any person to commence any plumbing installation before obtaining the necessary permit therefor from \_\_\_\_\_.

Section \_\_\_\_\_ Violations and Penalties. This section is deleted in its entirety. (1973 Code, § 6-66)

**12-204. Filing.** One (1) copy of the plumbing code adopted in this chapter, with the modifications and amendments thereof, has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1973 Code, § 6-67, modified)

**12-205. Compliance required.** It shall be unlawful for any person to violate or fail to comply with any provision of the plumbing code adopted in this chapter by reference, as modified and amended. (1973 Code, § 6-68)

## CHAPTER 3

### ELECTRICAL CODE<sup>1</sup>

#### SECTION

- 12-301. Adopted.
- 12-302. Filing.
- 12-303. Compliance required.
- 12-304. Permit required.
- 12-305. Enforcement.

**12-301. Adopted.** For the purpose of providing a practical minimum standard 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 and for other purposes, the National Electrical Code,<sup>2</sup> 1971 edition, as prepared by the National Fire Protection Association, is hereby adopted and incorporated by reference as if set out at length in this chapter, and shall be referred to as the electrical code. (1973 Code, § 6-32)

**12-302. Filing.** One (1) copy of the electrical code adopted in this chapter is on file in the recorder's office and shall be kept there for the use and inspection of the public. (1973 Code, § 6-33, modified)

**12-303. Compliance required.** It shall be unlawful for any person to do or authorize any electrical work or to use any electricity in such a manner or under such circumstances as not to comply with the requirements and the standards prescribed by the electrical code adopted in this chapter. (1973 Code, § 6-34)

**12-304. Permit required.** No person shall make any electrical installation in the city without first obtaining a permit therefor from the Newport Utilities Board in conformity with the rules of the board. (1973 Code, § 6-35)

**12-305. Enforcement.** The electrical inspector shall be such person as the board of mayor and aldermen shall appoint or designate for that office. It shall be the electrical inspector's duty to enforce compliance with the electrical code as adopted in this chapter; he is authorized and directed to make such

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<sup>1</sup>Municipal code references  
Fire protection: title 7.

<sup>2</sup>Copies of this code may be purchased from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.

inspections of electrical equipment and wiring as are necessary to insure compliance with the electrical code and may enter any premises or building at any reasonable time for the purpose of discharging his duties. The electrical inspector is authorized to refuse or discontinue electrical service to any person or place not complying with the electrical code. (1973 Code, § 6-36)

## CHAPTER 4

### GAS CODE

#### SECTION

- 12-401. Adopted.
- 12-402. Amendments.
- 12-403. Filing.
- 12-404. Installation or repair permit required.
- 12-405. Permit fee.
- 12-406. Enforcement.
- 12-407. Violations.

**12-401. Adopted.** For the purpose of regulating the installation of consumer's gas piping and gas appliances, the Standard Gas Code,<sup>1</sup> 1997 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as if set out at length in this chapter and shall hereinafter be referred to as the gas code. (1973 Code, § 6-47, as amended by Ord. #99-08-A, Aug. 1999)

**12-402. Amendments.** The gas code adopted in this chapter is hereby amended in the following respects:

Section 103. Qualified installing agency. This section is amended to read as follows:

Installation and replacement of a consumer's gas piping or gas appliances and repair of a consumer's gas appliances shall be performed only by a qualified agency which has filed with the city evidence of a liability bond or insurance policy in the sum of ten thousand dollars (\$10,000.00) which indemnifies and saves harmless the city and all persons therein from any loss, cost or damage caused by negligent, inadequate, imperfect or defective work done by the agency while acting in the scope and course of its employment. By the term "qualified agency" is meant any individual, firm, corporation, or company which either in person or through a representative is engaged in and is responsible for the installation, replacement or repair of consumer gas piping, or the connection, installation, repair or servicing of gas appliances, and who is experienced in such work and familiar with all precautions required. (1973 Code, § 6-48)

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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.



**12-403. Filing.** One (1) copy of the gas code adopted in this chapter has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1973 Code, § 6-40, modified)

**12-404. Installation or repair permit required.** No property owner shall cause or permit, nor shall any person install, modify, change or repair any house gas piping or any gas appliance or fixture within the city or its gas service territory until the person proposing to do the work shall have first obtained a permit therefor from the city. (1973 Code, § 6-50)

**12-405. Permit fee.** There shall be charged a fee of one dollar (\$1.00) for each permit issued pursuant to this chapter. The fee shall include the costs of one (1) inspection to be made by the gas inspector. Should additional inspections be necessary, there shall be an added charge of one dollar (\$1.00) for each such inspection. (1973 Code, § 6-51)

**12-406. Enforcement.** The gas inspector shall be such person as the board of mayor and aldermen shall appoint or designate to enforce the provisions of this chapter and the gas code; he shall inspect the installation, modification or repair of all gas piping, connections, appliances and fixtures; he may enter any building or premises at any reasonable time for the discharge of his duties. The gas inspector shall not approve any gas piping installation, connection, repair, modification or appliance which fails to meet the minimum requirements of this chapter or the gas code. Immediately upon completion of the inspection, the gas inspector shall notify the owner, his agent or the occupant of the inspected property as to whether or not the inspection has been satisfactory. When the inspection reveals defective workmanship, material or any violations of this chapter or the gas code, written notice of the same thereof shall be given by the gas inspector and he shall refuse gas service until the defects have been corrected. (1973 Code, § 6-52)

**12-407. Violations.** It shall be unlawful for any person to do or authorize any gas installation or repair work or to use any gas in such a manner or under such circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the gas code. (1973 Code, § 6-53)

## CHAPTER 5

### HOUSING CODE

#### SECTION

- 12-501. Housing code adopted.
- 12-502. Modifications.
- 12-503. Available in recorder's office.
- 12-504. Violations.

**12-501. Housing code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, 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 Standard Housing Code,<sup>1</sup> 1997 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 housing code. (Ord. #99-08-A, Aug. 1999)

**12-502. Modifications.** (1) Definitions. Wherever the housing code refers to the "housing official" it shall mean the person appointed or designated by the mayor 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 board of mayor and aldermen.

(2) Penalty clause deleted. Section 108 of the housing code is deleted.

**12-503. Available in recorder's office.** Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the housing code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

**12-504. 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.

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

## CHAPTER 6

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

#### SECTION

12-601. Amusement device code adopted.

12-602. Modifications.

12-603. Available in recorder's office.

12-604. Violations.

**12-601. 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 International Code Council, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the amusement device code. (Ord. #99-08-A, Aug. 1999)

**12-602. Modifications. Definitions.** Whenever the amusement device code refers to the "chief administrator," it shall be deemed to be a reference to the board of mayor and aldermen. When the "building official" is named it shall, for the purposes of the amusement device code, mean such person as the board of mayor and aldermen has appointed or designated to administer and enforce the provisions of the amusement device code.

**12-603. 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.

**12-604. 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.

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<sup>1</sup>Municipal code references

Fire protection: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: title 18.

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

## CHAPTER 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 International Code Council, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the swimming pool code. (Ord. #99-08-A, Aug. 1999)

**12-702. Modifications. Definitions.** Whenever the swimming pool code refers to the "administrative authority," it shall be deemed to be a reference to the building official or his authorized representative. When the "building official" is named it shall, for the purposes of the swimming pool code, mean such person as the board of mayor and aldermen has appointed or designated to administer and enforce the provisions of the swimming pool code.

**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.

**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.

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<sup>1</sup>Municipal code references

Fire protection: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: title 18.

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

**CHAPTER 8****UNSAFE BUILDING ABATEMENT CODE****SECTION**

- 12-801. Findings of board.
- 12-802. Definitions.
- 12-803. "Public official" designated; powers.
- 12-804. Initiation of proceedings; hearings.
- 12-805. Orders to owners of unit structures.
- 12-806. When public official may repair, etc.
- 12-807. When public official may remove or demolish.
- 12-808. Lien for expenses; sale of salvage materials; other powers not limited.
- 12-809. Basis for a finding of unfitness.
- 12-810. Service of complaints or orders.
- 12-811. Enjoining enforcement of orders.
- 12-812. Additional powers of public official.
- 12-813. Powers conferred are supplemental.
- 12-814. Structures unfit for human habitation deemed unlawful.

**12-801. Findings of board.** Pursuant to Tennessee Code Annotated, § 13-21-101, et seq., the person designated by the board of mayor and alderman finds that there exist in the city structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety, and morals, or otherwise inimical to the welfare of the residents of the city. (Ord. #03-01-14C, Jan. 2003)

**12-802. Definitions.** (1) "Governing body" shall mean the board of mayor and aldermen charged with governing the city.

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

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

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

(5) "Public authority" shall mean any housing authority, officer, or official who is in charge of any department or branch of the government of the city or state relating to health, fire, building regulations, or other activities concerning structures in the city.

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

(7) "Structures" shall mean any building or structure, or part thereof, used for human occupation and intended to be so used, and includes any outhouses, outbuildings, and appurtenances belonging thereto or usually enjoyed therewith. (Ord. #03-01-14C, Jan. 2003)

**12-803. "Public official" designated; powers.** There is hereby designated and appointed a "public official," to be the code enforcement official of the city, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the code enforcement officer. (Ord. #03-01-14C, Jan. 2003)

**12-804. Initiation of proceedings; hearings.** Whenever a petition is filed with the public official by a public authority or by at least five (5) residents of the city charging that any structure is unfit for human occupancy or use, or whenever it appears to the public official (on his own motion) that any structure is unfit for human occupation or use, the public official shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of, and parties in interest of, such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public official (or his designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the service of the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint; and the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public official. (Ord. #03-01-14C, Jan. 2003)

**12-805. Orders to owner of unfit structures.** (1) If, after such notice and hearing as provided for in the preceding section, the public official determines that the structure under consideration is unfit for human occupancy or use, they shall state in writing his finding of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order;

(2) If the repair, alteration or improvement of the structure can be made at a reasonable cost in relation to the value of the structure (not exceeding fifty percent [50%] of the reasonable value), requiring the owner, during the time specified in the order, to repair, alter, or move such structure to render it fit for human occupancy or use or to vacate and close the structure for human occupancy or use; or

(3) If the repair, alteration or improvement of said structure cannot be made at a reasonable cost in relation to the value of the structure (not to exceed fifty percent [50%] of the value of the premises), requiring the owner within the

time specified in order, to remove or demolish such structure. (Ord. #03-01-14C, Jan. 2003)

**12-806. When public official may repair, etc.** If the owner fails to comply with the order to repair, alter, or improve or to vacate and close the structure as specified in the preceding section hereof, the public official may cause such structure to be repaired, altered, or improved, or to be vacated and closed; and the public official 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 occupancy or use; the use or occupation of this building for human occupancy or use is prohibited and unlawful." (Ord. #03-01-14C, Jan. 2003)

**12-807. When public official may remove or demolish.** If the owner fails to comply with an order, as specified above, to remove or demolish the structure, the public official may cause such structure to be removed and demolished. (Ord. #03-01-14C, Jan. 2003)

**12-808. Lien for expenses; sale of salvaged materials; other powers not limited.** The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public official shall be assessed against the owner of the property, and shall upon the filing of the notice with the officer of the Register of Deeds of Cocke County, be a lien on the property in favor of the municipality, second only to liens of the state, county and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be collected by the municipal tax collector or county trustee at the same time and in the same manner as delinquent property taxes are collected. If the owner fails to pay the cost, they may be collected at the same time, in the same manner as delinquent property taxes are collected, and shall be subject to the same penalty and interest as delinquent property taxes. In addition, the municipality may collect the cost assessed against the owner through a action for debt filed in any court of competent jurisdiction. The municipality may bring one (1) action for debt against more than one (1) or all of the owners of properties against who said cost have been assessed and the fact that multiple owners have been joined in one action shall not be considered by the court as a misjoinder of parties. If the structure is removed or demolished by the public official, he or she shall sell the materials of such structure and shall credit the proceeds of such a sale against the cost of the removal or demolition, any balance remaining shall be deposited in the Chancery Court of Cocke County by the public official, shall be secured in such manner as may be directed by such court, and shall be disbursed by 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 Newport to

define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (Ord. #03-01-14C, Jan. 2003)

**12-809. Basis for a finding of unfitness.** The public official defined herein shall have the power and may determine that a structure is unfit for human occupancy and use if he finds that the conditions exist in such structure which are dangerous or injurious to the health, safety, or morals of the occupants or users of such structure, the occupants or users of neighboring structures or other residents of the City of Newport; such conditions may include the following (without limiting the generality of the foregoing); defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; and uncleanness (Ref. Standard Housing Code). (Ord. #03-01-14C, Jan. 2003)

**12-810. Service of complaints or orders.** Complaints or orders issued by the public official pursuant to this chapter shall be served upon persons, either personally or by registered mail, but if the whereabouts of such person is unknown and the same cannot be ascertained by the public official in the exercise of reasonable diligence, and the public official shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the city. In addition, a copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the register office of Cocke County, Tennessee, and such filing shall have the same force and effect as other liens pending notices provided by law. (Ord. #03-01-14C, Jan. 2003)

**12-811. Enjoining enforcement of orders.** Any person affected by an order issued by the public official served pursuant to this chapter may file a suit in chancery court for an injunction restraining the public official from carrying out the provisions of the order, and the court may, upon filing of such suit, issue a temporary injunction restraining the public official pending the final disposition of the cause; provided, however, that within sixty (60) days after the posting and service of the order of the public official, such person shall file such suit in the court. The remedy provided herein shall be the exclusive remedy and no person affected by an order of the public official shall be entitled to recover any damages for action taken pursuant to any order of the public official, or because of noncompliance by such person with any order of the public official. (Ord. #03-01-14C, Jan. 2003)



**12-812. Additional powers of public official.** The public official, in order to carry out and effectuate the purposes and provisions of this chapter, shall have the following powers in addition to those otherwise granted herein:

- (1) To investigate conditions of the structures in the city in order to determine which structures therein are unfit for human occupation or use;
- (2) To administer oaths, affirmations, examine witnesses and receive evidence;
- (3) To enter upon premises for the purpose of making examination, provided that such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession;
- (4) To appoint and fix the duties of such officers, agents and employees as they deem necessary to carry out the purposes of this chapter; and
- (5) To delegate any of his functions and powers under this chapter to such officers and agents whom they may designate. (Ord. #03-01-14C, Jan. 2003)

**12-813. Powers conferred is supplemental.** This chapter shall not be construed to abrogate or impair the powers of the city with regard to the enforcement of the provisions of its charter or any other ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by the charter and other laws. (Ord. #03-01-14C, Jan. 2003)

**12-814. Structures unfit for human habitation deemed unlawful.** It shall be unlawful for any owner of record to create, maintain or permit to be maintained in the city structures which are unfit for human occupancy due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city. Violations of this section shall subject the offender to a penalty of up to five hundred dollars (\$500.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (Ord. #03-01-14C, Jan. 2003)

## CHAPTER 9

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

#### SECTION

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

**12-901. 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 Standard Mechanical Code,<sup>2</sup> 1997 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. #99-08-A, Aug. 1999)

**12-902. Modifications. Definitions.** Wherever the mechanical code refers to the "building department," "mechanical official," or "building official," or "inspector" it shall mean the person appointed or designated by the board of mayor and aldermen to administer and enforce the provisions of the mechanical code.

**12-903. 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.

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<sup>1</sup>Charter references

Newport Utilities Board: § 1.18.

Sewer charges: § 1.20.

Waterworks and sewers: § 1.19.

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.

**12-904. 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.

## 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 International Code Council, 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. #99-08-A, Aug. 1999)

**12-1002. Modifications.** Whenever the standard existing buildings code refers to the "chief appointing authority" it shall be deemed to be a reference to the board of mayor and aldermen of the city and whenever the same refers to the "chief administrator" it shall be deemed to be a reference to the board of mayor and aldermen of the city. Whenever the standard existing buildings code shall refer to the "building official" it shall mean such person designated by the board of mayor and aldermen to administer and enforce the provisions of the various standard codes of the city.

**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.

**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

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<sup>1</sup>Municipal code references

Fire protection: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: 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.

final order made pursuant thereto. Such violation is declared an offense against the city and for which punishment shall be a fine of not more than fifty dollars (\$50.00) 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.

**CHAPTER 11****ONE AND TWO FAMILY DWELLING CODE****SECTION**

12-1101. One and two family dwelling code adopted.

12-1102. Modifications.

12-1103. Available in recorder's office.

12-1104. Violations.

**12-1101. One and two family dwelling code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506 and for the purpose of regulating the fabrication, erection, construction, enlargement, alterations, repair, location, and use of detached one and two family dwellings and their appurtenances and accessory structures, the One and Two Family Dwelling Code,<sup>1</sup> 1997 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 dwelling code. (Ord. #99-08-A, Aug. 1999)

**12-1102. Modifications.** Whenever the words "building official" are used in the dwelling code, they shall refer to the person designated by the board of mayor and aldermen to enforce the dwelling code. Section R-106 of the dwelling code is hereby deleted.

**12-1103. Available in recorder's office.** Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the dwelling code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

**12-1104. Violations.** It shall be unlawful for any person to violate or fail to comply with any provision of the dwelling code as herein adopted by reference and modified.

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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.