

TITLE 12

BUILDING, UTILITY, ETC. CODES

CHAPTER

1. BUILDING CODE.
2. PLUMBING CODE.
3. ELECTRICAL CODE.
4. HOUSING CODE.
5. MODEL ENERGY CODE.
6. DWELLINGS UNFIT FOR HUMAN HABITATION.

CHAPTER 1

BUILDING CODE¹

SECTION

- 12-101. Building code adopted.
- 12-102. Modifications.
- 12-103. Available in recorder's office.
- 12-104. Violations.
- 12-105. Building permits and fees.

12-101. Building code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating 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 Standard Building Code², 1994 edition with 1996 revisions, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and

¹Municipal 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.

²Copies of this code (and any amendments) may be purchased from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213.

incorporated by reference as a part of this code, and is hereinafter referred to as the building code. (1977 Code, § 4-101, modified)

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 of the town. 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 schedule of permit fees set forth in Appendix "B" 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 107 of the building code is hereby deleted. (1977 Code, § 4-102)

12-103. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the building code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1977 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. (1977 Code, § 4-104)

12-105. Building permits and fees. (1) A building permit must be obtained, and the fee paid therefore, before any individual may commence:

- (a) Construction of a new residence or building;
- (b) Set up a mobile home;
- (c) Any addition to an existing structure including covered porches, open porches, or deck;
- (d) Construction of a swimming pool or tennis court;
- (e) Construction of a new driveway, sidewalk, or parking lot;
- (f) Construction, installation or set up a new sign;
- (g) Moving of a building;
- (h) Demolition of a building;
- (i) Construction of a fence or retaining wall adjoining town streets; or
- (j) Construction of a single detached building not exceeding 150 square feet.

(2) No building permit is needed for:

- (a) Any interior changes which do not require structural changes;

- (b) Any wiring changes (may need electrical permit from Harriman Utility Board);
 - (c) Any plumbing change (may need health department permit);
 - (d) Replacement of doors or windows;
 - (e) Replacement of roof or siding; or
 - (f) Septic systems.
- (3) Building permit fees shall be as follows:

<u>TOTAL VALUATION</u>	<u>FEE</u>
\$0 to \$2,000.00	\$ 4.00 fee for each inspection
\$2,001.00 to \$15,000.00	\$10.00 fee for each inspection
\$15,001.00 to \$50,000.00	\$25.00 fee for each inspection
\$50,001.00 to \$75,000.00	\$35.00 fee for each inspection
\$75,001.00 and up	\$50.00 fee for each inspection

Cost may change if recommended by municipal planning commission and approved by board of mayor and aldermen of Town of Oakdale.

(4) If any construction, alterations, modifications, or other work requiring the issuance of a building permit is commenced or started before said permit is obtained, the owner of the property where a violation of this section occurs may be subjected to a fine of double the permit fee or if no permit fee is required, a minimum of \$25.00. (Ord. #91-41, July 1991)

CHAPTER 2

PLUMBING CODE¹

SECTION

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

12-201. Plumbing code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506 and for the purpose of regulating plumbing installations, including alterations, repairs, equipment, appliances, fixtures, fittings, and the appurtenances thereto, within or without the town, when such plumbing is or is to be connected with the municipal water or sewerage system, the Standard Plumbing Code,² 1994 edition with 1995/1996 revisions, 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 plumbing code. (1977 Code, § 4-201, modified)

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 "Town 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 107 of the plumbing code is hereby deleted. (1977 Code, § 4-202)

¹Municipal code references

Cross connections: title 18.

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

²Copies of this code (and any amendments) may be purchased from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213.

12-203. Available in recorder'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 recorder's office and shall be kept there for the use and inspection of the public. (1977 Code, § 4-203, modified)

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. (1977 Code, § 4-204)

CHAPTER 3

ELECTRICAL CODE¹

SECTION

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

12-301. Electrical code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506 and for the purpose of 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,² 1996 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. (1977 Code, § 4-301, modified)

12-302. Available in recorder'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 recorder's office and shall be kept there for the use and inspection of the public. (1977 Code, § 4-302, modified)

12-303. Permit required for doing electrical work. No electrical work shall be done within this town until a permit therefor has been issued by the town. 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. (1977 Code, § 4-303)

¹Municipal code references

Fire protection, fireworks and explosives: title 7.

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

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. (1977 Code, § 4-304)

12-305. Enforcement. The electrical inspector shall be such person as the board of mayor and aldermen shall appoint or designate. It shall be his duty to enforce compliance with this chapter and the electrical code as herein adopted by reference. He is authorized and directed to make such inspections of electrical equipment and wiring, etc., as are necessary to insure compliance with the applicable regulations, and may enter any premises or building at any reasonable time for the purpose of discharging his duties. He is authorized to refuse or discontinue electrical service to any person or place not complying with this chapter and/or the electrical code. (1977 Code, § 4-305)

12-306. Fees. The electrical inspector shall collect the same fees as are authorized in Tennessee Code Annotated, § 68-102-143 for electrical inspections by deputy inspectors of the state fire marshal. (1977 Code, § 4-306)

CHAPTER 4

HOUSING CODE

SECTION

- 12-401. Housing code adopted.
- 12-402. Modifications.
- 12-403. Available in recorder's office.
- 12-404. Violations.

12-401. 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,¹ 1994 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 housing code. (1977 Code, § 4-401, modified)

12-402. Modifications. Wherever the housing 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 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. Section 108 of the housing code is deleted. (1977 Code, § 4-402)

12-403. 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. (1977 Code, § 4-403, modified)

12-404. 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. (1977 Code, § 4-404)

¹Copies of this code (and any amendments) may be purchased from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213.

CHAPTER 5

MODEL ENERGY CODE¹

SECTION

- 12-501. Model energy code adopted.
- 12-502. Modifications.
- 12-503. Available in recorder's office.
- 12-504. Violation and penalty.

12-501. Model energy code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the design of buildings for adequate thermal resistance and low air leakage and the design and selection of mechanical, electrical, water-heating and illumination systems and equipment which will enable the effective use of energy in new building construction, the Model Energy Code² 1992 edition, as prepared and maintained by The Council of American Building Officials, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the energy code.

12-502. Modifications. Whenever the energy code refers to the "responsible government agency," it shall be deemed to be a reference to the Town of Oakdale. When the "building official" is named it shall, for the purposes of the energy code, mean such person as the board of mayor and aldermen shall have appointed or designated to administer and enforce the provisions of the energy code.

¹State law reference

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

Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

²Copies of this code (and any amendments) may be purchased from The Council of American Building Officials, 5203 Leesburg, Pike Falls Church, Virginia 22041.

12-503. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the energy 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. Violation and penalty. It shall be a civil offense for any person to violate or fail to comply with any provision of the energy code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to five hundred dollars (\$500) for each offense. Each day a violation is allowed to continue shall constitute a separate offense.

CHAPTER 6**DWELLINGS UNFIT FOR HUMAN HABITATION****SECTION**

- 12-601. Applicability or purpose.
- 12-602. Definitions.
- 12-603. Nonconforming habitable buildings.
- 12-604. Utilities not available to nonconforming building.
- 12-605. Existence of nonconforming buildings.
- 12-606. Building inspector.
- 12-607. Institution of action, etc. by building inspector.
- 12-608. Notice by building inspector.
- 12-609. Failure of owner to vacate, etc.
- 12-610. Failure of owner to remove, etc.
- 12-611. Creation of lien and payment into court.
- 12-612. Conditions rendering dwelling unfit.
- 12-613. Service of complaints or orders.
- 12-614. Enjoining enforcement of order.
- 12-615. Powers of building inspector.
- 12-616. Penalty.

12-601. Applicability or purpose. 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. (1977 Code, § 4-501)

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

- (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

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, toilet 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 interest of record in a dwelling and any who are in possession thereof. (1977 Code, § 4-502)

12-603. Nonconforming habitable buildings. 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 town. (1977 Code, § 4-503)

12-604. Utilities not available to nonconforming building. No electric power or water from the town's electrical or water distribution systems shall be made available to any habitable building within the town or within a radius of five (5) miles of the corporate limits of the town, which shall fail to conform to this housing code. (1977 Code, § 4-504)

12-605. Existence of nonconforming buildings. There exist in the Town of Oakdale dwellings which are unfit for human habitation, due to dilapidation, defects increasing the hazards of fire, accident or other calamities;

lack of ventilation, light for 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 Town of Oakdale. (1977 Code, § 4-505)

12-606. Building inspector. The building inspector is designated is the public officer of the Town of Oakdale who is to exercise the powers herein prescribed. (1977 Code, § 4-506)

12-607. Institution of action, etc. by building inspector. When a petition is filed with the building inspector by a public authority or by at least five (5) residents of the Town of Oakdale 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 discloses a basis for 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 that the rules of evidence prevailing in courts of law or equity shall not be controlling in the hearing 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 Town of Oakdale or the State of Tennessee relating to health, fire, building regulations, or other activities concerning dwellings in the Town of Oakdale. (1977 Code, § 4-507)

12-608. 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.

It shall be unlawful to rebuild any building which does not conform to the provisions of the zoning ordinance.

The building inspector shall determine the value of the dwelling in question existing on the land, the value of the land itself not to be considered, 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 per cent (50%) of said value, the order referred to in the preceding paragraph shall contain the first alternative. If an expenditure of more than fifty per cent (50%) of the value just referred to would be necessary to make the dwelling properly habitable, the order in the preceding paragraph shall contain the second alternative. (1977 Code, § 4-508)

12-609. Failure of owner to vacate, etc. If the owner fails to comply with § 12-608(1), 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 of occupation of this building for human habitation is prohibited and unlawful." (1977 Code, § 4-509)

12-610. Failure of owner to remove, etc. If the owner fails to comply with the provisions of § 12-608(2), the building inspector may cause such dwelling to be removed or demolished. (1977 Code, § 4-510)

12-611. Creation of lien and payment into court. The amount of the cost of such repairs, alterations or improvements or vacating and closing or removal or demolition 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 Town of Oakdale to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise. (1977 Code, § 4-511)

12-612. Conditions rendering dwelling unfit. 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 town; such conditions may include the following (but without limiting the generality of the foregoing): Defects increasing the hazard of fire, accident or other calamities, lack of adequate ventilation, light or sanitary facilities; dilapidation; disrepair; structural defects; and uncleanliness. (1977 Code, § 4-512)

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 the 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 town. A copy of such complaint or order shall be posted in a conspicuous place on the premises affected and a copy shall also be filed of record in the register's office of the county in which the dwelling is located and such filing shall have the same force and effect as other lis pendens notices provided by law. (1977 Code, § 4-513)

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 conclusion. Costs shall be in the discretion of the court. The remedy as 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 an order of the building

inspector, or because of non-compliance by such person with any order of the building inspector. (1977 Code, § 4-514)

12-615. Powers of 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 town in order to determine which dwellings herein are unfit for human habitation.

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

(3) To enter upon premises for the purpose 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. (1977 Code, § 4-515)

12-616. Penalty. Any person, firm, corporation, association or others violating any of the provisions of this chapter shall upon conviction, be fined in accordance with the provisions of the general penalty clause in this code of ordinances. (1977 Code, § 4-516)