

TITLE 12

BUILDING, UTILITY, ETC. CODES

CHAPTER

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11. BUILDING, UTILITY, ETC. CODES.
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CHAPTER 1¹

BUILDING CODES

SECTION

- 12-101. Building code adopted.
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- 12-104. Modifications to the residential building code.
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- 12-107. Paved driveways required.
- 12-108. Paved driveways required for certificate of occupancy.

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

¹Municipal code reference

Fire code: title 7.

Gas code: title 19.

International Building Code,¹ 2012 edition, as prepared and adopted by the International Code Council, including all appendices, addenda and supplements thereto, is hereby adopted and incorporated by reference, in its entirety, as part of the Springfield Municipal Code, and is hereinafter referred to as the building code. (Ord. #88-14, Nov. 1988, as replaced by Ord. #96-01, Feb. 1996, Ord. #01-02, March 2001, Ord. #03-12, Aug. 2003, and Ord. #04-16, Nov. 2004, Ord. #08-01, March 2008, and Ord. #14-14, Oct. 2014)

12-102. Residential 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 one- and two-family residential building or structure, the International Residential Code for One- and Two-Family Dwellings, 2012 edition, as prepared and adopted by the International Code Council, including all appendices, addenda and supplements thereto, is hereby adopted and incorporated by reference, in its entirety, as part of the Springfield Municipal Code, and is hereinafter referred to as the residential building code. (1981 Code, § 4-102, as replaced by Ord. #96-01, Feb. 1996, Ord. #01-02, March 2001, Ord. #03-12, Aug. 2003, Ord. #04-16, Nov. 2004, Ord. #08-01, March 2008, and Ord. #14-14, Oct. 2014)

12-103. Modifications to the building code. The International Building Code, 2012 edition, adopted by the provisions of this chapter, is hereby modified as follows:

(1) Whenever the "building official" is referred to in this code, it shall, for the purposes of the building code, mean such person as the City of Springfield shall have appointed or designated to administer and enforce the provisions of the building code.

(2) Sidewalks and driveway construction, when in the public right-of-way and/or adjoining a public street, shall be approved by the director of public works and/or city engineer in a written statement to the building official prior to the issuance of a certificate of occupancy.

(3) All permit fees and scales for calculating permit fees shall be established by the board of mayor and aldermen by separate ordinance.

(4) Section 113 entitled "Board of Appeals" shall be rescinded in its entirety and shall be substituted by the Construction Board of Adjustments and Appeals as established in title 2, chapter 8 of the Springfield Municipal Code.

(5) Subsection 114.4, entitled "Violation penalties" shall be rescinded in its entirety and shall be substituted by a new Subsection 114.4 to read as follows:

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

114.4. Violations and penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code shall be subject to a penalty of fifty dollars (\$50.00) for each offense. Each person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed or continued. (1981 Code, § 4-103, as replaced by Ord. #96-01, Feb. 1996, Ord. #01-02, March 2001, Ord. #03-12, Aug. 2003, Ord. #04-16, Nov. 2004, Ord. #08-01, March 2008, and Ord. #14-14, Oct. 2014)

12-104. Modifications to the residential building code. The International Residential Code for One- and Two-Family Dwellings, 2012 edition, adopted by the provisions of this chapter, is hereby modified as follows:

(1) Whenever the "building official" is referred to in this code, it shall, for the purposes of the residential building code, mean such person as the City of Springfield shall have appointed or designated to administer and enforce the provisions of the residential building code.

(2) Sidewalk and driveway construction, when in the public right-of-way and/or adjoining a public street, shall be approved by the director of public works and/or city engineer in a written statement to the building official prior to the issuance of a certificate of occupancy.

(3) All permit fees and scales for calculating permit fees shall be established by the board of mayor and aldermen by separate ordinance.

(4) Section R112, entitled "Board of Appeals" shall be rescinded in its entirety and shall be substituted by the Construction Board of Adjustments and Appeals as established in title 2, chapter 8 of the Springfield Municipal Code.

(5) Subsection R 113.4, entitled "Violation penalties" shall be rescinded in its entirety and shall be substituted by a new Subsection R113.4 to read as follows: R113.4. Violations and penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code shall be subject to a penalty of fifty dollars (\$50.00) for each offense. Each person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed or continued.

(6) Chapter 1 entitled "Scope and Administration" is amended by amending section R102 entitled "Applicability" by amending subsection R102.6 entitled "Partial invalidity" by adding a new subsection R102.6.1 entitled "Automatic sprinkler systems" to read as follows: R102.6.1 Automatic fire

sprinkler systems. Any provisions contained within this code relating to automatic fire sprinkler systems shall not be construed to be mandatory unless specifically adopted in accordance with the provisions contained in Tennessee Code Annotated title 68, section 120, part 101. However, should an automatic fire sprinkler system be utilized, it must comply fully with all requirements contained herein.

(7) Table R301.2(1) is amended by adding the following Design Criteria in the appropriate fields: Ground Snow Load -- 15#, Wind -- 90 mph 3 sec gust, Seismic Design Category -- C, Weathering -- Severe Frost Line Depth -- 12 in., Termite -- Moderate to Heavy, Winter Design Temp -- 14 deg. F, Ice Shield Underlayment Required -- No, Flood Hazard -- See FEMA/DFIRM FloodMap, Air Freezing Index -- 332, Mean Annual Temperature -- 59.2 deg. F.

(8) Chapter 11 entitled "Energy Efficiency" is amended by deleting subsections N1101.1 to N1 105.6.3 in their entirety and substituting a new subsection N1101.1 entitled "Scope" to read as follows: N1101.1 Scope. The provisions of the 2009 International Energy Conservation Code shall regulate the energy efficiency for the design and construction of buildings regulated by this code.

(9) Appendix L entitled "Permit Fees" is deleted in its entirety.

(10) Section R313.1 regarding Automatic Sprinkler systems in Townhouses, replace the existing exception with the following exception: "An automatic residential fire sprinkler system shall not be required if a 2 hour fire resistance rated wall exists between units, if such walls do not contain plumbing and/or mechanical equipment, ducts, or vents in the common wall."

(11) Delete Section R313.2 Automatic Sprinkler systems in 1&2 Family Dwellings. (1981 Code, § 4-104, as replaced by Ord. #96-01, Feb. 1996, Ord. #01-02, March 2001, Ord. #03-12, Aug. 2003, Ord. #04-16, Nov. 2004, Ord. #08-01, March 2008, Ord. #14-14, Oct. 2014, and Ord. #17-06, July 2017)

12-105. Available in recorder's office. Pursuant to the requirement of Tennessee Code Annotated, § 6-54- 502, one (1) copy of the building code and one (1) copy of the residential building code have been filed with the city recorder and are available for public use and inspection. Said building code and residential building code are adopted and incorporated as fully as if set out at length herein and shall control within the corporate limits. (as replaced by Ord. #03-12, Aug. 2003, Ord. #04-16, Nov. 2004, Ord. #08-01, March 2008, and Ord. #14-14, Oct. 2014)

12-106. Discontinuance of utilities. In addition to other penalties, the building official of the city may order the discontinuance of utility services to any building in violation of this chapter. This may be done only when the owner of the building has been given at least ten (10) days notice by certified mail of the violation, and has failed to make substantial progress toward correcting the

violations. (as replaced by Ord. #03-12, Aug. 2003, Ord. #04-16, Nov. 2004, Ord. #08-01, March 2008, and Ord. #14-14, Oct. 2014)

12-107. Paved driveways required. All new single-family, two-family or multifamily residential structures shall have paved driveways, turn-arounds and parking areas constructed of concrete or hot mix asphalt. Each unit shall have either a dedicated parking area for a minimum of two (2) vehicles, with a minimum parking area dimension of three hundred sixty (360) square feet and a minimum width of eight feet (8'), that is located in the side-yard; or a one (1) vehicle garage or carport; or a garage that will accommodate two (2) or more vehicles. Residential structures with a one (1) vehicle garage or carport shall have a total minimum paved parking area, both under roof and open driveway, of three hundred sixty (360) square feet. The width of a driveway apron shall extend no more than six feet (6') in front of the house or residential structure. Residential structures sitting a distance of one hundred fifty feet (150') or more from the edge of the street shall be paved from the edge of the street for a distance of at least one hundred (100) linear feet. Circular, semi-circular, or similarly designed driveways shall only be allowed for single-family residential structures that, in addition, have garages that will accommodate a minimum of two (2) vehicles. The parking of vehicles in front of any new single-family, two-family, or multi-family residential structure shall not be allowed in the area between the house or residential section of the structure and the street, unless authorized by this section or the planning commission in subdivision or site plan approval. (as added by Ord. #06-22, Dec. 2006, and replaced by Ord. #08-01, March 2008, and Ord. #14-14, Oct. 2014)

12-108. Paved driveways required for certificate of occupancy. A certificate of occupancy for any new single-family, two-family or multi-family residential structure shall not be issued until a paved driveway in compliance with this chapter has been constructed. (as added by Ord. #06-22, Dec. 2006, and replaced by Ord. #08-01, March 2008, and Ord. #14-14, Oct. 2014)

CHAPTER 2

PLUMBING CODE¹

SECTION

- 12-201. Plumbing code adopted.
- 12-202. Modifications.
- 12-203. Available in recorder's office.
- 12-204. Conditions of service manual.
- 12-205. Discontinuance of utilities.

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 securing the beneficial interests and purposes of public safety, health and general welfare through the regulation of the installation and maintenance of all plumbing systems, which may be referred to as service systems, the International Plumbing Code,² 2012 edition, as prepared and adopted by the International Code Council, including all appendices, addenda, and supplements thereto, with the exception of Appendix A, is hereby adopted and incorporated by reference, in its entirety, as a part of the Springfield Municipal Code and is hereinafter referred to as the plumbing code. (1981 code, § 4-201, as replaced by Ord. #96-02, March 1996, Ord. #06-32, Jan. 2007, Ord. #09-01, April 2009, and Ord. #14-15, Oct. 2014)

12-202. Modifications. The International Plumbing Code, 2012 edition, adopted by the provisions of this chapter, is hereby modified as follows:

- (1) Whenever the "code official" is referred to in this code, it shall, for the purposes of the plumbing code, mean such person as the City of Springfield shall have appointed or designated to administer and enforce the provisions of the plumbing code.
- (2) All permit fees and scales for calculating permit fees shall be established by the board of mayor and aldermen by separate ordinance.
- (3) Section 109 entitled "Means of Appeal" is rescinded in its entirety and shall be substituted by the Construction Board of Adjustments and Appeals as established in title 2, chapter 8 of the Springfield Municipal Code.
- (4) Subsection 108.4 entitled "Violation penalties" is rescinded in its entirety and shall be substituted by a new Subsection 108.4 to read as follows:

¹Municipal code reference
Water and Sewer: title 18.

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

108.4 Violation penalties. Persons who shall violate a provision of this code, fail to comply with any of the requirements thereof or erect, install, alter or repair work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be subject to a penalty of fifty dollars (\$50.00) for each offense. Each person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed or continued. (1981 code, § 4-203, as replaced by Ord. #96-02, March 1996, Ord. #06-32, Jan. 2007, Ord. #09-01, April 2009, and Ord. #14-15, Oct. 2014)

12-203. Available in recorder's office. Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, one (1) copy of the plumbing code has been filed with the city recorder and is available for public use and inspection. Said plumbing code is adopted and incorporated as fully as if set out at length herein and shall control within the corporate limits and shall control over property, structures, appliances, and service systems outside the corporate city limits which are connected to the City of Springfield Water/Wastewater System. (1981 code, § 4-203, as replaced by Ord. #96-02, March 1996, Ord. #06-32, Jan. 2007, Ord. #09-01, April 2009, and Ord. #14-15, Oct. 2014)

12-204. Conditions of service manual. In the event of a conflict between the provisions of the plumbing code and the requirements set forth in the City of Springfield Conditions of Service Manual, the Conditions of Service Manual shall control. (1981 code, § 4-204, as replaced by Ord. #96-02, March 1996, Ord. #06-32, Jan. 2007, Ord. #09-01, April 2009, and Ord. #14-15, Oct. 2014)

12-205. Discontinuance of utilities. In addition to other penalties, the building official of the city may order the discontinuance of utility services to any building in violation of this chapter. This may be done only when the owner of the building has been given at least ten (10) days notice by certified mail of the violation, and has failed to make substantial progress toward correcting the violations. (as added by Ord. #96-02, March 1996, and replaced by Ord. #06-32, Jan. 2007, Ord. #09-01, April 2009, and Ord. #14-15, Oct. 2014)

CHAPTER 3

[as deleted by Ord. #07-07, May 2007]

CHAPTER 4

MECHANICAL CODE

SECTION

- 12-401. Mechanical code adopted.
- 12-402. Modifications.
- 12-403. Available in recorder's office.
- 12-404. Discontinuance of utilities.

12-401. Mechanical code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of securing the beneficial interests and purposes of public safety, health and general welfare through the regulation of the installation and maintenance of all mechanical systems, which may be referred to as service systems, the International Mechanical Code,¹ 2012 edition, as prepared and adopted by the International Code Council, including all appendices, addenda, and supplements thereto, with the exception of Appendix B, is hereby adopted and incorporated by reference, in its entirety, as a part of the Springfield Municipal Code and is hereinafter referred to as the mechanical code. (Ord. #88-14, Nov. 1988, as replaced by Ord. #96-04, Feb. 1996, Ord. #01-03, March 2001, Ord. #06-33, Jan. 2007, Ord. #09-03, April 2009, and Ord. #14-16, Oct. 2014)

12-402. Modifications. The International Mechanical Code, 2012 edition, adopted by the provisions of this chapter, is hereby modified as follows:

(1) Whenever the "code official" is referred to in this code, it shall, for the purposes of the mechanical code, mean such person as the City of Springfield shall have appointed or designated to administer and enforce the provisions of the mechanical code.

(2) All permit fees and scales for calculating permit fees shall be established by the board of mayor and aldermen by separate ordinance.

(3) Section 109 entitled "Means of Appeal" is rescinded in its entirety and shall be substituted by the Construction Board of Adjustments and Appeals as established in title 2, chapter 8 of the Springfield Municipal Code.

(4) Subsection 108.4 entitled "Violation penalties" is rescinded in its entirety and shall be substituted by a new subsection 108.4 to read as follows:

108.4 Violation penalties. Persons who shall violate a provision of this code, fail to comply with any of the requirements thereof or erect, install, alter or repair work in violation of the approved construction documents or directive of the code official, or of a permit or certificate

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

issued under the provisions of this code, shall be subject to a penalty of fifty dollars (\$50.00) for each offense. Each person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed or continued. (as added by Ord. #96-04, Feb. 1996, and replaced by Ord. #01-03, March 2001, Ord. #06-33, Jan. 2007, Ord. #09-03, April 2009, and Ord. #14-16, Oct. 2014)

12-403. Available in recorder's office. Pursuant to the requirement of Tennessee Code Annotated, § 6-54- 502, one (1) copy of the mechanical code has been filed with the city recorder and is available for public use and inspection. Said mechanical code is adopted and incorporated as fully as if set out at length herein and shall control within the corporate limits and shall control over property, structures, appliances, and service systems outside the corporate city limits which are connected to the City of Springfield Gas System. (as added by Ord. #96-04, Feb. 1996, and replaced by Ord. #01-03, March 2001, Ord. #06-33, Jan. 2007, and Ord. #09-03, April 2009, and Ord. #14-16, Oct. 2014)

12-404. Discontinuance of utilities. In addition to other penalties, the building official of the city may order the discontinuance of utility services to any building in violation of this chapter. This may be done only when the owner of the building has been given at least ten (10) days notice by certified mail of the violation, and has failed to make substantial progress toward correcting the violations. (as added by Ord. #96-04, Feb. 1996, and replaced by Ord. #01-03, March 2001, Ord. #06-33, Jan. 2007, Ord. #09-03, April 2009, and Ord. #14-16, Oct. 2014)

CHAPTER 5

[as deleted by Ord. #07-07, May 2007]

CHAPTER 6

FAIR HOUSING ORDINANCE

SECTION

- 12-601. Definitions.
- 12-602. Purposes of law, construction, effect.
- 12-603. Unlawful housing practices.
- 12-604. Blockbusting.
- 12-605. Exemptions from housing provisions.
- 12-606. Provisions for enforcement.
- 12-607. Agency no defense in proceeding against real estate dealer.
- 12-608. Establishment of procedures for conciliation.
- 12-609. Findings of hearing committee; nature of affirmative action.
- 12-610. Investigations, powers, records.
- 12-611. Conspiracy to violate this ordinance unlawful.
- 12-612. When effective; lapse.

12-601. 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 Planning Commission of the City of Springfield, Tennessee. 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 complainant(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, limitations, refusal, denial, or any other act or practice of differentiation or preference in the treatment of a 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 thereon, including options, or who negotiates or attempts 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, exchange, 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. (1981 code, § 4-801)

12-602. Purposes of law, construction, effect. (1) The general purposes of this ordinance are:

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

(b) 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 interest 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.

(2) Nothing contained in the ordinance shall be deemed to repeal any other law of this city relating to discrimination because of race, color, religion, national origin or sex. (1981 code, § 4-802)

12-603. Unlawful housing practices. It is an unlawful practice for a real estate owner or operator or 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 the 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 bona fide 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. (1981 code, § 4-803)

12-604. 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 antisocial behavior, or a decline in the quality of schools in the block, neighborhood, or area in which the real property is located. (1981 code, § 4-804)

12-605. Exemptions from housing provisions. (1) Nothing in section 12-603 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 reside 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. (1981 code, § 4-805)

12-606. Provisions for enforcement. (1) The violation of any of the provisions of this ordinance 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 ordinance, including temporary restraining orders and mandatory and prohibitory injunctions.

(3) In addition to appropriate civil and/or equitable remedies for enforcement of this ordinance, a violation of this ordinance shall constitute a misdemeanor punishable as provided by law. (1981 code, § 4-806)

12-607. Agency no defense in proceeding against real estate dealer. It shall be no defense to a violation of this ordinance 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. (1981 code, § 4-807)

12-608. 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 ordinance. Conciliation efforts

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

(2) The Board of Mayor and Aldermen of the City of Springfield 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 of a 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. A hearing open to the public may be initiated by the responding party at any time during the conciliation process. (1981 code, § 4-808)

12-609. 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 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 judgment 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 practice.

(4) The provisions for conciliation and affirmative action shall not preclude or in any way impair the enforcement provisions of this ordinance. (1981 code, § 4-809)

12-610. Investigations, powers, records. (1) In connection with an investigation of a complaint filed under this ordinance, 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 ordinance 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 it 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 regulation or 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. (1981 code, § 4-810)

12-611. Conspiracy to violate this ordinance 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 ordinance, 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 ordinance.

(2) To aid, abet, incite, compel or coerce a person to engage in any of the acts or practices declared unlawful by this ordinance or any order issued thereunder.

(3) To obstruct or prevent a person from complying with the provisions of this ordinance 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 ordinance. (1981 code, § 4-811)

12-612. When effective; lapse. This ordinance shall be effective 30 days after its passage;¹ provided, that it shall cease to be effective upon receipt by the city of written notification from the United States Department of Housing and Urban Development (HUD) that HUD will not recognize this ordinance, including any amendments thereto, to be substantially equivalent to the provisions of the Civil Rights Act of 1968 so as to require HUD to refer housing discrimination complaints to the City of Springfield, in accordance with federal law and regulations. (1981 code, § 4-812)

¹Date of passage: January 28, 1978.

CHAPTER 7

PROPERTY MAINTENANCE CODE

SECTION

12-701. Property maintenance code adopted.

12-702. Modifications to the property maintenance code.

12-703. Available in recorder's office.

12-704. Discontinuance of utilities.

12-701. Property maintenance code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; and providing for the issuance of permits and collection of fees therefore; the International Property Maintenance Code,¹ 2012 edition, as prepared and adopted by the International Code Council, including all appendices, addenda and supplements thereto, is hereby adopted and incorporated by reference, in its entirety, as part of the Springfield Municipal Code, and is hereinafter referred to as the property maintenance code. (Ord. #88-14, Nov. 1998, as replaced by Ord. #96-06, Feb. 1996, Ord. #04-17, Nov. 2004, Ord. #08-02, March 2008, and Ord. #14-17, Oct. 2014)

12-702. Modifications to the property maintenance code. The International Property Maintenance Code, 2012 edition, adopted by the provisions of this chapter, is hereby modified as follows:

(1) Whenever the "code official" is referred to in this code, it shall, for the purposes of the property maintenance code, mean such person as the City of Springfield shall have appointed or designated to administer and enforce the provisions of the property maintenance code.

(2) Subsection 102.3, entitled "Application of other codes" is amended by deleting "ICC Electric Code" and substituting "National Electric Code" and deleting the last sentence.

(3) Section 111, entitled "Means of Appeal" shall be rescinded in its entirety and shall be substituted by the Construction Board of Adjustments and Appeals as established in title 2, chapter 8 of the Springfield Municipal Code.

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

(4) Subsection 106.4, entitled "Violation penalties" shall be rescinded in its entirety and shall be substituted by a new Subsection 106.4 to read as follows:

106.4. Violations and penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code shall be subject to a penalty of fifty dollars (\$50.00). Each person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed or continued. In addition to the penalties prescribed herein, such person shall be subject to the penalties set forth in chapter 9, title 12 of the Springfield Municipal Code.

(5) Subsection 201.3, entitled "Terms defined in other codes" is amended by deleting "ICC Electric Code" and substituting in lieu thereof "National Electric Code."

(6) Subsection 302.1, entitled "Sanitation" is amended by adding to the end of the paragraph the sentence: "Furniture intended for indoor use shall not be placed in yards or porches."

(7) Subsection 302.8, entitled "Motor vehicles" is amended by adding to the end of the paragraph the sentence: "Parking of vehicles over sidewalks, on the path of a sidewalk, or on lawns shall be prohibited."

(8) Subsection 304.14, entitled "Insect screens" is amended by inserting the words "April 1 to October 1" in lieu of "[DATE] to [DATE]."

(9) Subsection 502.4, entitled "Employees' facilities" is amended by deleting the words "and one drinking facility."

(10) Subsection 502.4.1, entitled "Drinking facilities" is rescinded in its entirety. (as added by Ord. #96-06, Feb. 1996, and replaced by Ord. #04-17, Nov. 2004, Ord. #08-02, March 2008, and Ord. #14-17, Oct. 2014)

12-703. Available in recorder's office. Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, one (1) copy of the property maintenance code shall be filed with the city recorder and is available for public use and inspection. Said property maintenance code is adopted and incorporated as fully as if set out at length herein and shall control within the corporate limits. (as added by Ord. #96-06, Feb. 1996, and replaced by Ord. #04-17, Nov. 2004, Ord. #08-02, March 2008, and Ord. #14-17, Oct. 2014)

12-704. Discontinuance of utilities. In addition to other penalties, the code official of the city may order the discontinuance of utility services to any building in violation of this chapter. This may be done only when the owner of the building has been given at least ten (10) days notice by certified mail of the violation, and has failed to make substantial progress toward correcting the

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violations. (as added by Ord. #96-06, Feb. 1996, and replaced by Ord. #04-17, Nov. 2004, Ord. #08-02, March 2008, and Ord. #14-17, Oct. 2014)

CHAPTER 8

[as deleted by Ord. #07-07, May 2007]

CHAPTER 9

SLUM CLEARANCE

SECTION

- 12-901. Findings of board.
- 12-902. Definitions.
- 12-903. "Public officer" designated; powers.
- 12-904. Initiation of proceedings; hearings.
- 12-905. Orders to owners of unfit structures.
- 12-906. When public officer may repair, etc.
- 12-907. When public officer may remove or demolish.
- 12-908. Lien for expenses; sale of salvaged materials; other powers not limited.
- 12-909. Basis for finding of unfitness.
- 12-910. Service of complaints or orders.
- 12-911. Appeals.
- 12-912. Enjoining enforcement of orders.
- 12-913. Additional powers of public officer.
- 12-914. Powers conferred are supplemental.
- 12-915. Structures unfit for human habitation or use deemed unlawful.

12-901. Findings of board. Pursuant to Tennessee Code Annotated, § 13-21-1010 et seq., the board of mayor and aldermen finds that there exists in the city structures which are unfit for human occupation or use 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. (as added by Ord. #04-21, Nov. 2004)

12-902. Definitions. (1) "Dwelling" means any building or structure, or part thereof, used and occupied for human occupation or use or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

(2) "Governing body" shall mean the board of mayor and aldermen charged with governing the city.

(3) "Municipality" shall mean the City of Springfield, Tennessee, and the areas encompassed within existing town limits or as hereafter annexed.

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

(5) "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.

(6) "Place of public accommodation" means any building or structure in which goods are supplied or services performed, or in which the trace of the general public is solicited.

(7) "Public authority" shall mean any officer 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.

(8) "Public officer" 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.

(9) "Structure" means any dwelling or place of public accommodation or vacant building or structure suitable as a dwelling or place of public accommodation. (as added by Ord. #04-21, Nov. 2004)

12-903. "Public officer" designated; powers. There is hereby designated and appointed a "public officer," to be the codes administrator, or his designee of the city, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the building official. (as added by Ord. #04-21, Nov. 2004)

12-904. Initiation of proceedings; hearings. Whenever a petition is filed with the public officer 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 officer (on his own motion) that any structure is unfit for human occupation or use, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause 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 the owner and parties in interest shall have the right to file an answer to 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 the courts of law or equity shall not be controlling in hearings before the public officer. (as added by Ord. #04-21, Nov. 2004)

12-905. Orders to owners of unfit structures. If, after such notice and hearing as provided for in the preceding section, the public officer determines that the structure under consideration is unfit for human occupation or use, 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 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, within the time specified in the order, to repair, alter, or improve such structure to render it fit

for human occupation or use or to vacate and close the structure for human occupation or use; or

(2) 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 the order, to remove or demolish such structure. (as added by Ord. #04-21, Nov. 2004)

12-906. When public officers 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 officer may cause such structure to be repaired, altered, or improved, or the be vacated and closed; and the public officer 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 occupation or use. The use or occupation of this building for human occupation is prohibited and unlawful." (as added by Ord. #04-21, Nov. 2004)

12-907. When public officer may remove or demolish. If the owner fails to comply with an order, as specified above, to remove or demolish the structure, the public officer may cause such structure to be removed and demolished. (as added by Ord. #04-21, Nov. 2004)

12-908. 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 officer shall be assessed against the owner of the property, and shall upon the filing of the notice with the office of the Register of Deeds of Robertson 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 property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and 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 city may collect the costs assessed against the owner through an action for debt filed in any competent jurisdiction. The city may bring one (1) action for debt against more than one or all of the owners of the properties against whom said costs have been assessed and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a misjoinder of the parties. If the structure is removed or demolished by the public officer, he shall sell the materials of such structure 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 of Robertson County, Tennessee by the public officer, 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. Nothing in this section shall be construed to impair or limit in any way the power of the City of Springfield to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (as added by Ord. #04-21, Nov. 2004)

12-909. Basis for a finding of unfitness. The public officer defined herein shall have the power and may determine that a structure is unfit for human occupation or use if he finds that 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 Springfield. Such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazard of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; or uncleanness. (as added by Ord. #04-21, Nov. 2004)

12-910. Service of complaints or orders. Complaints or orders issued by the public officer pursuant to this chapter shall be served upon persons, either personally or by registered mail, but if the whereabouts of such persons are unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer 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 posed in a conspicuous place on premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the Register's Office of Robertson County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (as added by Ord. #04-21, Nov. 2004)

12-911. Appeals. Owners and parties in interest of structures affected by an order issued by the public officer pursuant to this chapter may appeal a decision of the public officer as provided in title 2, chapter 8 of the Springfield Municipal Code. (as added by Ord. #04-21, Nov. 2004)

12-912. Enjoining enforcement of orders. Any person affected by an order issued by the public officer, or, if appealed, the decision of the construction board of adjustments and appeals or board of mayor and aldermen, served pursuant to this chapter may file a complaint in chancery court for an injunction restraining the public official from carrying out the provisions of the order, and the court may, upon the filing of such a suit, issue a temporary injunction

restraining the public officer 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 officer, or, if appealed, the date of entry of the decision of the construction board of adjustments and appeals or board of mayor and aldermen in the minutes of the applicable body, such person shall file such complaint in the court. The remedy provided herein shall be the exclusive remedy and no person affected by an order of the public officer shall be entitled to recover any damages for action taken pursuant to any order of the public officer, or because of noncompliance by such person with any order of the public officer. (as added by Ord. #04-21, Nov. 2004)

12-913. Additional powers of public officer. The public officer, 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, provide that such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession and in compliance with legal requirements for gaining entry;

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

(5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate. (as added by Ord. #04-21, Nov. 2004)

12-914. Powers conferred are 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. (as added by Ord. #04-21, Nov. 2004)

12-915. Structures unfit for human habitation or use 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 occupation or use 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 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 fifty dollars (\$50.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (as added by Ord. #04-21, Nov. 2004)

CHAPTER 10

RESIDENTIAL RENTAL REGULATIONS

SECTION

- 12-1001. Registration required.
- 12-1002. Registration application.
- 12-1003. Inspection required.
- 12-1004. Property maintenance.
- 12-1005. Frequency of inspection.
- 12-1006. Registration certificate required.
- 12-1007. Certificate registration date.
- 12-1008. Certificate transferability.
- 12-1009. Request for additional inspections.
- 12-1010. Exemptions.
- 12-1011. Records.
- 12-1012. Other actions, prosecutions, court cases.
- 12-1013. Nuisances, injunction.
- 12-1014. Penalties.
- 12-1015. Saving clause.
- 12-1016. Severability.

12-1001. Registration required. All owners of residential rental property within the city shall register each rental unit owned or operated within the city. An owner of residential rental property shall file a registration application with the community development department within thirty (30) days after assuming ownership or control of the property, or after altering the number or size of rental units at a previously registered property. All owners of residential rental property at the time of the incorporation by ordinance of this chapter within the Springfield Municipal Code shall file a registration application for their property within sixty (60) days after the effective date of said ordinance. The owner shall be responsible for all sub-leasing of his residential property. (as added by Ord. #05-23, Dec. 2005)

12-1002. Registration application. Registration shall be made upon forms furnished by the community development department and shall specifically require the following minimum information:

- (1) Name, address and telephone number of the property owner;
- (2) Name, address and telephone number of any designated local property manager;
- (3) The street address of the rental property; and
- (4) The name, telephone number and address of the person authorized to make or authorized to order repairs or services to the property, if the person is different than the owner or local manager.

(5) The square footage of living rooms, dining rooms and bedrooms to determine occupancy load. (as added by Ord. #05-23, Dec. 2005)

12-1003. Inspection required. All residential rental units shall be inspected periodically by the city for compliance with this chapter and all other applicable laws. (as added by Ord. #05-23, Dec. 2005)

12-1004. Property maintenance. All residential rental units shall comply with the property maintenance code adopted by the city. (as added by Ord. #05-23, Dec. 2005)

12-1005. Frequency of inspections. All residential rental units subject to this chapter shall be inspected periodically; but nothing shall preclude the inspection of the residential rental unit upon a complaint being made under the provisions of other city ordinances or state laws. (as added by Ord. #05-23, Dec. 2005)

12-1006. Registration certificate required. No person shall rent or allow for the occupancy of any residential rental unit that is subject to this chapter without having a valid, current certificate of registration for that unit. The certificate shall be kept on the property at all times and shall state the maximum number of residents allowed to occupy the unit. The maximum occupancy number shall be established or confirmed by the city's code enforcement officer using standards contained within the property maintenance code. (as added by Ord. #05-23, Dec. 2005)

12-1007. Certificate registration date. The certificate of registration issued pursuant to this chapter shall expire three (3) years from the date of issuance. The expiration date shall be prominently displayed on its face. (as added by Ord. #05-23, Dec. 2005)

12-1008. Certificate transferability. A certificate of registration issued shall not be transferred to succeeding owners. Upon the transfer of ownership of the property, a new certificate of registration shall be required. (as added by Ord. #05-23, Dec. 2005)

12-1009. Request for additional inspections. The owner or designated property manager of any residential unit that is subject to this chapter may request additional inspections of the rental units at any time. (as added by Ord. #05-23, Dec. 2005)

12-1010. Exemptions. This chapter shall not apply to the following:

- (1) Residential rental units owned and operated by any governmental agency;
- (2) Residential rental units licensed and inspected by the state; and

(3) Hotels that do not rent to permanent residents and nursing homes or assisted living or retirement facilities.

(4) Apartment complexes that already keep the required registration information on file and accessible. (as added by Ord. #05-23, Dec. 2005)

12-1011. Records. All records, files and documents pertaining to the rental registration and rental unit inspection program shall be maintained by the community development department and made available to the public as allowed or required by state law or city ordinance. (as added by Ord. #05-23, Dec. 2005)

12-1012. Other actions, prosecutions, court cases. Nothing in this chapter shall prevent the city from taking action under any of its fire codes, building codes, technical codes, zoning ordinance, or other health and safety codes, ordinances or laws for violations thereof to seek injunctive relief or criminal prosecution of such violations in accordance with the terms and conditions or the particular code, ordinance or law under which the city would proceed against the property owner, designated property manager or occupant of any residential rental unit covered by this registration and inspection chapter. (as added by Ord. #05-23, Dec. 2005)

12-1013. Nuisances, injunction. Any violation of this chapter is hereby declared to be a nuisance. In addition to any other relief provided by this chapter, the city attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this chapter. Such application for relief may include seeking a temporary restraining order, temporary injunction and permanent injunction. (as added by Ord. #05-23, Dec. 2005)

12-1014. Penalties. Any person violating any of the provisions of this chapter shall be punished by a fine under the general penalty clause of this code. (as added by Ord. #05-23, Dec. 2005)

12-1015. Saving clause. Nothing in this chapter shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed pursuant to this chapter, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this chapter. (as added by Ord. #05-23, Dec. 2005)

12-1016. Severability. The various parts, sections and clauses of this chapter are hereby declared to be severable. If any part, sentence, paragraph, section or clause is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the chapter shall not be affected thereby. (as added by Ord. #05-23, Dec. 2005)

CHAPTER 11

PUBLIC SAFETY RADIO AMPLIFICATION SYSTEMS

SECTION

- 12-1101. Acceptability.
- 12-1102. Scope.
- 12-1103. Radio coverage.
- 12-1104. FCC approval/compliance.
- 12-1105. Enhanced amplification systems.
- 12-1106. Testing.
- 12-1107. Annual test.
- 12-1108. Penalties.

12-1101. Acceptability. Except as otherwise provided, no person shall maintain, erect, or construct any building or structure or any part thereof, or cause the same to be done which fails to allow adequate radio coverage for emergency services communication. (as added by Ord. #05-31, Feb. 2006)

12-1102. Scope. The provisions of this chapter shall apply to public buildings and structures and privately owned buildings and structures to which the public has or may have access to, including all basements and/or sub-level structures. (as added by Ord. #05-31, Feb. 2006)

12-1103. Radio coverage. Except as otherwise provided, no person shall maintain, erect, construct or modify any building or structure or any part thereof, or cause the same to be done which fails to allow adequate radio coverage for emergency services personnel.

The City of Springfield emergency services with consideration to police, fire and emergency medical services shall determine the frequency range or ranges that must be supported.

Adequate radio coverage shall constitute a successful communication between emergency service providers' equipment at hip level (2-3 feet above the ground) in the building, units in the field, and the communications center. (as added by Ord. #05-31, Feb. 2006)

12-1104. FCC approval/compliance. If amplification is used to achieve adequate signal strength, all equipment must have FCC approval and FCC identification numbers clearly marked on the amplifier. A copy of the make and model numbers shall be provided to the City of Springfield radio maintenance personnel.

The occupant of the building shall comply with all FCC regulations, if required, for the equipment being installed. (as added by Ord. #05-31, Feb. 2006)

12-1105. Enhanced amplification systems. Where buildings and structures are required to provide amenities to achieve adequate signal strength, they shall be equipped with any of the following to achieve the required radio coverage: radiating cable system(s); internal multiple antennal system(s) with a frequency range as established under the radio coverage section, with amplification system(s) as needed; voting receiver system(s) as needed; or bi-directional amplifier system(s) (BDA).

If any part of the installed system or systems contains an electrically powered component, the system shall be capable of operation on an independent battery or generator system for a period of at least three (3) hours without external power input or maintenance. The battery system shall automatically charge in the presence of external power,

Amplification equipment must have adequate environmental controls to meet the heating, ventilation, cooling, and humidity requirements of the equipment that will be utilized to meet requirements. The area where the amplification equipment is located must also be free of hazardous materials. All communications equipment including amplification systems, cable and antenna systems shall be grounded. (as added by Ord. #05-31, Feb. 2006)

12-1106. Testing. Testing shall be performed with the actual frequencies in coordination with the police, fire, emergency medical service, communications center, and radio maintenance personnel.

All testing shall be done in the presence of the appropriate emergency services departments and radio maintenance personnel at no expense to the City of Springfield.

Both inbound and outbound radio signals shall be tested on each and every floor above and below ground including stairwells, basements, penthouse facilities and parking areas of the structure to assure a ninety-five percent (95%) area of coverage in radio communication.

A certificate of occupancy may be denied for new buildings or structures for failure to comply with these requirements. (as added by Ord. #05-31, Feb. 2006)

12-1107. Annual test. An annual test may be conducted by any of the appropriate emergency services departments or radio maintenance personnel. After providing reasonable notice to the owner or occupant, emergency service personnel and/or radio maintenance personnel shall have the right to enter the property to conduct the field test, to be certain that the required level of radio coverage is present.

If the communications appear to have degraded or if the tests fail to demonstrate adequate system performance, the owner of the building or structure is required to remedy the problem within sixty (60) days following the annual test and restore the system in a manner consistent with the original approval criteria. Any retesting shall be done at no expense to the City of

Springfield or emergency services departments as required in the original testing procedures. (as added by Ord. #05-31, Feb. 2006)

12-1108. Penalties. Any person violating any of the provisions of this chapter shall be punished by a fine under the general penalty clause of this code. (as added by Ord. #05-31, Feb. 2006)

CHAPTER 12

ENERGY CONSERVATION CODE

SECTION

- 12-1201. Energy Conservation Code adopted.
- 12-1202. Modifications.
- 12-1203. Available in recorder's office.

12-1201. Energy Conservation Code adopted. Pursuant to authority granted by Tennessee Code Annotated §§ 6-54-501 through 6-54-506 and for the purpose of securing the beneficial interests and purposes of public safety, health and general welfare by regulating and governing energy efficient building envelopes and the installation of energy efficient mechanical, lighting and power systems, the International Energy Conservation Code, 2009 edition, as prepared and adopted by the International Code Council, including all appendices, addenda, and supplements thereto, is hereby adopted and incorporated by reference, in its entirety, as a part of the Springfield Municipal Code and is hereinafter referred to as the energy conservation code. (as added by Ord. #12-02, April 2012, and replaced by Ord. #14-18, Oct. 2014)

12-1202. Modifications. The International Energy Conservation Code, 2009 edition, adopted by the provisions of this chapter, is hereby modified as follows:

Whenever the “code official” is referred to in this code, it shall, for the purposes of the energy conservation code, mean such person as the City of Springfield shall have appointed or designated to administer and enforce the provisions of the energy conservation code. (as added by Ord. #12-02, April 2012, and replaced by Ord. #14-18, Oct. 2014)

12-1203. Available in recorder’s office. Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502 one (1) copy of the energy conservation code has been filed with the city recorder and is available for public use and inspection. Said energy conservation code is adopted and incorporated as fully as if set out at length herein and shall control within the corporate limits. (as added by Ord. #12-02, April 2012, and replaced by Ord. #14-18, Oct. 2014)