

TITLE 12

BUILDING, UTILITY, ETC. CODES<sup>1</sup>

CHAPTER

1. BUILDING CODE.
2. PLUMBING CODE.
3. ELECTRICAL CODE.
4. GAS CODE.
5. RESIDENTIAL CODE.
6. BUILDINGS AND STRUCTURES STANDARDS.
7. AMUSEMENT DEVICE CODE.
8. EXISTING BUILDINGS CODE.
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11. UNSAFE BUILDING ABATEMENT CODE.

CHAPTER 1

BUILDING CODE

SECTION

- 12-101. International building code adopted.
- 12-102. Modifications.
- 12-103. Available in recorder's office.
- 12-104. Violations.

12-101. International 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 International Building Code,<sup>2</sup> 2003 edition, as prepared and adopted by the

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<sup>1</sup>Municipal code references

- Fire protection, fireworks, and explosives: title 7.
- Health and sanitation: title 18.
- Planning and zoning: title 14.
- Streets and other public ways and places: title 16.
- Utilities and services: titles 18 and 19.

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

International Code Council, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the building code. Any matters in the building code which are contrary to existing ordinances of the Town of Dover shall prevail and, to that extent any existing ordinances to the contrary are hereby repealed in that respect only. (1985 Code, § 4-101, as amended by Ord. #260-98, Dec. 1998, Ord. #272-01, Feb. 2001, and Ord. #312-05, Oct. 2005)

12-102. Modifications. (1) Within the building code, when reference is made to the duties of a certain official named therein, that designated official of the Town of Dover who has the duties corresponding to those of the named official in the building code shall be deemed to be the responsible official insofar as enforcing the provisions of the building code are concerned.

(2) Permit fees. For all construction the permit fee shall be at the rate of twenty cents (\$.20) per square foot for all finished area, including carport or garage areas. The permit fee for all signs shall be the rate of twenty cents (\$.20) per square foot. There shall be a minimum permit fee for all construction of fifteen dollars (\$15.00). If construction is started before the permit is issued all fees may be increased by one hundred percent, (100%). (Ord. #191-89, Oct. 1989, modified, as amended by Ord. #260-98, Dec. 1998; Ord. #271-01, Feb. 2001; Ord. #272-01, Feb. 2001, and Ord. #314-06, Feb. 2006)

12-103. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, section 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. (1985 Code, § 4-103)

12-104. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the building code as herein adopted by reference and modified. (1985 Code, § 4-104)

## CHAPTER 2

PLUMBING CODE<sup>1</sup>

## SECTION

12-201. International plumbing code adopted.

12-202. Modifications.

12-203. Available in recorder's office.

12-204. Violations.

12-201. International 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 town water or sewerage system, the International Plumbing Code,<sup>2</sup> 2003 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the plumbing code. Any matters in the plumbing code which are contrary to existing ordinances of the Town of Dover shall prevail and, to that extent any existing ordinances to the contrary are hereby repealed in that respect only. (1985 Code, § 4-201, as amended by Ord. #260-98, Dec. 1998, Ord. #272-01, Feb. 2001, and Ord. #312-05, Oct. 2005)

12-202. Modifications. (1) Within the plumbing code, when reference is made to the duties of a certain official named therein, that designated official of the Town of Dover who has the duties corresponding to those of the named official in the plumbing code shall be deemed to be the responsible official insofar as enforcing the provisions of the plumbing code are concerned.

(2) Permit fees. For all construction the plumbing permit fee shall be at the rate of five dollars (\$5.00) for each plumbing fixture or plumbing device. There shall be a minimum plumbing permit fee for all construction of fifteen dollars (\$15.00). If construction is started before the permit is issued all fees may be increased by one hundred percent (100%). (1985 Code, § 4-202, as

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<sup>1</sup>Municipal code references

Cross connections: title 18.

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

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

amended by Ord. #260-98, Dec. 1998, Ord. #272-01, Feb. 2001, and Ord. #351-06, Feb. 2006)

12-203. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, section 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. (1985 Code, § 4-203)

12-204. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the plumbing code as herein adopted by reference and modified. (1985 Code, § 4-204)

## CHAPTER 3

ELECTRICAL CODE<sup>1</sup>

## 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, sections 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,<sup>2</sup> 1993 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. (1985 Code, § 4-301)

12-302. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, section 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. (1985 Code, § 4-302)

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. (1985 Code, § 4-303)

12-304. Violations. It shall be unlawful for any person to do or authorize any electrical work or to use any electricity in such manner or under such

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<sup>1</sup>Municipal code reference

Fire protection, fireworks and explosives: title 7.

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

circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the electrical code. (1985 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. (1985 Code, § 4-305)

12-306. Fees. The electrical inspector shall collect the same fees as are authorized in Tennessee Code Annotated, section 68-17-143 for electrical inspections by deputy inspectors of the state fire marshal. (1985 Code, § 4-306)

CHAPTER 4

GAS CODE<sup>1</sup>

SECTION

- 12-401. Title and definitions.
- 12-402. Purpose and scope.
- 12-403. Use of existing piping and appliances.
- 12-404. Bond and license.
- 12-405. Gas inspector and assistants.
- 12-406. Powers and duties of inspector.
- 12-407. Permits.
- 12-408. Inspections.
- 12-409. Certificates.
- 12-410. Fees.
- 12-411. Violations and penalties.
- 12-412. Non-liability.
- 12-413. Modifications.

12-401. Title and definitions. This chapter and the code herein adopted by reference shall be known as the gas code of the town. The following definitions are provided for the purpose of interpretation and administration of the gas code.

(1) "Inspector" means the person appointed as inspector, and shall include each assistant inspector, if any, from time to time acting as such under this chapter by appointment of the board of mayor and aldermen.

(2) "Person" means any individual, partnership, firm, corporation, or any other organized group of individuals.

(3) "Gas company" means any person distributing gas within the corporate limits or authorized and proposing to so engage.

(4) "Certificate of approval" means a document or tag issued and/or attached by the inspector to the inspected material, piping, or appliance installation, filled out, together with date, address of the premises, and signed by the inspector.

(5) "Certain appliances" means conversion burners, floor furnaces, central heating plants, vented wall furnaces, water heaters, and boilers. (1985 Code, § 4-401)

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

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<sup>1</sup>Municipal code reference

Gas system administration: title 19, chapter 2.

consumer's gas piping and gas appliances. All gas piping and gas appliances installed, replaced, maintained, or repaired within the corporate limits shall conform to the requirements of this chapter and to the International Fuel Gas Code,<sup>1</sup> 2003 edition, which is hereby incorporated by reference and made a part of this chapter as if fully set forth herein. Any matters in the gas code which are contrary to existing ordinances of the Town of Dover shall prevail and, to that extent any existing ordinances to the contrary are hereby repealed in that respect only. One (1) copy of the gas code shall be kept on file in the office of the town recorder for the use and inspection of the public. (1985 Code, § 4-402, as amended by Ord. #260-98, Dec. 1998, Ord. #272-01, Feb. 2001, and Ord. #312-05, Oct. 2005)

12-403. Use of existing piping and appliances. Notwithstanding any provision in the gas code to the contrary, consumer's piping installed prior to the adoption of the gas code or piping installed to supply other than natural gas may be converted to natural gas if the inspector finds, upon inspection and proper tests, that such piping will render reasonably satisfactory gas service to the consumer and will not in any way endanger life or property; otherwise, such piping shall be altered or replaced, in whole or in part, to conform with the requirements of the gas code. (1985 Code, § 4-403)

12-404. Bond and license. (1) No person shall engage in or work at the installation, extension, or alteration of consumer's gas piping or certain gas appliances, until such person shall have secured a license as hereinafter provided, and shall have executed and delivered to the town recorder a good and sufficient bond in the penal sum of \$10,000, with corporate surety, conditioned for the faithful performance of all such work, entered upon or contracted for, in strict accordance and compliance with the provisions of the gas code. The bond herein required shall expire on the first day of January next following its approval by the town recorder, and thereafter on the first day of January of each year a new bond, in form and substance as herein required, shall be given by such person to cover all such work as shall be done during such year.

(2) Upon approval of said bond, the person desiring to do such work shall secure from the town recorder a nontransferable license which shall run until the first day of January next succeeding its issuance, unless sooner revoked. The person obtaining a license shall pay any applicable license fees to the town recorder.

(3) Nothing herein contained shall be construed as prohibiting an individual from installing or repairing his own appliances or installing, extending, replacing, altering, or repairing consumer's piping on his own

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

premises, or as requiring a license or a bond from an individual doing such work on his own premises; provided, however, all such work must be done in conformity with all other provisions of the gas code, including those relating to permits, inspections, and fees. (1985 Code, § 4-404)

12-405. Gas inspector and assistants. To provide for the administration and enforcement of the gas code, the office of gas inspector is hereby created. The inspector, and such assistants as may be necessary in the proper performance of the duties of the office, shall be appointed or designated by the board of mayor and aldermen and the compensation for such office shall be determined at the time of appointment. (1985 Code, § 4-405)

12-406. Powers and duties of inspector. (1) The inspector is authorized and directed to enforce all of the provisions of the gas code. Upon presentation of proper credentials, he may enter any building or premises at reasonable times for the purpose of making inspections or preventing violations of the gas code.

(2) The inspector is authorized to disconnect any gas piping or fixture or appliance for which a certificate of approval is required but has not been issued with respect to same, or which, upon inspection, shall be found defective or in such condition as to endanger life or property. In all cases where such a disconnection is made, a notice shall be attached to the piping, fixture, or appliance disconnected by the inspector, which notice shall state that the same has been disconnected by the inspector, together with the reason or reasons therefor, and it shall be unlawful for any person to remove said notice or reconnect said gas piping or fixture or appliance without authorization by the inspector and such gas piping or fixture or appliance shall not be put in service or used until the inspector has attached his certificate of approval in lieu of his prior disconnection notice.

(3) It shall be the duty of the inspector to confer from time to time with representatives of the local health department, the local fire department, and the gas company, and otherwise obtain from proper sources all helpful information and advice, presenting same to the appropriate officials from time to time for their consideration. (1985 Code, § 4-406)

12-407. Permits. (1) No person shall install a gas conversion burner, floor furnace, central heating plant, vented wall furnace, water heater, boiler, consumer's gas piping, or convert existing piping to utilize natural gas without first obtaining a permit to do such work from the town recorder; however, permits will not be required for setting or connecting other gas appliances, or for the repair of leaks in house piping.

(2) When only temporary use of gas is desired, the recorder may issue a permit for such use, for a period of not to exceed sixty (60) days, provided the consumer's gas piping to be used is given a test equal to that required for a final piping inspection.

(3) Except when work in a public street or other public way is involved the gas company shall not be required to obtain permits to set meters, or to extend, relocate, remove, or repair its service lines, mains, or other facilities, or for work having to do with its own gas system. (1985 Code, § 4-407)

12-408. Inspections. (1) A rough piping inspection shall be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been attached thereto.

(2) A final piping inspection shall be made after all piping authorized by the permit has been installed and after all portions thereof which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been attached thereto. This inspection shall include a pressure test, at which time the piping shall stand an air pressure equal to not less than the pressure of a column of mercury six (6) inches in height, and the piping shall hold this air pressure for a period of at least fifteen (15) minutes without any perceptible drop. A mercury column gauge shall be used for the test. All tools, apparatus, labor, and assistance necessary for the test shall be furnished by the installer of such piping. (1985 Code, § 4-408)

12-409. Certificates. The inspector shall issue a certificate of approval at the completion of the work for which a permit for consumer piping has been issued if after inspection it is found that such work complies with the provisions of the gas code. A duplicate of each certificate issued covering consumer's gas piping shall be delivered to the gas company and used as its authority to render gas service. (1985 Code, § 4-409)

12-410. Fees. (1) The total fees for inspection of consumer's gas piping at one location (including both rough and final piping inspection) shall be \$1.50 for one to five outlets, inclusive, and \$0.50 for each outlet above five.

(2) The fees for inspecting conversion burners, floor furnaces, boilers, or central heating plants shall be \$1.50 for each unit.

(3) The fees for inspecting vented wall furnaces and water heaters shall be \$1.00 for each unit.

(4) If the inspector is called back, after correction of defects noted, an additional fee of \$1.00 shall be made for each return inspection.

(5) Any and all fees shall be paid by the person to whom the permit is issued. (1985 Code, § 4-410)

12-411. Violations and penalties. Any person who shall violate or fail to comply with any of the provisions of the gas code shall be guilty of a misdemeanor, and upon conviction thereof shall be fined under the general penalty clause for this code of ordinances, or the license of such person may be

revoked, or both fine and revocation of license may be imposed. (1985 Code, § 4-411)

12-412. Non-liability. This chapter shall not be construed as imposing upon the town any liability or responsibility for damages to any person injured by any defect in any gas piping or appliance mentioned herein, or by installation thereof, nor shall the town, or any official or employee thereof, be held as assuming any such liability or responsibility by reason of the inspection authorized hereunder or the certificate of approval issued by the inspector. (1985 Code, § 4-412)

12-413. Modifications. Within the gas code, when reference is made to the duties of a certain official named therein, that designated official of the Town of Dover who has the duties corresponding to those of the named official in the gas code shall be deemed to be the responsible official insofar as enforcing the provisions of the gas code are concerned. (as added by Ord. #260-98, Dec. 1998, and amended by Ord. #272-01, Feb. 2001)

CHAPTER 5

RESIDENTIAL CODE

SECTION

12-501. International residential code adopted.

12-502. Modifications.

12-503. Available in recorder's office.

12-504. Violations.

12-501. International residential code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of providing building, plumbing mechanical and electrical provisions, the International Residential Code,<sup>1</sup> 2003 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the residential code. (1985 Code, § 4-501, as amended by Ord. #260-98, Dec. 1998, Ord. #272-01, Feb. 2001, and replaced by Ord. #312-05, Oct. 2005)

12-502. Modifications. (1) Within the housing code, when reference is made to the duties of a certain official named therein, that designated official of the Town of Dover who has the duties corresponding to those of the named official in the housing code shall be deemed to be the responsible official insofar as enforcing the provisions of the housing code are concerned.

(2) Penalty clause deleted. Section 108 of the housing code is deleted. (1985 Code, § 4-502, as amended by Ord. #260-98, Dec. 1998, and Ord. #272-01, Feb. 2001)

12-503. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the housing code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1985 Code, § 4-503)

12-504. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the housing code as herein adopted by reference and modified. (1985 Code, § 4-504)

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

## CHAPTER 6

BUILDINGS AND STRUCTURES STANDARDS

## SECTION

- 12-601. Definitions.
- 12-602. Construction of certain words.
- 12-603. Applicability.
- 12-604. Provisions remedial.
- 12-605. Enforcement; adoption of rules and regulations by director.
- 12-606. Inspection of dilapidated or substandard buildings prerequisite to issuance of building, electrical, etc. permits.
- 12-607. Compliance with subchapter and certificate of occupancy prerequisite to furnishing of utility services.
- 12-608. Compliance with subchapter and certificate of occupancy prerequisite to occupancy; issuance of temporary certificates of occupancy.
- 12-609. Dwellings unfit for human habitation - When deemed unfit.
- 12-610. Procedure for charging unfitness.
- 12-611. Notice to repair, vacate or demolish.
- 12-612. Failure to comply.
- 12-613. Authority of director to demolish buildings when owner fails to do so; notice to tenants to vacate.
- 12-614. Handling and disposal of debris: protection of below-grade areas.
- 12-615. Costs of repair demolition, etc., constitute lien on property; sale of materials salvaged; disposition of proceeds of sale.
- 12-616. Authority of director to inspect dwellings, etc.
- 12-617. Rights of entry for inspection, etc.
- 12-618. Minimum standards for basic equipment and facilities.
- 12-619. Minimum standards for light, ventilation and heating.
- 12-620. General requirements as to safe and sanitary maintenance of parts of dwellings and dwelling units.
- 12-621. Minimum space, use and location requirements.
- 12-622. Responsibilities of owners and occupants.
- 12-623. Conflicts with other ordinances, etc.
- 12-624. Compliance with subchapter; exceptions.
- 12-625. Permits - required; application; issuance term; contents; display; nontransferable.
- 12-626. Appeal from denial of permit.
- 12-627. Suspension.
- 12-628. Hearing on suspension; revocation.
- 12-629. Toilet, lavatory and bathing facilities.
- 12-630. Minimum space requirements.
- 12-631. Means of egress.
- 12-632. Responsibility of operator for sanitary maintenance.

- 12-633. Applicability of provisions to hotels.
- 12-634. Board of housing code appeals.
- 12-635. Organization; officers.
- 12-636. Quorum; majority vote of members present required for action.
- 12-637. Adoption of rules and regulations; appeals to be heard in open meetings.
- 12-638. Petition for hearing; when hearing to be held; notice to councilman.
- 12-639. Action by board; appeal to board stays imposition of penalty.
- 12-640. Decisions to board to be recorded; same constitute public record.
- 12-641. Appeals to court.
- 12-642. Fees for special services.

12-601. Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(1) "Accessory building or structure." An accessory building or structure is a subordinate building or structure customarily incident to and located on the same lot with the main building. It is the intent of this definition to include all subordinate buildings and structures on the same lot with the main building which are used or designed to be used as a place of human habitation, in addition to such other buildings or structures used or designed to be used as garages, workshops, storage sheds, woodsheds, outhouses, privies, fences, etc.

(2) "Basement." A portion of a building located partly underground, but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.

(3) "Board or board of appeals." The Dover Board of Housing Appeals.

(4) "Building code." The building code adopted by the Town of Dover.

(5) "Cellar." A portion of a building located partly or wholly underground, and having half or more than half or its clear floor-to-ceiling height below the average grade of the adjoining ground.

(6) "Closed." When used herein, "closed" shall mean locked, boarded-up, or otherwise secured against unauthorized entry.

(7) "Dilapidated buildings or structures." All buildings, offices, stores, billboards, signs, dwellings, dwelling units, multiple dwellings, apartments, apartment houses, rooming units, rooming houses and accessory structures, including among others garages, sheds, storage buildings, wells, cisterns, etc., which, by reason of inadequate maintenance, dilapidation, obsolescence or abandonment are unsafe, unsanitary or which constitute a fire hazard or are otherwise dangerous to human life and are no longer adequate for the purpose for which they were originally intended, are hereby declared to be dilapidated buildings and structures. It is the intent of this definition to include all structures as may legally come within the scope of the definition of "structure" as set forth in this section.

(8) "Director." The director of the department of codes administration or his duly authorized representative.

(9) "Dwelling." When used in this chapter, without other qualifications, such term shall mean a building or structure occupied or designed or intended to be occupied as a place for human habitation and use by not more than two (2) families, and shall be construed to include any accessory building or structure belonging thereto or usually enjoyed therewith.

(10) "Dwelling unit." Any room or group of rooms located within a dwelling and forming a single habitable unit, with facilities which are used or intended to be used for living, sleeping, cooking and eating.

(11) "Electrical code." The electrical code adopted by the Town of Dover.

(12) "Extermination." The control and elimination of insects, rodents or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food, by poisoning, spraying, fumigating or trapping or by any other recognized and legal pest elimination methods approved by the director.

(13) "Enforcement officer." The director of the department of codes administration and such other officers and employees of such department as may be charged with the administration and enforcement of this chapter, or any duly authorized representative of the director.

(14) "Family." One or more persons living together whether related to each other by birth or not, having common housekeeping facilities.

(15) "Garbage." The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

(16) "Habitable room." A room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers or communicating corridors, closets and storage spaces.

(17) "Infestation." The presence, within or around a dwelling, of any insects, rodents or other pests.

(18) "Multiple dwelling." Any building or portion thereof occupied designed to be occupied by more than two (2) families.

(19) "Occupant." Any person, over one year of age, living, sleeping, cooking, eating in or having actual possession of a dwelling unit or rooming unit.

(20) "Operator." Any person who has charge, care or control of a building or part thereof in which dwelling units or rooming units are let.

(21) "Ordinary minimum winter conditions." A temperature of zero degrees Fahrenheit.

(22) "Owner." A holder of any legal or equitable estate in the premises, whether alone or jointly with others, and whether in possession or not.

(23) "Parties in interest." All persons who have interest in a dwelling and any who are in possession or control thereof, as agent of the owner or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such person thus representing the owner or owners

shall be bound to comply with the provisions of this chapter and of the rules and regulations adopted pursuant hereto, to the same extent as if he were the owner.

(24) "Physical value." The actual cost of replacement of a building or structure with materials of a like kind erected in a like manner to the original construction. When an agreement on the physical value cannot be otherwise reached, physical value shall be the fair market value or the appraised value of the building or structure, exclusive of land values, as may be recorded in the tax digest of the Town of Dover or County of Stewart.

(25) "Plumbing." All of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed clothes-washing machines, catch basins, drains, vents and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.

(26) "Plumbing code." The plumbing code adopted by the Town of Dover.

(27) "Privacy." When used herein, privacy shall mean an area or room which may be closed-off from other rooms with a solid door with a locking device thereon.

(28) "Public authority." Any officer in charge of any department or branch of the Town of Dover or the state, relating to health, fire, building regulations or other activities concerning dwellings in the area under the jurisdiction of the Town of Dover.

(29) "Rooming unit." Any room or group of rooms forming a single habitable unit, used or intended to be used for living and sleeping, but not for cooking or eating purposes.

(30) "Rooming house." Any dwelling or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to three (3) or more persons who are not husband or wife, son or daughter, mother or father or sister or brother of the owner or operator.

(31) "Rubbish." Combustible and noncombustible waste materials, except garbage. Such term shall include, but not be limited to, the residue from the burning of wood, coal, coke, and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust.

(32) "Structure." That which is built or constructed; an edifice or building or any kind, or any piece of work artificially built-up or composed of parts joined together in some definite manner. Such terms shall be construed as if followed by the words "or part thereof."

(33) "Substandard buildings or structures." All buildings, offices, stores, billboards, signs, dwellings, dwelling units, multiple dwellings, apartments, wells, apartment houses, rooming units, rooming houses and accessory structures, etc. which are used or designed or intended to be used as a habitable space in any building or structure, which do not meet the basic minimum requirements of this chapter for such use and for which a valid

certificate of occupancy has not been issued; as well as all cisterns and billboards that do not meet the basic minimum requirements for safety and appearance of this chapter.

(34) "Supplied." Paid for, furnished or provided by or under the control of the owner or operator or his agents or representatives.

(35) "Temporary housing." Any tent, trailer or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure or to any utilities system on the same premises for more than thirty (30) consecutive days. (Ord. #202-91, March 1991)

12-602. Construction of certain words. Whenever the words "dwelling," "dwelling unit," "rooming house," "rooming unit," "premises," "buildings," "offices," "stores," "billboards," "signs" or "wells" are used in this chapter, they shall be construed as though they were followed by the words "or any part thereof." (Ord. #202-91, March 1991)

12-603. Applicability. The provisions of this chapter shall apply uniformly to the construction, use, maintenance and occupancy of new residential buildings and structures, where applicable, and shall apply uniformly to the alteration, repair, equipment, use, occupancy and maintenance of all existing residential buildings and accessory structures located within the area of jurisdiction of the Town of Dover, including, but not limited to, billboards, wells and cisterns. The same are hereby enacted pursuant to the provisions of Tennessee Code Annotated, title 13, chapter 21. (Ord. #202-91, March 1991, as amended by Ord. #211-91, May 1992)

12-604. Provisions remedial. This chapter is hereby declared to be remedial, and shall be construed to secure the beneficial interest and purposes thereof, which are public safety, health and general welfare, through structural stability, sanitation, adequate light and ventilation and safety to life and property from fire, pestilence and other hazards incident to the use, maintenance, and occupancy of residential buildings, structures and premises. (Ord. #202-91, March 1991)

12-605. Enforcement; adoption of rules and regulations by director. The director and such other officers and employees of the department as may be charged with the administration of this chapter, or any duly authorized representative of the director are hereby designated and appointed to exercise the powers prescribed by this chapter, except those powers that are given to the Town of Dover Housing Code Appeals. The director, in addition to such other powers as he may be given, is hereby authorized to adopt and publish rules and regulations, not inconsistent with this chapter, which will conveniently effectuate its purposes and secure compliance with its provisions. Such rules

and regulations as are from time to time published shall become effective when approved by the mayor. (Ord. #202-91, March 1991)

12-606. Inspection of dilapidated or substandard buildings prerequisite to issuance of building, electrical, etc., permits. No building, plumbing, electrical, gas or other permit shall be issued for an addition, alteration or repair to an existing dilapidated dwelling or structure or for an addition, alteration or repair to a substandard building or structure until an inspection has been made to determine the feasibility of rehabilitation of such building or structure. (Ord. #202-91, March 1991)

12-607. Compliance with chapter and certificate of occupancy prerequisite to furnishing of utility services. It shall be unlawful to provide utility services (electric, water, gas or sewer), either public or private, to any existing vacant dilapidated or substandard building or structure or any existing dilapidated or substandard building or structure becoming vacant, until such time as the building or structure has been brought into compliance with this chapter and a valid certificate of occupancy, as required by section A 103.9 of the Town of Dover Building Code, has been issued. (Ord. #202-91, March 1991)

12-608. Compliance with chapter and certificate of occupancy prerequisite to occupancy; issuance of temporary certificates of occupancy. No person shall occupy, as owner or occupant, or let or offer to let to another for occupancy, any dwelling, dwelling unit, residential building or accessory building or structure for the purpose of living, sleeping, cooking or eating therein, which does not comply with the provisions of this chapter and for which a certificate of occupancy, as required by section A 103.9 of the Town of Dover Code, has not been issued. The director may issue a temporary certificate of occupancy for a specified period of time, when authorized to do so by the Town of Dover Board of Housing Code Appeals. (Ord. #202-91, March 1991)

12-609. Dwellings unfit for human habitation - When deemed unfit. Any buildings, offices, stores, billboards, signs, wells, dwelling, dwelling unit or accessory building or structure is unfit for human habitation if conditions exist in such dwelling, dwelling unit or accessory building or structure which, in the opinion of the director, are dangerous or injurious to the health, safety or morals of the occupants of neighboring dwellings or other residents of the Town of Dover. Such conditions may include the following, without limiting the generality of the foregoing: defects therein increasing the hazards of fire, accident or other calamities; lack of adequate ventilation, light or sanitary facilities; dilapidation; disrepair; structural defects; uncleanliness. (Ord. #202-91, March 1991)

12-610. Procedure for charging unfitness. (1) Complaint. Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the municipality charging that any structure is unfit for human occupation or use, or whenever it appears to the public officer (on his own motion) that any structure is unfit for occupation or use, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest of such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer (or his designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the serving of the complaint:

(a) The owner 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

(b) The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer;

(2) Order. If, after such notice and hearing, 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:

(a) If the repair, alteration or improvement of the structure can be made at a reasonable cost in relation to the value of the structure (the ordinance of the municipality may fix certain percentage of such cost as being reasonable for such purpose), 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 as a place of human occupation or use; or

(b) If the repair, alteration or improvement of the structure cannot be made at a reasonable cost in relation to the value of the structure (the ordinance of the municipality may fix a certain percentage of such cost as being reasonable for such purpose), requiring the owner, within the time specified in the order, to remove or demolish such structure;

(3) Public officer may close. If the owner fails to comply with an order to repair, alter, or improve or to vacate and close the structure, the public officer may cause such structure to be repaired, altered, or improved, or to be vacated and closed; that the public officer may cause to be posted on the main entrance of any structure 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 or use is prohibited and unlawful";

(4) Structure may be demolished. If the owner fails to comply with an order to remove or demolish the structure, the public officer may cause such structure to be removed or demolished; and

(5) Lien for costs. The amount of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer shall, upon the filing of the notice with the office of the register of deeds of the county in which the property lies, 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 placed upon the tax rolls of the municipality as a lien and shall be added to property tax bills to be collected 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. 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 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; provided, however, that nothing in this section shall be construed to impair or limit in any way the power of the municipality to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise.

(6) Contents of complaint or order. (a) Such complaint or order shall:

(i) Include a statement of the reasons why it is being issued.

(ii) Allow a reasonable time for the performance of any act it requires.

(iii) Be served upon persons either personally or by registered mail, but if the whereabouts of any such persons is unknown and the same cannot be ascertained by the director in the exercise of reasonable diligence, and the director 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 consecutive weeks in a newspaper printed and published and in general circulation throughout the area of jurisdiction of the Town of Dover. A copy of such complaint or order shall be posted in a conspicuous place upon the premises affected by such complaint or order. A copy of such complaint or order shall be filed in the register's office of Stewart County, and such filing of the complaint or order shall have the same force and effect as other 'lis pendens' notices provided by law.

(b) Such notice may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter and

with rules and regulations adopted pursuant to this chapter. (Ord. #202-91, March 1991)

12-611. Notice to repair, vacate or demolish. (1) If, after notice and hearing, as provided in the preceding section, the director determines that the dwelling, dwelling unit or accessory building or structure is unfit for human habitation or use, he shall state in writing his findings of fact and support of such determination and shall issue and cause to be served upon the owner thereof an order:

(a) If the repair, alteration or improvement of such dwelling, dwelling unit or accessory building or structure can be made at a cost not to exceed fifty percent of the physical value of the building or structure, requiring the owner within the time specified in the order to repair, alter or improve such building or structure to render it fit for human habitation or use or to vacate and close the building or structure; or

(b) If the repair, alteration or improvement of said building or structure cannot be made at a cost not to exceed fifty (50) percent of the physical value of the building or structure, requiring the owner within the time specified in the order to remove or demolish such building or structure.

(2) For the purposes of this section, the physical value of the building or structure, exclusive of the value of the land, shall be determined by the director, within the meaning of physical value, as herein defined. (Ord. #202-91, March 1991)

12-612. Failure to comply. (1) Director authorized to repair buildings when owner fails to do so. If the owner fails to comply with an order to repair, alter or improve or to vacate and close the building or structure, the director may cause such building or structure to be repaired, altered or improved or to be vacated and closed. The director may cause to be posted on the main entrance of any building or structure so closed, a placard with the following words, "This building is dangerous and unfit for human habitation; the use or occupancy of this building for human habitation is prohibited and unlawful." Where, upon inspection, a dilapidated building or structure is found to be unoccupied, the director shall immediately cause such building or structure to be placarded, as set forth above, without prior notice to the owner, pending notice to the owner to repair or demolish such building or structure.

(2) Placarding of buildings deemed dangerous or unfit for habitation. If necessary, such notice shall also require the building or structure or portion thereof to be vacated forthwith, securely closed by boarding up all exterior openings, and not reoccupied until the specific repairs and improvements have been completed and a valid certificate of occupancy has been issued. Such building or structure or portion thereof shall be repaired or demolished within one year from the date of such notice, except that, for cause, the director may

grant one or more extensions of time of ninety (90) days each. The director shall cause to be posted at each entrance to such building or structure a notice stating: "This building is unsafe and its use or occupancy has been prohibited by the director of the department of codes administration." (Ord. #202-91, March 1991)

12-613. Authority of director to demolish buildings when owner fails to do so; notice to tenants to vacate. If the owner fails to comply with an order to remove or demolish a building or structure, the director may cause such building or structure to be removed or demolished to secure the intent of this chapter. Whenever an occupied building or structure has been condemned or ordered demolished or repaired by the director, he shall notify the tenant or tenants of such action in writing, and order such tenants to vacate the premises within a specified time, if necessary to fulfill the orders set forth in such notice. Should such tenants fail or refuse to promptly comply with such notice or orders, they shall be guilty of a violation of this chapter. (Ord. #202-91, March 1991)

12-614. Handling and disposal of debris; protection of below-grade areas. Every person moving, repairing or demolishing a building or structure pursuant to orders issued under this chapter and removing debris therefrom shall cause all such debris to be thoroughly dampened with water or covered to prevent the spread of such debris or dust to adjacent properties or streets. In the case of demolition, it shall be the responsibility of the person demolishing a building or structure to remove from the premises all debris resulting from such demolition, to fill any below-grade area to grade level or to provide suitable protective fencing around any such below-grade area. (Ord. #202-91, March 1991)

12-615. Costs of repair, demolition, etc., constitute lien on property; sale of materials salvaged; disposition of proceeds of sale. The amount of the cost of any repairs, alterations, improvements, vacating, closing, removal or demolition by the director shall be a lien against the real property upon which such cost was incurred. If the building or structure is removed or demolished by the director, he shall sell the materials of such building or structure and shall credit the proceeds of such sale against the cost of removal or demolition, and any balance remaining shall be deposited in the chancery court by the director, and 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 decrees 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 Dover to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise.

That the amount of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer shall, upon the filing of the notice with the office of the register of deeds of the county in which the

property lies, 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 placed upon the tax rolls of the municipality as a lien and shall be added to property tax bills to be collected 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. 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 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; provided, however, that nothing in this section shall be construed to impair or limit in any way the power of the municipality to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (Ord. #202-91, March 1991)

12-616. Authority of director to inspect dwellings, etc. (1) The Director is hereby authorized to make inspections to determine the condition of all residential buildings and structures, (including among others, dwellings, dwelling units, apartment buildings, rooming houses, rooming units and premises) located within the area of jurisdiction of the Town of Dover in order that he may perform his duty of safeguarding the health, safety and welfare of the occupants of such dwellings and accessory structures and of the general public.

(2) All residential buildings and structures intended for human habitation shall be inspected for compliance with this code. Said inspections, other than complaints and special inspections, shall be made according to a planned, systematic housing code compliance program adopted by resolution of the Town of Dover.

(3) The director may adopt a fee schedule subject to approval by resolution of the Town of Dover, in order to carry out the intent of this ordinance, and impose a fee for all inspections, such fee to be in accordance with section 12-642 herein. Fees not collected for such inspections shall become a lien against the real property as provided by law. The director is authorized to waive the fee for any person certified as indigent and for an inspection made from a complaint when such inspection reveals no violation or cause of action. (Ord. #202-91, March 1991)

12-617. Right of entry for inspection, etc. (1) The director shall enforce the provisions of this chapter and he, or his duly authorized representatives,

may enter, upon presentation of proper identification to the owner or occupant thereof, any building, structure or premises within the area of jurisdiction of the Town of Dover to perform any duty imposed upon him by this chapter, except in cases of vacant structures. Said entry for the purpose of making any inspection required herein shall be made during reasonable hours, and so as to cause the least inconvenience to the occupants thereof.

(2) It shall be unlawful for any person, whether owner or occupant, to refuse to permit the entry of the director or any of his duly authorized representatives or to interfere in any manner in the performances of the duties imposed upon the director by this chapter. (Ord. #202-91, March 1991)

12-618. Minimum standards for basic equipment and facilities. No person shall occupy, as owner or occupant, or let to another for occupancy, any building, office, store, billboard, sign, well, dwelling or dwelling unit, for any purpose, which does not comply with the following requirements:

(1) Every dwelling unit shall contain a kitchen sink connected to an approved water supply and a sewer system, installed and maintained in accordance with the requirements of the Town of Dover plumbing code.

(2) Every dwelling unit shall contain a room which affords privacy to a person within such room and which is equipped with a flush water closet and a lavatory basin in good working condition.

(3) Every dwelling unit shall contain, within a room which affords privacy to a person within such room, a bathtub or shower in good working condition and connected to a water and sewer system, in accordance with the requirements of the Town of Dover plumbing code.

(4) Every kitchen sink, lavatory basin and bathtub or shower required under the provisions of subsections (1), (2) and (3) of this section shall be connected with both hot and cold water lines and installed in accordance with the requirements of the Town of Dover plumbing code.

(5) Every dwelling unit shall be supplied with adequate rubbish storage facilities consisting of covered containers having a capacity of not more than thirty (30) gallons.

(6) Every dwelling unit shall have garbage disposal facilities or garbage disposal containers consisting of metal containers, with metal covers, having a capacity of not more than thirty (30) gallons. All rubbish and garbage storage facilities and containers shall be provided and handled in such manner as may be prescribed by the rules and regulations of the department of public works.

(7) Every dwelling shall have supplied water heating facilities which are installed and maintained in accordance with the requirements of the Town of Dover plumbing code, and which are properly connected with the hot water lines required under the provisions of subsection (4) of this section, and which are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin,

bathtub or shower at a temperature of not less than one hundred twenty (120) degrees Fahrenheit. Such supplied water heating facilities shall be capable of meeting the requirements of this subsection when the dwelling or dwelling unit heating facilities required under the provisions of subsection (5) of section 12-619 are not in operation.

(8) Every dwelling unit shall have an unobstructed means of egress leading to an open space at ground level, as required by the Town of Dover building code. (Ord. #202-91, March 1991)

12-619. Minimum standards for light, ventilation and heating. No person shall occupy, as owner or occupant, or let to another for occupancy, any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

(1) Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be ten (10) percent of the floor area of such room. Whenever walls or other portions of structures face a window of any such room and such light-obstruction structures are located less than three (3) feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight shall equal at least fifteen (15) percent of the total floor area of such room.

(2) Every habitable room shall have at least one window or skylight which can easily be opened, or such other device as will adequately ventilate the room. The total of openable window area in every habitable room shall be equal to at least forty-five (45) percent of the minimum window area size or minimum skylight-type window size, as required in subsection (a) of this section, except where there is supplied some other device affording adequate ventilation and approved by the director. A device to provide adequate ventilation, for the purposes of this subsection, shall be sufficient size to provide at least one complete air change in the dwelling each four (4) minutes at an air velocity of not to exceed six hundred (600) feet per minute.

(3) Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms contained in subsections (1) and (2) of this section; except, that no window or skylight shall be required in adequately ventilated bathrooms and water closet compartments equipped with a ventilation system which is kept in continuous operation and approved by the director. Such mechanical ventilation system shall be of sufficient capacity to provide at least one complete air change each six (6) minutes.

(4) When there is electric service available from the power lines which are not more than three hundred (300) feet away from a dwelling, every

habitable room of such dwelling shall contain at least two (2) separate wall-type electric convenience outlets, or one such convenience outlet and one supplied ceiling-type electric light fixture. Every water closet compartment, bathroom, laundry room, furnace room and public hall shall contain at least one supplied ceiling or wall-type electric light fixture. Every such outlet and fixture shall be installed in accordance with the requirements of the Town of Dover electrical code, shall be maintained in good and safe working condition and shall be connected to the source of electric power in accordance with the electrical code.

Whenever, in the opinion of the director, the number of electrical outlets and/or the size and condition of the electrical service is deemed inadequate or hazardous, the director may require additional outlets and/or replacement or repair of the electrical service.

(5) Every dwelling shall have heating facilities which are properly installed, are maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments in every dwelling unit located therein to a temperature of at least seventy (70) degrees Fahrenheit, at a distance of three (3) feet above floor level, at an outside temperature of zero degrees Fahrenheit.

"Kerosene heaters are expressly permitted provided that they are listed by Underwriters Laboratory and meet the requirements of the Standard Fire Prevention Code adopted pursuant to section 7-201 of this code."

(6) Every public hall and stairway in every multiple dwelling containing five (5) or more dwelling units shall be adequately lighted at all times. Every public hall and stairway in structures devoted solely to dwelling occupancy and containing not more than four (4) dwelling units may be supplied with conveniently located light switches controlling an adequately lighted system, which may be turned on when needed instead of full-time lighting. Adequate lighting, for the purpose of this subsection, shall be not less than one footcandle, measured at any point on the floor of a hall or on a stairway.

(7) Every window or door used or intended to be used for ventilation which may provide an entry for mosquitoes, flies or other insects, and every opening to a basement or cellar which may provide entry for rodents, shall be supplied with screens of standard-size mesh, or such other devices as will effectively prevent their entrance. (Ord. #202-91, March 1991)

12-620. General requirements as to safe and sanitary maintenance of parts of dwellings and dwelling units. No person shall occupy, as owner or occupant, or let to another for occupancy, any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

(1) Every foundation wall, exterior wall and roof shall be substantially watertight, watertight and rodent proof. All exterior walls shall be maintained in such a condition as to be impervious to the adverse effects of weather by periodic application of paint of a similar protective coating and shall be kept in

a sound condition and good repair. All foundation walls, floors and roofs shall be maintained in a safe manner and shall be capable of supporting the loads which normal use may cause to be placed thereon.

(2) Every window, exterior door and basement hatchway shall be reasonably weathertight, and shall be kept in working condition and in good repair, and equipped with safe, functioning locking devices.

(3) Every inside and outside stair, every porch and every appurtenance thereto shall be constructed so as to meet the requirements of the Town of Dover building code, and shall be kept in sound condition and good repair, including all interior walls, ceilings, floors, windows and doors.

(4) Every plumbing fixture and water and waste pipe shall be installed in accordance with the requirements of the Town of Dover plumbing code, and shall be maintained in good sanitary working condition, free from defects, leaks and obstructions.

(5) Every water closet compartment floor surface and every kitchen and bathroom floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition, including cabinets, work surfaces, and other surfaces around sinks in kitchens and bathrooms.

(6) Every supplied facility, piece of equipment or utility which is required under this chapter shall be so constructed or installed that it will function safely and effectively, and shall be maintained in satisfactory working condition.

(7) No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this chapter to be removed from or shut off from or discontinued for any occupied dwelling let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the director.

(8) No person shall occupy as owner or occupant or let to another for occupancy any dwelling or dwelling unit, for the purposes of living therein, which has not been thoroughly cleaned and made sanitary and otherwise fit for human habitation.

(9) It shall be unlawful for the owner or occupant of a residential building, structure or property to utilize the premises of such residential property for the open storage of any abandoned motor vehicle, icebox, refrigerator, stove, glass, building material, building rubbish or similar items. It shall be the duty and responsibility of every such owner or occupant to keep the premises of such residential property clean and remove from the premises all such abandoned items, as listed above, including but not limited to weeds, dead trees, trash, garbage, etc., upon notice from the director. For the purposes of this subsection, an abandoned motor vehicle is defined as one that is in a state of disrepair and incapable of being moved under its own power.

(Ord. #202-91, March 1991)

12-621. Minimum space, use and location requirements. No person shall occupy, as owner or occupant, or let to another for occupancy, any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

(1) Every dwelling unit shall contain at least one hundred fifty (150) square feet of floor space for the first occupant thereof and at least one hundred (100) additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.

(2) In every dwelling unit and in every rooming unit, every room occupied for sleeping purposes by one occupant shall contain at least seventy (70) square feet of floor area, and every room occupied for sleeping purposes by more than one occupant shall contain at least fifty (50) square feet of floor area for each occupant twelve (12) years of age and over, and at least thirty-five (35) square feet of floor area for each occupant under twelve (12) years of age.

(3) No dwelling or dwelling unit occupied by more than one family shall have such room arrangements that access to a bathroom or water closet compartment, intended for use by more than one family, can be had only by going through the sleeping room of another family; nor shall room arrangements be such that access to a sleeping room occupied by one family can be had only by going through a sleeping room occupied by another family or through a bathroom or water closet compartment.

(4) At least one-half (1/2) of the floor area of every habitable room shall have a ceiling height of at least seven and one-half (7 1/2) feet. The floor area of that part of any room where the ceiling height is less than five (5) feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

(5) No cellar space shall be used as a habitable room or dwelling unit.

(6) No basement space shall be used as a habitable room or dwelling unit unless:

(a) The floor and walls are impervious to leakage or underground and surface runoff water and are insulated against dampness;

(b) The total window area in each room is equal to at least the minimum window area sizes required in subsection (1) of section 12-619.

(c) Such required minimum window area is located entirely above the grade of the ground adjoining such window area; and

(d) The total of openable window area in each room is equal to at least the minimum required under subsection (1) of section 12-619, except where there is supplied a mechanical device to provide adequate ventilation, in which case the mechanical device shall be of sufficient size to provide at least one complete change of the air in the room or dwelling unit each four (4) minutes or equal, at an air velocity not exceeding six hundred (600) feet per minute. (Ord. #202-91, March 1991)

12-622. Responsibilities of owners and occupants. (1) Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

(2) Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which he occupied and controls.

(3) Every occupant of a dwelling or dwelling unit shall dispose of all his rubbish in a clean and sanitary manner by placing it in the rubbish containers required by subsection (5) of section 12-618.

(4) Every occupant of a dwelling or dwelling unit shall dispose of his garbage and any other organic waste which might provide food for rodents, in a clean and sanitary manner, by placing it in the garbage disposal facilities or garbage storage containers required by subsection (6) of section 12-618.

(5) Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Wherever infestation exists in two (2) or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two (2) or more dwelling units, extermination thereof shall be the responsibility of the owner.

(6) Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof. (Ord. #202-91, March 1991)

12-623. Conflicts with other ordinances, etc. (1) In any case where a provision of this chapter is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or code of the Town of Dover, existing on March 11, 1985, or thereafter, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

(2) In any conflict with a provision of any other ordinance or code of the Town of Dover, existing on March 11, 1985, or thereafter, which establishes a lower standard for the promotion and protection of the health and safety of the people, the provision of this chapter shall be deemed to prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this chapter. (Ord. #202-91, March 1991)

12-624. Compliance with chapter; exceptions. No person shall operate a rooming house or occupy or let to another for occupancy any rooming unit in any rooming house, except in compliance with the provisions of every section of

this chapter, except the provisions of sections 12-618 and 12-622. (Ord. #202-91, March 1991)

12-625. Permits - required; application; issuance; term; contents; display; nontransferable. No person shall operate a rooming house unless he holds a valid rooming house permit issued by the director in the name of the operator and for the specific dwelling or dwelling unit. The operator shall apply to the director for such permit, which shall be issued by the director upon compliance by the operator with the applicable provisions of this chapter and of any rules and regulations adopted pursuant thereto. This permit shall be displayed in a conspicuous place within the rooming house at all times. No such permit shall be transferable. Every person holding such a permit shall give notice in writing to the director within twenty-four (24) hours after having sold, transferred, given away or otherwise disposed of ownership of, interest in or control of any rooming house. Every rooming house permit shall expire at the end of one year following its date of issuance, unless sooner suspended or revoked. (Ord. #202-91, March 1991)

12-626. Appeal from denial of permit. Any person whose application for a permit to operate a rooming house has been denied may request and shall be granted a hearing on the matter before the board of housing code appeals, under the procedure provided by sections 12-634 through 12-641. (Ord. #202-91, March 1991)

12-627. Suspension. Whenever upon inspection of any rooming house the director finds that conditions or practices exist which are in violation of any provision of this chapter or of any rule or regulation adopted pursuant hereto, the director shall give notice in writing to the operator of such rooming house that unless such conditions or practices are corrected within a reasonable period, to be determined by the director, the operator's rooming house permit will be suspended. At the end of such period, the director shall reinspect such rooming house, and if he finds that such conditions or practices have not been corrected, he shall give notice in writing to the operator that the latter's permit has been suspended. Upon receipt of such notice of suspension, such operator shall immediately cease operation of such rooming house, and no person shall occupy for sleeping or living purposes any rooming unit therein. (Ord. #202-91, March 1991)

12-628. Hearing on suspension; revocation. Any person whose permit to operate a rooming house has been suspended or who has received notice from the director that his permit is to be suspended unless existing conditions or practices at his rooming house are corrected may request and shall be granted a hearing on the matter before the board of housing code appeals under the procedure provided by sections 12-634 through 12-641 provided, that if no

petition for such hearing is filed within ten days following the day on which such permit was suspended, such permit shall be deemed to have been automatically revoked. (Ord. #202-91, March 1991)

12-629. Toilet, lavatory and bathing facilities. At least one flush water closet, lavatory basin and bathtub or shower, connected to a water and sewer system in accordance with the requirements of the Town of Dover plumbing code, and in good working condition, shall be supplied for each eight persons or fraction thereof residing within a rooming house, including members of the operator's family wherever they share the use of such facilities; provided, that in a rooming house where rooms are let only to males, flush urinals may be substituted for not more than one-half of the required number of water closets. All such facilities shall be so located within the dwelling as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times. No such facilities shall be located in a basement, except by written approval of the director. (Ord. #202-91, March 1991)

12-630. Minimum space requirements. Every room occupied for sleeping purposes by one person shall contain at least seventy square feet of floor space, and every room occupied for sleeping purposes by more than one person shall contain at least fifty square feet of floor space for each occupant thereof. (Ord. #202-91, March 1991)

12-631. Means of egress. Every rooming unit shall have safe, unobstructed means of egress leading to safe and open space at ground level, in accordance with the requirements of the Town of Dover. (Ord. #202-91, March 1991)

12-632. Responsibility of operator for sanitary maintenance. The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors and ceilings and for maintenance of a sanitary condition in every other part of the rooming house. He shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the operator. (Ord. #202-91, March 1991)

12-633. Applicability of provisions to hotels. Every provision of this chapter which applies to rooming houses shall also apply to hotels, except to the extent that any such provision may be found in conflict with the laws of this state or with the lawful regulations of any state board or agency. (Ord. #202-91, March 1991)

12-634. Board of housing code appeals. (1) There is hereby created a Town of Dover Board of Housing Code appeals.

(2) The board of housing code appeals shall consist of five members, who shall have been residents of the area of the Town of Dover area for not less than one year and who shall continue to be eligible so long as they shall serve, to be appointed by the Mayor and confirmed by a majority vote of the whole membership of the board of mayor and alderman.

(a) The members of the board shall serve without compensation and may be removed from membership on the board by the mayor for continued absence from meetings of the board, physical disability or other just causes.

(b) Replacements for any members resigning or dismissed from the board shall be appointed by the Mayor and confirmed by the board of mayor and alderman in the same manner as prescribed for regular appointees. Any member appointed as a replacement shall serve only for the remainder of the terms of the member replaced, unless subsequently reappointed for an additional term according to the procedures set forth above.

(c) Of the five members first appointed, one shall be appointed for a term of one year, one shall be appointed for a term of two years, two shall be appointed for a term of three years and one shall be appointed for a term of four years. Thereafter, each member shall be appointed for terms of four years and shall serve until his successor is appointed; except, that no member shall serve for more than two consecutive terms. (Ord. #202-91, March 1991)

12-635. Organization; officers. Within ten days after its appointment, the board of housing code appeals shall organize itself by election of one of its number as chairman and another as vice-chairman. The director or his duly authorized representative shall serve as secretary to the board and shall be custodian of the minutes and records of the proceedings of the board. (Ord. #202-91, March 1991)

12-636. Quorum; majority vote of members present required for action. The presence of three members of the board of housing code appeals shall constitute a quorum, and the concurring vote of a majority of those members present shall be necessary to approve or modify any order, requirement or decision of the director or to decide in favor of either the director or the appellant on any matter upon which the board is required to pass or effect any modification. (Ord. #202-91, March 1991)

12-637. Adoption of rules and regulations; appeals to be heard in open meetings. The board of housing code appeals shall adopt such rules and regulations as it may deem necessary to conduct its business. The board, in

open meeting, shall hear all appeals from decisions or rulings made by the director. (Ord. #202-91, March 1991)

12-638. Petition for hearing; when hearing to be held; notice to councilman. When it is claimed that the provisions of this chapter do apply or when it is claimed that the true intent and meaning of this chapter or any of the regulations hereunder have been misconstrued or wrongly interpreted or when the owner of any building or structure affected by an order which has been issued in connection with the enforcement of this chapter feels that he has just cause for an appeal, the owner of such building or structure or his duly authorized agent, may request and shall be granted a hearing before the board of housing code appeals; provided, that such person shall file in the office of the director a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten (10) days after the date the order was served.

Upon receipt of such petition, the director shall set a time and place for a hearing before the board in accordance with its rules and regulations and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such order should be modified. The hearing shall be commenced within a reasonable period after such notification and in no event less than ten (10) days nor more than thirty (30) days after the petition was filed. When any person affected by an order of the director makes an appeal to the board, the councilman of that person's district shall be notified of the appeal and the time and place of such hearing. (Ord. #202-91, March 1991)

12-639. Action by board; appeal to board stays imposition of penalty. The board of housing code appeals, after hearing the evidence presented, may sustain or modify the provisions of the order, depending upon its findings, so as to secure the intent and purpose of this chapter. Whenever such findings are made that strict compliance with this chapter or any order issued hereunder would impose undue or unreasonable hardship upon the owner or occupants of property affected, the board may modify the order and extend the time limit given in the order for compliance, and may further stipulate special conditions to be met by the owner as a prerequisite to such extension of time or modification of the order. If the board sustains or modifies such order it shall be deemed a final order unless appealed therefrom. No person or party in interest who has appealed the order of the director to the board in accordance to the provisions for appeal hereinabove set forth, shall be subject to any penalty for the violation of this chapter until the board has issued a final order sustaining or modifying the order of the director, with which final order the appellant refuses or fails to comply, and any appeal thereon is finally disposed of by a court of competent jurisdiction. (Ord. #202-91, March 1991)

12-640. Decisions to board to be recorded; same constitute public record. The findings and decisions of the board of housing code appeals shall be summarized, reduced to writing, and entered as a matter of public record in the office of the director. (Ord. #202-91, March 1991)

12-641. Appeals to courts. Any person aggrieved by the decision of the board of housing code appeals or by an order of the director may seek relief therefrom in any court of competent jurisdiction, as provided by laws of the state. (Ord. #202-91, March 1991)

12-642. Fees for special services. (1) Special inspection fees. Whenever a request is made by any person for an inspection of property to determine whether it complies with the local Town of Dover Housing Code for any Federal Housing Administration or Veterans' Administration Loan Commitment, or any other request of a similar nature, involving preparation of a special report, an initial filing fee in the amount of fifty dollars (\$50.00) shall be paid to the Department of Codes Administration of the Town of Dover, which shall be paid at the time the request is made. If the structure fails to pass after the first inspection, an additional fee of twenty-five dollars (\$25.00) will be required for each succeeding inspection until such time as the structure has passed inspection. The above fee applies to residential buildings containing one (1) or two (2) dwelling units only. An additional fee of ten dollars (\$10.00) per unit shall be made for such structures exceeding two (2) units.

(2) Fees payable in advance and nonrefundable. All fees must be paid prior to any physical inspection of properties. Once any fee has been paid, it shall not be refundable for any reason whatsoever. This fee shall be for the purpose of defraying the costs of making an inspection, preparing a report, and to cover any related administrative costs involved. (Ord. # 202-91, March 1991)

## CHAPTER 7

AMUSEMENT DEVICE CODE

## SECTION

12-701. Amusement device code adopted.

12-702. Modifications.

12-701. Amusement device code adopted. The Standard Amusement Device Code, 1985 edition, is hereby adopted by reference as though it was copied herein fully. Any matters in the amusement device code which are contrary to existing ordinances of the Town of Dover shall prevail and, to that extent any existing ordinances to the contrary are hereby repealed in that respect only. (as added by Ord. #260-98, Dec. 1998)

12-702. Modifications. Within the amusement device code, when reference is made to the duties of a certain official named therein, that designated official of the Town of Dover who has the duties corresponding to those of the named official in the amusement device code shall be deemed to be the responsible official insofar as enforcing the provisions of the amusement device code are concerned. (as added by Ord. #260-98, Dec. 1998)

CHAPTER 8

EXISTING BUILDINGS CODE

SECTION

12-801. International existing buildings code adopted.

12-802. Modifications.

12-801. International existing buildings code adopted. The International Existing Buildings Code,<sup>1</sup> 2003 edition, is hereby adopted by reference as though it was copied herein fully. Any matters in the existing buildings code which are contrary to existing ordinances of the Town of Dover shall prevail and, to that extent any existing ordinances to the contrary are hereby repealed in that respect only. (as added by Ord. #260-98, Dec. 1998, and amended by Ord. #312-05, Oct. 2005)

12-802. Modifications. Within the existing buildings code, when reference is made to the duties of a certain official named therein, that designated official of the Town of Dover who has the duties corresponding to those of the named official in the existing buildings code shall be deemed to be the responsible official insofar as enforcing the provisions of the existing buildings code are concerned. (as added by Ord. #260-98, Dec. 1998)

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

CHAPTER 9

MECHANICAL CODE

SECTION

12-901. Mechanical code adopted.

12-902. Modifications.

12-901. Mechanical code adopted. The International Mechanical Code,<sup>1</sup> 2003 edition, is hereby adopted by reference as though it was copied herein fully. Any matters in the mechanical code which are contrary to existing ordinances of the Town of Dover shall prevail and, to that extent any existing ordinances to the contrary are hereby repealed in that respect only. (as added by Ord. #260-98, Dec. 1998, amended by Ord. #272-01, Feb. 2001, and Ord. #312-05, Oct. 2005)

12-902. Modifications. Within the mechanical code, when reference is made to the duties of a certain official named therein, that designated official of the Town of Dover who has the duties corresponding to those of the named official in the mechanical code shall be deemed to be the responsible official insofar as enforcing the provisions of the mechanical code are concerned. (as added by Ord. #260-98, Dec. 1998)

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

## CHAPTER 10

SWIMMING POOL CODE

## SECTION

12-1001. Swimming pool code adopted.

12-1002. Modifications.

12-1001. Swimming pool code adopted. The Standard Swimming Pool Code, 1994 edition, is hereby adopted by reference as though it was copied herein fully. Any matters in the swimming pool code which are contrary to existing ordinances of the Town of Dover shall prevail and, to that extent any existing ordinances to the contrary are hereby repealed in that respect only. (as added by Ord. #260-98, Dec. 1998)

12-1002. Modifications. Within the swimming pool code, when reference is made to the duties of a certain official named therein, that designated official of the Town of Dover who has the duties corresponding to those of the named official in the swimming pool code shall be deemed to be the responsible official insofar as enforcing the provisions of the swimming pool code are concerned. (as added by Ord. #260-98, Dec. 1998)

## CHAPTER 11

UNSAFE BUILDING ABATEMENT CODE

## SECTION

12-1101. Unsafe building abatement code adopted.

12-1102. Modifications.

12-1101. Unsafe building abatement code adopted. The Standard Unsafe Building Code, 1985 edition, is hereby adopted by reference as though it was copied herein fully. Any matters in the unsafe building abatement code which are contrary to existing ordinances of the Town of Dover shall prevail and, to that extent any existing ordinances to the contrary are hereby repealed in that respect only. (as added by Ord. #260-98, Dec. 1998)

12-1102. Modifications. Within the unsafe building abatement code, when reference is made to the duties of a certain official named therein, that designated official of the Town of Dover who has the duties corresponding to those of the named official in the unsafe building abatement code shall be deemed to be the responsible official insofar as enforcing the provisions of the unsafe building abatement code are concerned. (as added by Ord. #260-98, Dec. 1998)