TITLE 12

BUILDING, UTILITY, ETC. CODES

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CHAPTER 1

IN GENERAL

SECTION
12-102. Building and housing codes department established; general powers and duties.
12-104. Appeals.
12-105. Posting of address by permit holders required.
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12-101. Copies of codes adopted by reference. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-501 one (1) copy of each code adopted herein by reference is on file with the building and housing code

1Municipal code references

Comprehensive sign regulations: title 14.
Fire protection, fireworks, and explosives: title 7.
Mobile home and mobile home parks: title 14.
Planning and zoning: title 14.
Streets and other public ways and places: title 16.
Utilities and services: titles 18 and 19.
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department and is available for public use and inspection during business hours. (1995 Code, § 12-101)

12-102. Building and housing codes department established; general powers and duties. There is hereby created and established the building and housing codes department. The person in charge of the department shall be known as the director. The director of the building and housing codes department shall designate qualified personnel to assume the powers and duties of the "official" and/or the inspector(s) as defined in the model codes adopted herein. (1995 Code, § 12-102)

12-103. Code advisory/appeals board. (1) Board established. There is hereby established a board to be called the code advisory/appeals board, which shall consist of thirteen (13) voting members and two (2) nonvoting members. The code advisory/appeals board shall have all powers and duties as prescribed in the codes adopted in this chapter and for the "board of adjustments and appeals" and as otherwise described.

(2) Qualification of members. The code advisory/appeals board shall be appointed by the mayor and shall be composed of individuals with the following qualifications:

One (1) state licensed general contractor
One (1) master plumbing contractor
One (1) gas contractor (pipe fitter)
One (1) state licensed general contractor: rehabilitation, remodeling specialist
One (1) civil structural engineer
One (1) mechanical contractor
One (1) mechanical engineer
One (1) master electrical contractor
One (1) electrical engineer
One (1) architect
One (1) attorney
One (1) city fire department representative
One (1) lay person
Fire chief (non-voting)
Director of building and housing codes department (non-voting)

(3) Terms of office. Of voting members first appointed, four (4) shall be appointed for a term of one (1) year, three (3) for a term of two (2) years, three (3) for a term of two (2) years, three (3) for a term of four (4) years and hereafter they shall be appointed for terms of four (4) years. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Continued absence of any member from regular meetings of the board shall, at the discretion of the mayor, render any such member liable to immediate removal from office.
Quorum. Seven (7) voting members of the board shall constitute a quorum. In varying the application of any provisions of any adopted code or in modifying an order of any official, affirmative votes of the majority present, shall be required. A board member shall not act in a case in which he has a personal interest.

Secretary of board. The director of the building and housing codes department, or his designated representative, shall serve as secretary to the board. The secretary shall make a detailed record of all its proceedings, which shall set forth the reasons for its decisions, the vote of each member, the absence of a member, and any failure of a member to vote.

Procedure. The board shall adopt by-laws necessary to the conduct of its affairs not inconsistent with the provisions of this code. Every decision of the board shall be promptly filed in the office of the codes department and shall be open to inspection. All decisions of the board are final, subject, however, to such remedy as any aggrieved party might have at law or in equity.

Powers. The advisory/appeals board shall have the responsibility to review and recommend construction related codes for presentation to the city council for adoption. (1995 Code, § 12-103)

12-104. Appeals. (1) General. Whenever the building and/or fire official shall reject or refuse to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building or structure, or when it is claimed that the provisions of codes adopted in this title do not apply, or that any equally good or more desirable form of installation can be employed in any specific case, or when it is claimed that the true intent and meaning of codes adopted in this title or any regulations thereunder have been misconstrued or incorrectly interpreted, the owner of such building or structure, or his duly authorized agent, may appeal from the decision of the building official and/or the fire official to the code advisory/appeals board. Notice of the appeal shall be filed in writing on forms supplied by the building/fire official and filed within ninety (90) days after the decision is rendered by the building and/or fire official.

Upon receipt of the notice of appeal and the appeal fee (fee determined from time to time by resolution) by the department of building and housing codes, a hearing shall be held at the next meeting of the codes advisory/appeals board. All appeals for a given meeting must be received ten (10) working days prior to the meeting. A public notice of each meeting shall be made a minimum of seven (7) days prior to the board meeting.

(2) Unsafe or dangerous buildings. In case of a building or structure which, in the opinion of the building official, is unsafe or dangerous, the building official may, in his order, limit the time for such appeal to a shorter period.

(3) Variance. The code advisory/appeals board, when so appealed to and after a hearing may vary the application of any provision of codes adopted in this title to any particular case when in its opinion, the enforcement thereof
would do manifest injustice and would be contrary to the spirit and purpose of
codes adopted in this title or public interest, or when, in its opinion the
interpretation of the building and/or fire official should be modified or reversed.

(4) **Action.** The code advisory/appeals board shall in every case, reach
a decision without unreasonable or unnecessary delay. Each decision of the code
advisory/appeals board shall also include the reasons for the decision. If a
decision of the code advisory/appeals board reverses or modifies a refusal order,
or disallowance of the building official and/or fire official or varies the
application of any provision of codes adopted in this title, the building official
and/or when appropriate the fire official shall immediately take action in
accordance with such decision. (1995 Code, § 12-104)

12-105. **Posting of address by permit holders required.** Work
requiring a permit by this title shall not commence until the permit holder or his
agent posts the official street address in a conspicuous place on the front of the
premises. The address shall be protected from the weather and located in such
a position as to be legible from the street accessing the work being done. The
address shall be maintained until such time as a permanent means of address
identification has been provided on the premises. (1995 Code, § 12-105)

12-106. **Misdemeanor to violate codes.** Any person, who shall violate
any provision of the codes adopted in this chapter, or fail to comply therewith,
or with any of the requirements thereof, or who shall erect, construct, alter,
demolish or move any structure, or who has erected, constructed, altered,
repaired, moved or demolished a building or structure in violation of a detailed
statement or drawing submitted and approved thereunder, shall be guilty of a
misdemeanor and shall be punished in accordance with the general penalty
provision of this municipal code of ordinances. (1995 Code, § 12-106)
CHAPTER 2

BUILDING CODE

SECTION
12-201. Adopted.
12-203. Deleted.

12-201. **Adopted.** Pursuant to authority granted by Tennessee Code Annotated, § 6-54-502, et seq., and for the purpose of regulating the construction, alteration, repair, and demolition of every building or structure, or any appurtenance connected or attached to any building or structure, the 2012 edition of the International Building Code (First Printing),¹ as prepared and adopted by the International Code Council, excluding all appendices thereto, and containing certain modifications, is hereby adopted and incorporated by reference as a part of this code of ordinances. (Ord. #2008-33, Dec. 2008, as replaced by Ord. #2015-004, April 2015)

12-202. **Fees.** All fees shall be set forth in a schedule of fees as authorized and approved from time to time by resolution of the city council. (Ord. #2008-33, Dec. 2008, as replaced by Ord. #2015-004, April 2015)

12-203. [**Deleted.**] (1995 Code, § 12-203, as deleted by Ord. #2015-004, April 2015)

¹Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.
CHAPTER 3

ELECTRICAL CODE

SECTION
12-301. Adopted.
12-302. Low voltage permit required.
12-303. Deleted.

12-301. Adopted. Pursuant to authority granted by Tennessee Code Annotated, § 6-54-502, et seq., and for the purpose of regulating the construction, alteration, repair, and demolition of every building or structure, or any appurtenance connected or attached to any building or structure, the 2011 edition of the National Electrical Code (First Printing), of the National Fire Protection Association, excluding all appendices thereto, and containing certain modifications, is hereby adopted and incorporated by reference as a part of this code of ordinances. (Ord. #2008-033, Dec. 2008, as replaced by Ord. #2015-004, April 2015)

12-302. Low voltage permit required. A low voltage permit, which shall include phone, cable, data, with the exception of alarm wiring, shall be henceforth required for any new residential and/or commercial construction.

   All such permits shall be issued at the cost of twenty-five dollars ($25.00) when the project is less than twenty-five thousand dollars ($25,000.00). (Ord. #2008-033, Dec. 2008, modified, as replaced by Ord. #2015-004, April 2015)

CHAPTER 4

GAS CODE

SECTION
12-401. Adopted.


¹Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.
CHAPTER 5

PLUMBING CODE¹

SECTION


¹Municipal code reference
City water and wastewater system administration: title 18.

²Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.
CHAPTER 6

MECHANICAL CODE

SECTION
12-601. Adopted.


\(^1\)Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.
CHAPTER 7

SWIMMING POOL CODE

SECTION
12-701. Adopted.
12-702. Deleted.

12-701. Adopted. Pursuant to the authority granted by Tennessee Code Annotated, § 6-54-502, et seq., and for the purpose of regulating the construction, alteration, repair, use and occupancy, location, maintenance, removal and demolition of every swimming pool or any appurtenance connected or attached to any swimming pool, the 2012 edition of the International Residential Code (First Printing)\(^1\) Appendix (G), as prepared and adopted by the International Code Council, and containing certain modifications, is hereby adopted and incorporated by reference in this code of ordinances. (Ord. #2008-033, Dec. 2008, as replaced by Ord. #2015-004, April 2015)


\(^1\)Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.
CHAPTER 8

PROPERTY MAINTENANCE CODE

SECTION
12-801. Adopted.


1Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.
CHAPTER 9

UNSAFE BUILDING ABATEMENT CODE

SECTION
12-901. Adopted.
12-902. Definitions.
12-903. Enforcement.
12-904. Powers given the director.
12-905. Conditions rendering a building unsafe.
12-906. Inspection; owner notification.
12-907. Hearing.
12-908. Condemnation.
12-909. Condemnation appeal.
12-910. Repair, improvement or demolition by city.
12-912. Immediate dangers to public.

12-901. Adopted. Pursuant to the authority granted by Tennessee Code Annotated, § 13-21-101, et seq., this chapter, to known as the Unsafe Building Abatement Code, for the purpose of insuring the safety of the citizens of Jackson from the structures which are unfit for human occupation or use, is hereby adopted. (1995 Code, § 12-801)

12-902. Definitions. The following terms whenever used or referred to in this chapter shall have the following respective meanings for the purposes of this chapter unless a different meaning clearly appears from the context:

(1) "Building" means any building, dwelling, or structure, or part thereof, used or intended to be used for human occupancy, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith;

(2) "City" means the City of Jackson, Tennessee;

(3) "Director" means the director of the department of building and housing codes of the city, or his authorized agent.

(4) "Owner" means the holder(s) of the legal title in fee simple and every mortgagee of record;

(5) "Party in interest" means any individual, association, corporation or others who have interest of record in a building and who are in possession thereof;

(6) "Public authority" means any officer who is in charge of any department of the city or the State of Tennessee relating to health, fire, building regulations, public safety, or other activities concerning the structures in the city and the public safety.
The use of the singular number in this chapter shall be deemed to include the plural and the plural the singular. The use of either gender shall apply to both genders. (1995 Code, § 12-802)

12-903. **Enforcement.** The person responsible for enforcement of this chapter shall be the director. (1995 Code, § 12-803)

12-904. **Powers given the director.** The director is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter including the following powers in addition to others herein granted:

1. To investigate the conditions of buildings in the city in order to determine which are unsafe.
2. To administer oaths, affirmations, examine witnesses and receive evidence.
3. To enter upon premises for the purposes of making inspections provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession.
4. To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this chapter.
5. To delegate any of his functions and powers under this chapter to such officers and agents as he may designate. (1995 Code, § 12-804)

12-905. **Conditions rendering a building unsafe.** An unsafe building shall include any building that has any of the following conditions, such that the life, health, property or safety of its occupants or the general public are endangered:

1. Any means of egress or portion thereof is not of adequate size or is not arranged to provide a safe path of travel in case of fire or panic.
2. Any means of egress or portion thereof, such as but not limited to fire doors, closing devices and fire resistive ratings, is in disrepair or in a dilapidated or nonworking condition such that the means of egress could be rendered unsafe in case of fire or panic.
3. The stress in any material, member or portion thereof due to all imposed loads including dead load exceeds the stresses allowed in the International Building Code for new buildings.
4. The building has been damaged by fire, flood, earthquake, wind or other cause, to the extent that the structural integrity of the building is less than it was prior to the damage and is less than the minimum requirement established by the International Building Code for new buildings.
5. The building has an exterior appendage or portion thereof not securely fastened, attached or anchored such that it is capable of resisting wind, seismic or similar loads as required by the International Building Code for new buildings.
The building is manifestly unsafe or unsanitary for the purpose for
which it is being used.

The building as a result of decay, deterioration or dilapidation is
likely to fully or partially collapse.

The building has been constructed or maintained in violation of a
specific requirement of the standard codes of the city or state or federal law.

The building is in such a condition as to constitute a public
nuisance.

The building is unsafe, unsanitary or not provided with adequate
egress, or constitutes a fire hazard, or is otherwise dangerous to human life, or
in relation to existing use, constitutes a hazard to safety or health by reason of
inadequate maintenance, dilapidation, obsolescence or abandonment.

The building is 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 building unsafe or unsanitary or dangerous or detrimental to the
health, safety or morals or otherwise inimical to the, welfare of, the residents of
the City of Jackson. (1995 Code, § 12-805, modified)

12-906. Inspection; owner notification. (1) Inspection. The director
shall inspect or cause to be inspected any building under the following
circumstances:
(a) A public authority requests an inspection;
(b) A petition requesting an inspection if filed with the director
signed by a minimum of five (5) residents of the City of Jackson;
(c) An inspection may be made by the director when he has
reason to believe the structure is unfit or unsafe.

(2) Notification. If the director inspects a building and determines it
to be unsafe as defined in this chapter, the director shall:
(a) Serve a certified letter of complaint on the owner and any
party in interest stating the basis upon which the building has been
determined unsafe. The letter of complaint shall contain notice of a time
and date for a hearing before the director (or his designated agent), said
date being not more than thirty (30) days, nor less than ten (10) days
from the date the letter of complaint is served. Service shall be complete
upon mailing.

(b) If the whereabouts of the owner is unknown and the same
cannot be ascertained by the director in the exercise of reasonable
diligence, the director shall make affidavit to that effect, and publish a
notice of the complaint and hearing once each week for two (2)
consecutive weeks in a newspaper printed and published in the city. A
notice shall also be posted in a conspicuous place on the premises affected
by the letter of complaint. (1995 Code, § 12-806)
12-907. **Hearing.** The hearing before the director shall give the owner and a party in interest the opportunity to respond to the letter of complaint as follows:

(1) The owner and a party 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 letter of complaint.

(2) The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the director. (1995 Code, § 12-807)

12-908. **Condemnation.** If after such notice and hearing, the director determines that the building is unsafe, he shall state in writing his findings of fact in support of such determination and shall serve a certified letter of condemnation to the owner, which shall contain an order to:

(1) Vacate and close and/or repair, alter or improve the building or structure in such a manner as to make it safe and fit for human occupation or demolish the structure.

(2) If the repair, alteration or improvement cost exceeds seventy-five percent (75%) of the taxable value of the property, the director may order the structure to be removed or demolished.

(3) The letter of condemnation shall contain a time limitation of not less than sixty (60) days to be determined by the director based on the condition of the building and the potential for rehabilitation.

(4) If the director finds a building to be unsafe and if after the director has ordered the building repaired, improved, demolished, vacated or closed and if the owner does not take such action, the director may post signs stating that "THIS BUILDING IS UNSAFE AND UNFIT FOR HUMAN USE. THE USE OR OCCUPATION OF THIS BUILDING FOR HUMAN OCCUPATION OR USE IS PROHIBITED AND UNLAWFUL." The director may take such action as he deems necessary to protect the public from the structural failure of any building or structure, including but not limited to, closing streets, walks, erecting barricades, etc.

(5) At any time after the initial inspection the director may cause the utilities (gas, water and electricity) to be disconnected, should they in his opinion pose a threat to the public safety. (1995 Code, § 12-808)

12-909. **Condemnation appeal.** The owner or any party in interest may appeal the decision of the director in accordance with the following:

(1) The decision of the director may be appealed to the City of Jackson code advisory/appeals board or its successor. The appeal shall be made within ten (10) days of the letter of condemnation and shall be made following the procedures in title 12, chapter 1 of this municipal code.

(2) If the board agrees with the director's finding, the building shall be repaired, altered, improved or demolished as provided in the letter of condemnation within not less than sixty (60) days after the board makes its
written findings, a copy of, which shall be served on the owner or party in interest. (1995 Code, § 12-809)

12-910. Repair, improvement or demolition by city. (1) If the owner fails to comply with the letter of condemnation, and after the time allowed for appeal expires, or if the board agrees with the director, the director may cause the building or structure to be repaired, altered, removed or demolished.

(2) The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition shall be determined by the director and shall be a lien against the real property in respect of which such cost was incurred. These costs shall be placed upon the tax rolls of the City of Jackson 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. Notice of such lien shall be filed in the Office of the Register of Madison County. If the building is removed or demolished by the director, he shall sell the materials of such structure and shall credit the proceeds of such sale against the costs of the removal of demolition and any balance remaining shall be deposited in the chancery court. (1995 Code, § 12-810)


12-912. Immediate dangers to public. No provision of this chapter shall limit the director in taking any action authorized in other sections of this chapter to protect the public from immediate hazards or dangers posed by any building. (1995 Code, § 12-812)
CHAPTER 10

ENERGY CONSERVATION CODE\(^1\)

SECTION

12-1001. Adopted.


\(^{1}\)Municipal code references

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

\(^{2}\)Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.
CHAPTER 11

ONE AND TWO FAMILY DWELLING CODE

SECTION
12-1101. Adopted.


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CHAPTER 12

ACCESSIBILITY CODE

SECTION

12-1201. Adopted.