

TITLE 12

BUILDING, UTILITY, ETC. CODES¹

CHAPTER

1. BUILDING CODE.
2. PLUMBING CODE.
3. ELECTRICAL CODE.
4. GAS CODE.
5. PROPERTY MAINTENANCE CODE.
6. ENERGY CODE.
7. PROPERTY MAINTENANCE CODE.
8. BOARDS OF ADJUSTMENTS AND APPEALS.

CHAPTER 1

BUILDING CODE²

SECTION

- 12-101. Building code adopted.
 12-102. Modifications.

12-101. Building code adopted. That a certain document, one (1) copy of which is on file in the office of the City Clerk of Monterey, being marked and designated as the International Building Code, 2006 edition, including Appendix Chapters A-J as published by the International Code Council, be and is hereby adopted as the building code of the Town of Monterey, in the State of Tennessee for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said building code on

¹Municipal code reference:

Light, ventilation, space and plumbing facilities ordinance: title 13, ch. 5.

²Municipal code reference:

Building permit required: § 14-903.

Chart of building valuations and fees: § 14-902(3).

file in the office of the Town of Monterey are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in § 12-102 of this chapter. (Deleted by Ord. #339, Feb. 1995; added by Ord. #405, Nov. 2002, replaced by Ord. #429, Sept. 2005, and amended by Ord. #10-486, Jan. 2011)

12-102. Modifications. The following sections are hereby revised:

Section 101.1. Insert: Town of Monterey.

Section 1612.3. Insert: Town of Monterey.

Section 1612.3. Insert: Date of Issuance _____.

Section 3410.2. Insert: Date in one Location _____.

(as added by Ord. #429, Sept. 2005)

CHAPTER 2

PLUMBING CODE¹

SECTION

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

12-201. Plumbing code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506 and for the purpose of regulating plumbing installations, including alterations, repairs, equipment, appliances, fixtures, fittings, and the appurtenances thereto, within or without the town, when such plumbing is or is to be connected with the municipal water or sewerage system, the International Plumbing Code,² 2006 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. (1980 Code, § 4-201, modified, as amended by Ord. #10-484, Jan. 2011)

12-202. Modifications. Wherever the plumbing code refers to the "Chief Appointing Authority," the "Administrative Authority," or the "Governing Authority," it shall be deemed to be a reference to the board of mayor and aldermen.

Wherever "City Engineer," "Engineering Department," "plumbing Official," or "Inspector" is named or referred to, it shall mean the person appointed or designated by the board to administer and enforce the provisions of the plumbing code. Section 107 of the plumbing code is hereby deleted.

¹Municipal code references

Cross connections: title 18.

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

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

The schedule of recommended permit fees as set forth in "Appendix H" is amended so the fees to be charged shall be exactly half those recommended.¹ (1980 Code, § 4-202)

12-203. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the plumbing code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1980 Code, § 4-203, modified)

12-204. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the plumbing code as herein adopted by reference and modified. (1980 Code, § 4-204)

¹The language contained in this section refers to the Standard Plumbing Code, 1994 edition, which was replaced by Ord. #10-484, Jan. 2011)

CHAPTER 3

ELECTRICAL CODE¹

SECTION

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

12-301. Electrical code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506 and for the purpose of providing practical minimum standards for the safeguarding of persons and of buildings and their contents from hazards arising from the use of electricity for light, heat, power, radio, signaling, or for other purposes, the National Electrical Code,² 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. (1980 Code, § 4-301, modified)

12-302. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the electrical code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1980 Code, § 4-302, modified)

12-303. Permit required for doing electrical work. No electrical work shall be done within the Town of Monterey until a permit therefor has been issued by the electrical inspector. 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. (1980 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

¹Municipal code references

Fire protection, fireworks and explosives: title 7.

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

such circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the electrical code. (1980 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. (1980 Code, § 4-305)

12-306. Fees. The electrical inspector shall collect the same fees as are authorized in Tennessee Code Annotated, § 68-102-143 for electrical inspections by deputy inspectors of the state fire marshal. (1980 Code, § 4-306)

CHAPTER 4

GAS CODE¹

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. Nonliability.

12-401. Title and definitions. This chapter and the code herein adopted by reference shall be known as the gas code of the Town of Monterey and may be cited as such.

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. (1980 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

¹Municipal 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 Standard Gas Code,¹ 1994 edition, which is hereby incorporated by reference and made a part of this chapter as if fully set forth herein. One (1) copy of the gas code shall be kept on file in the office of the city recorder for the use and inspection of the public. (1980 Code, § 4-402, modified)

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. (1980 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 city recorder a good and sufficient bond in the penal sum of one thousand dollars (\$1,000.00) 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 city 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 city 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 an annual license fee of twelve dollars and fifty cents (\$12.50) to the recorder; provided, however, any license obtained after the 1st day of July of any year shall be computed at the rate of one-half (1/2) of the annual fee.

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

¹Copies of this code (and any amendments) may be purchased from the Southern Building Code Congress International, Inc., 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. (1980 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. (1980 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. (1980 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 city 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 inspector 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. 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. (1980 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 twelve (12) 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. (1980 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. (1980 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 inspections) shall be \$1.50 for one to four outlets, inclusive, and \$0.50 for each outlet above four.

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 recessed heaters 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 such return inspection.

5. Any and all fees shall be paid by the person to whom the permit is issued. (1980 Code, § 4-410)

12-411. Violations and penalties. Section 107 of the gas code is hereby deleted. 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. (1980 Code, § 4-411)

12-412. Nonliability. This chapter shall not be construed as imposing upon the Town of Monterey 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. (1980 Code, § 4-412)

CHAPTER 5

PROPERTY MAINTENANCE CODE

SECTION

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

12-501. Property maintenance code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of securing the public safety, health, and general welfare through structural strength, stability, sanitation, adequate light, and ventilation in dwellings, apartment houses, rooming houses, and buildings, structures, or premises used as such, the International Property Maintenance Code,¹ 2006 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 property maintenance code. (1980 Code, § 4-501, modified, as amended by Ord. #10-484, Jan. 2011)

12-502. Modifications. Wherever the property maintenance code refers to the "Building Official" it shall mean the person appointed or designated by the governing body to administer and enforce the provisions of the property maintenance code. Wherever the "Department of Law" is referred to it shall mean the city attorney. Wherever the "Chief Appointing Authority" is referred to it shall mean the board of mayor and aldermen. Section 108 of the housing code is deleted.² (1980 Code, § 4-502)

12-503. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the property maintenance code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1980 Code, § 4-503, modified)

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

²The language contained in this sentence refers to the Standard Housing Code, which was replaced by Ord. #10-484, Jan. 2011.

12-504. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the property maintenance code as herein adopted by reference and modified. (1980 Code, § 4-504, modified)

CHAPTER 6

ENERGY CONSERVATION CODE¹

SECTION

- 12-601. Energy conservation code adopted.
- 12-602. Modifications.
- 12-603. Available in recorder's office.
- 12-604. Violations and penalty.

12-601. Energy conservation code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the design of buildings for adequate thermal resistance and low air leakage and the design and selection of mechanical, electrical, water-heating and illumination systems and equipment which will enable the effective use of energy in new building construction, the International Energy Conservation Code,² 2006 edition, as prepared and maintained by International Code Council, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the energy conservation code. (as amended by Ord. # 10-484, Jan. 2011)

12-602. Modifications. Whenever the energy conservation code refers to the "responsible government agency," it shall be deemed to be a reference to the Town of Monterey. When the "building official" is named it shall, for the purposes of the energy conservation code, mean such person as the board of mayor and aldermen shall have appointed or designated to administer and enforce the provisions of the energy conservation code.

12-603. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the energy

¹State law reference

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

Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

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

conservation code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

12-604. Violations and penalty. It shall be a civil offense for any person to violate or fail to comply with any provision of the energy conservation code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to five hundred dollars (\$500) for each offense. Each day a violation is allowed to continue shall constitute a separate offense.

CHAPTER 7

PROPERTY MAINTENANCE CODE

SECTION

- 12-701. Adoption of property maintenance code.
- 12-702. Modifications.
- 12-703. Penalty clause.

12-701. Adoption of property maintenance code. That a certain document, one copy of which is on file in the office of the city recorder of the Town of Monterey, being marked and designated as the International Property Maintenance Code, 2006 edition, as published by the International Code Council, be and is hereby adopted as the property maintenance code of the Town of Monterey, in the State of Tennessee; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said property maintenance code are hereby referred to, adopted, and made a part thereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in § 12-702 of this chapter. (as added by Ord. #428, Sept. 2005, and amended by Ord. #10-484, Jan. 2011)

12-702. Modifications. The following sections are hereby revised:

- Section 101.1. Insert: Town of Monterey.
 - Section 103.6. Insert: Town of Monterey Schedule of Fees.
 - Section 303.14. Insert: March 15 to October 1 5.
 - Section 602.3. Insert: September 15 to April 15.
 - Section 602.4. Insert: September 15 to April 15.
- (as added by Ord. #428, Sept. 2005)

12-703. Penalty clause. Any person who shall violate a provision of the building and property maintenance codes of the city, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Such fines shall be a \$50.00 per day penal fine or/and a \$500 remedial fine for each violation, and shall hereafter be cited as the Town of Monterey general penalty clause. Each day that a violation continues after due notice has been served shall be deemed a separate offense. (as added by Ord. #428, Sept. 2005)

CHAPTER 8

BOARDS OF ADJUSTMENTS AND APPEALS

SECTION

- 12-801. Definitions.
- 12-802. New construction and property maintenance boards.
- 12-803. Means of appeal-board of adjustments and appeals for new construction.
- 12-804. Means of appeal-board of adjustments and appeals for property maintenance.
- 12-805. Appeal board designations.
- 12-806. Modifications to codes adopted by reference.
- 12-807. Amendments to codes.
- 12-808. Town attorney.
- 12-809. Penalties.
- 12-810. Procedure for notification.
- 12-811. Method of service.
- 12-812. Clean-up or abatement at property owner's expense.
- 12-813. Abatement cost recovery.
- 12-814. Lien for expenses.
- 12-815. Transfer of ownership.
- 12-816. Powers conferred are supplemental.
- 12-817. Supplemental nature of this chapter.

12-801. Definitions. 1. Terms defined in other codes. Where terms are not defined in one municipal code, but are defined in other municipal codes, such terms shall have the meanings ascribed to them as in those codes.

2. Terms not defined. Where terms are not defined through the methods authorized by the codes, such terms shall have ordinarily accepted meanings such as the context implies.

3. Parts. Whenever the words "dwelling unit," "dwelling," "premises," "buildings," "rooming house," "rooming unit" or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

4. Code official. Shall mean building inspector, code officer, code official, building official, enforcement officer, or any officer designated by the city administrator to enforce the municipal codes and standards. (as added by Ord. #430, Nov. 2005)

12-802. New construction and property maintenance boards. There is hereby created the following appeals boards:

1. Town of Monterey Board of Adjustments and Appeals for New Construction. a. The board shall consist of a minimum of three members who

are qualified by experience and training to pass on matters pertaining to building construction, maintenance and safety who are not employees of the city. The code official shall be an ex-officio member but shall have no vote on any matter before the board. The board shall be appointed by the city council, and shall serve staggered and overlapping terms.

b. The board of adjustments and appeals for new construction shall annually select one of its members to serve as chairman.

c. A member shall not hear an appeal in which that member has a personal, professional or financial interest.

d. The mayor shall designate a qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the city administrator.

e. Compensation of members shall be determined by law.

2. The Town of Monterey Board of Adjustments and Appeals for Property Maintenance. The board of mayor and alderman shall appoint a three member board of adjustments and appeals for property maintenance.

a. The board shall consist of a minimum of three members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the town. The code official shall be an ex-officio member but shall have no vote on any matter before the board. The board shall be appointed by the city council and shall serve staggered and overlapping terms.

b. The board of adjustments and appeals for property maintenance shall annually select one of its members to serve as chairman.

c. A member shall not hear an appeal in which that member has a personal, professional or financial interest.

d. The mayor shall designate a qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the city administrator.

e. Compensation of members shall be determined by law. (as added by Ord. #430, Nov. 2005)

12-803. Means of appeal-board of adjustments and appeals for new construction. 1. Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under the city building codes shall have the right to appeal to the board of adjustments and appeals for new construction, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of the code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of the code are adequately

satisfied by other means, or that the strict application of any requirement of the code would cause an undue hardship.

2. Notice of meeting. The board shall meet upon notice from the chairman, within 20 days of the filing of an appeal, or at stated periodic meetings.

3. Open hearing. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than two-thirds of the board membership.

4. Procedure. The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

5. Board decision. The board shall modify or reverse the decision of the code official only by a concurring vote of a majority of the total number of appointed board members.

6. Records and copies. The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the code official.

7. Administration. The code official shall take immediate action in accordance with the decision of the board.

8. Court review. Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the city administrator.

9. Stays of enforcement. Appeals of notice and orders (other than imminent danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board. (as added by Ord. #430, Nov. 2005)

12-804. Means of appeal-board of adjustments and appeals for property maintenance. 1. Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under the city property maintenance codes shall have the right to appeal to the board of adjustments and appeals for property maintenance, provided that a written application for appeal is filed within 20 days (5 days for weeds and grass) after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of the code or the rules legally adopted therein have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of the code are adequately satisfied by other means, or that the strict application of any requirement of the code would cause an undue hardship.

2. Notice of meeting. The board shall meet upon notice from the chairman, within 20 days of the filing of an appeal, or at stated periodic meetings.

3. Open hearing. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than two-thirds of the board membership.

4. Procedure. The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

5. Board decision. The board shall modify or reverse the decision of the code official only by a concurring vote of a majority of the total number of appointed board members.

6. Records and copies. The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the code official.

7. Administration. The code official shall take immediate action in accordance with the decision of the board.

8. Court review. Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the city administrator.

9. Stays of enforcement. Appeals of notice and orders (other than imminent danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeal board. (as added by Ord. #430, Nov. 2005)

12-805. Appeal board designations.¹ 1. The board of adjustments and appeals for new construction is hereby designated as the board of adjustments and appeals for the following codes:

- a. International Building Code, 2003 edition
- b. International Residential Code, 2003 edition
- c. International Plumbing Code, 2003 edition
- d. International Fuel Gas Code, 2003 edition
- e. International Mechanical Code, 2003 edition
- f. International Fire Code, 2003 edition
- g. International Electric Code, 2003 edition

¹Ord. #10-484 repealed several codes listed in this section below and adopted later editions of the same codes. See §§ 12-101, 12-201, 12-501, 12-601 and 12-701.

2. The board of adjustments and appeals for property maintenance is hereby designated as the board of adjustments and appeals for the following codes:

- a. International Property Maintenance Code, 2003 edition.
- b. Title 13-Property Maintenance Regulations: Chapter 1, Miscellaneous regulations; Chapter 2, Junkyards. (as added by Ord. #430, Nov. 2005)

12-806. Modifications to codes adopted by reference.¹ The following provisions from codes adopted by reference are amended as follows:

1. International Building Code, 2003 edition. Delete Section 112 Board of Appeals in its entirety (112.1 through 112.3). Insert § 12-803, "There is hereby created the following appeal board" of this chapter.

2. International Gas Code, 2003 edition. Delete Section 109 Means of Appeal in its entirety (109.1 through 109.7). Insert § 12-803, "There is hereby created the following appeal board" of this chapter.

3. International Plumbing Code, 2003 edition. Delete Section 109 Means of Appeal in its entirety (109.1 through 109.7). Insert § 12-803, "There is hereby created the following appeal board" of this chapter.

4. International Fire Code, 2003 edition. Delete Section 108 Board of Appeals in its entirety (108.1 through 108.3). Insert § 12-803, "There is hereby created the following appeal board" of this chapter.

5. International Mechanical Code, 2003 edition. Delete Section 109 Means of Appeal in its entirety (109.1 through 109.7). Insert § 12-803, "There is hereby created the following appeal board" of this chapter.

6. International Residential Code, 2003 edition. Delete Section R112 Board of Appeal in its entirety (R112.1 through R112.4). Insert § 12-803, "There is hereby created the following appeal board" of this chapter.

7. International Electric Code, 2003 edition. Delete Section 1101 Means of Appeal in its entirety (1101, 1102, 1103). Insert § 12-803, "There is hereby created the following appeal board" of this chapter.

8. International Property Maintenance, 2003 edition. Delete Section 111 Means of Appeal in its entirety (111 - 111.8). Insert § 12-804, "There is hereby created the following appeal board" of this chapter. (as added by Ord. #430, Nov. 2005)

12-807. Amendments to codes. Code amendments recommended by the respective code associations shall be incorporated by reference as provided in the codes. The building official may adopt administrative regulations that incorporate by reference such subsequent changes and amendments thereof,

¹Ord. #10-484 changed certain codes contained in title 12. See §§ 12-101, 12-201, 12-501, 12-601 and 12-701.

properly identified as to date and source, as may be adopted by the agency or association which promulgated the code. Such amendment shall become effective upon the expiration of ninety (90) calendar days or after the second official meeting of the municipal governing body following the publication of the regulations, whichever is later, unless within that period of time a resolution disapproving such administrative regulations has been adopted by the municipal governing body. (as added by Ord. #430, Nov. 2005)

12-808. Town attorney. The recorder is authorized to employ the town attorney to assist the code official (building inspector, fire inspector, code enforcer, etc.) in the enforcement of notices and orders of the appeals boards and the building official. The city attorney may prosecute all persons failing to comply with the terms of the notices and orders as provided for in various building and property maintenance codes adopted by the city. The recorder may direct that the city attorney appear at hearings to assist the code official. The city attorney shall bring suit to collect all municipal liens, assessments, or costs incurred by the city in repairing or causing to be vacated or demolished as directed by the city building official. He shall take such other legal action as is necessary to carry out the terms and provisions of the building and property maintenance codes. (as added by Ord. #430, Nov. 2005)

12-809. Penalties. Any person who shall violate a provision of the building and property maintenance codes of the city, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Such fines shall be \$50.00 per day penal fines and \$500 in remedial fines for each violation, and shall hereafter be cited as the Town of Monterey general penalty clause. Each day that a violation continues after due notice has been served shall be deemed a separate offense. (as added by Ord. #430, Nov. 2005)

12-810. Procedure for notification. The following procedure shall be used for notifications of violations, notices, and orders of the building official or code official:

1. **Grass, weeds, trash, brush.** It shall be unlawful for any person to fail to comply with an order by the code official to cut weeds and grass within five (5) days when it has reached a height of over ten (10) inches.

a. **Notice to owner or to person or persons responsible.** Whenever the code official determines that there has been or has grounds to believe a violation has occurred, notice shall be given to the owner or the person or persons responsible therefore in the manner prescribed herein.

b. **Failure to comply.** If the property owner of record fails or refuses to mow the grass or weeds as directed within five (5) days after receiving the notice, the code officer shall immediately cause the

condition to be remedied and the cost thereof shall be assessed against the owner of the property. A 10% charge will be added to cover administrative expenses. Upon the filing of the notice with the office of the register of deeds in Putnam County, the costs shall be a lien on the property in favor of the city, second only to liens of the state, county, and municipality for taxes, any lien of the city 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 on 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.

c. Form of notice. Such notice shall be in accordance with all of the following:

- i. Be in writing.
- ii. Include a description of the real estate sufficient for identification.
- iii. Include a statement of the violation or violations and why the notice is being issued.
- iv. Include a correction order allowing five (5) days time to bring property to municipal standards.
- v. Inform the property owner of the right to appeal.

2. Junked vehicles on private property. It shall be unlawful for any person to fail to comply with an order by the code official to remove junked and disabled vehicles within five (5) days from the date the notice is received.

a. Notice to owner or to person or persons responsible. Whenever the code official determines that there has been or has grounds to believe a violation has occurred, notice shall be given to the owner or the person or persons responsible therefore in the manner prescribed herein.

b. Failure to comply. If the property owner of record fails or refuses to remove the junked or disabled vehicles within the time stated in the notice, the code officer shall issue a citation for the accused violator to appear in city court to answer the charges.

c. Form of notice. Such notice shall be in accordance with all of the following:

- i. Be in writing.
- ii. Include a description of the real estate sufficient for identification.
- iii. Include a statement of the violation or violations and why the notice is being issued.

iv. Include a correction order allowing five (5) days time to remove the junked or disabled vehicle.

v. Inform the property owner of the right to appeal.

In the event that a ruling does not appear to be in the city's best interest, the city recorder, at her discretion, may direct that an appeal be filed by the city attorney.

3. Building maintenance and structures. a. Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the city charging that any structure is unfit for human occupancy or use, or whenever it appears to the public officer (on his own motion) that any structure is unfit for human occupation or use, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause 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 at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the service of the complaint; and the owner and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint; and the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer.

b. If, after such notice and hearing as provided for in the preceding section, the public officer determines that the structure under consideration is unfit for human occupancy or use, he shall state in writing his finding of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order:

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

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

c. When the estimated cost of repair exceeds fifty percent (50%) in the judgment of the code officer, and the owner insists on making repairs and improvements instead of demolition, he shall submit plans and specifications by a licensed architect or engineer for review and

approval of the building official. The building official may issue a permit and allow the repairs in compliance with city standards.

d. If the owner fails to repair, alter, improve or to vacate and close the structure as specified in the preceding sections hereof, the public officer may cause such structure to be vacated and closed; and the public officer shall cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: " This building is unfit for human occupancy or use; the use or occupation of this building for human occupancy or use is prohibited and unlawful." The public officer may issue a citation for the owner to appear before the city court to answer the complaint.

e. If the owner fails to comply with an order, as specified above, to remove or demolish the structure, the public officer may cause such structure to be removed and demolished. The public officer shall immediately file a lien for the recovery of costs or the city attorney may be directed by the city administrator to initiate legal proceedings for the recovery of cost.

f. Lien for expenses. The amount of the cost 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 Putnam County, be a lien on the property in favor of the municipality, second only to liens of the state, county and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be placed upon the tax rolls of the Town of Monterey 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. Nothing in this section shall be construed to impair or limit in any way the power of the Town of Monterey to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (as added by Ord. #430, Nov. 2005)

12-811. Method of service. Notices shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified or first-class mail addressed to the last known address; or
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

4. Whenever the code official has condemned a structure or equipment under the provisions of the codes, notice shall in addition to the above outlined procedure, also be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment.

If the whereabouts of such person or persons is unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, the public officer shall make an affidavit to that effect. Then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the city. In addition, a copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the Register's Office of Putnam County, Tennessee, and such shall have the same force and effect as other lis pendens notices provided by law. (as added by Ord. #430, Nov. 2005)

12-812. Clean-up or abatement at property owner's expense. If the property owner of record fails or refuses to remedy the condition within ten (10) days after receiving the notice (twenty (20) days if the owner is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials), the code official shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards, and the cost thereof shall be assessed against the owner of the property. A 10% charge will be added to cover administrative expenses. (as added by Ord. #430, Nov. 2005)

12-813. Abatement cost recovery. Whenever an abatement is performed at the expense of the city, a statement shall be mailed to the registered owners outlining the cost of remediation and such cost shall be due and payable within thirty days. The city may at its discretion cause a lien to be placed upon the property at the same time of billing. A copy of the statement shall be provided to the city recorder and such shall be recorded as an account receivable on the books of the city. All payments shall be directed to the city recorder for proper entry. The city recorder may direct the city attorney to take legal action to recover costs. (as added by Ord. #430, Nov. 2005)

12-814. Lien for expenses. The amount of the cost of 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 Putnam County, be a lien on the property in favor of the municipality, second only to liens of the state, county and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be placed upon the tax rolls of the Town

of Monterey 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 and the materials in his judgment have any significant market value, he shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the chancery court of Putnam County by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court provided, however, that nothing in this section shall be construed to impair or limit in any way the power of the Town of Monterey to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise.

The city recorder shall maintain a record of liens that indicate the date and nature of the lien, the amount of the lien, and the date the lien is released. The code official shall assist the recorder in maintaining the record. The building official shall be responsible for notifying the recorder of all liens filed. It is critical that satisfied liens are promptly and properly released. (as added by Ord. #430, Nov. 2005)

12-815. Transfer of ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall finish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation. (as added by Ord. #430, Nov. 2005)

12-816. Powers conferred are supplemental. This ordinance shall not be construed to abrogate or impair the powers of the city with regard to the enforcement of the provisions of its charter or any other ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this ordinance shall be in addition and supplemental to the powers conferred by the charter and other laws. (as added by Ord. #430, Nov. 2005)

12-817. Supplemental nature of this chapter. The provisions of this chapter are in addition and supplemental to, and not in substitution for, any

other provision in the municipal charter, the municipal code of ordinances or other applicable law which permits the city to proceed against an owner, tenant or occupant of property who is in violation of municipal codes. (as added by Ord. #430, Nov. 2005)