

Code Enforcement & Building Inspection

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](https://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

The University of Tennessee
Municipal Technical Advisory Service
1610 University Avenue
Knoxville, TN 37921-6741
865-974-0411 phone
865-974-0423 fax
www.mtas.tennessee.edu

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Code Enforcement & Building Inspection

Reference Number: MTAS-86

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Model Building Codes, Utility Codes, Etc.

Reference Number: MTAS-87

T.C.A. § 6-54-119 requires municipalities to retain as public record a copy of any standardized code they adopt. State law requires that citations for violations of standardized model codes contain a notation identifying specifically where a copy of the code is located and the hours during which it may be inspected. T.C.A. §§ 6-54-501, *et seq.*

Modular Building Standards

Reference Number: MTAS-88

The commissioner of commerce and insurance is empowered to set standards for constructing and installing modular building units and to provide for their inspection. No local standard relative to modular building units shall be effective unless it is identical to one established by the commissioner. A city may make inspections and charge a fee only if the local standard is identical. The fee must be equal to the fee for similar inspections of conventional housing. Any modular building unit bearing an approval insignia issued by or on behalf of the commissioner shall be deemed to comply with any local standard. Local zoning requirements, fire zones, subdivision control, and aesthetic requirements are reserved to cities, but they must be reasonable and uniformly applied. The commissioner may delegate inspection authority to local governments. T.C.A. §§ 68-126-303 and 304.

Lot Cleanup

Reference Number: MTAS-89

Cities may require owners to clean up the property where trees, vines, grass, and brush are growing, or trash and debris are accumulating, so as to endanger health and safety or encourage the infestation of rats or other harmful animals. State law, located at T.C.A. § 6-54-113, establishes a process through which the city can take action to abate such problems on private property. Under this statute, notice shall be provided to the owner to remedy the condition via U.S. mail. The notice shall state the following:

- (1) A brief statement containing the consequences of failing to comply;
- (2) The name and contact information of the city department or official sending the notice;
- (3) An estimated cost for remedying the noted conditions; and
- (4) A place where the owner may notify the city indicating a desire for a hearing.

When an attempt to use the US mail fails, or if there is no known address, a notice should be published in two consecutive issues of a newspaper of general circulation within the county, or personally delivered to the owner. If the owner fails to clean up within 10 days after receiving notice to do so, the city may mow and clean up the lot and assess the costs against the owner. The costs may be collected by the city through an action for debt filed in any court of competent jurisdiction. The costs may also be collected with the lot's property tax bill and filed as a lien on the property. The municipality must wait until cumulative charges equal or exceed \$500 before placing a lien on owner-occupied residential property for the costs. A 20 day notice period shall be provided if the owner is a carrier engaged in the

transportation of property or a utility transmitting communications, electricity, gas, liquids, steam, sewerage or other materials. T.C.A. § 6-54-113.

Junk Vehicles

Reference Number: MTAS-90

Municipal courts may issue orders to remove vehicles from private property when keeping the vehicle is in violation of an ordinance. T.C.A. § 55-5-122.

Slum Clearance

Reference Number: MTAS-91

The Slum Clearance and Redevelopment Act, T.C.A. §§ 13-21-101, *et seq.*, provides authority for municipalities to adopt ordinances relating to structures within the city that are unfit for human occupation or use. The statute requires that the ordinance designate a public officer to exercise the ordinance's prescribed powers. Upon his or her own motion, or a petition filed by five citizens, this officer may conduct an initial investigation of the condition of the property. If the preliminary investigation discloses a basis for charges, the officer shall serve the owner with a complaint stating the charges and containing a notice of a public hearing to be held not less than 10 days or more than 30 days from the date the complaint is served. Following the hearing, the officer may order the owner to either repair or demolish the structure, consistent with the provisions of the law located at T.C.A. § 13-21-103.

If the owner fails to comply with the order, and the condition of the structure warrants such action, the officer may post at the main entrance of the building a placard stating: "This building is unfit for human occupancy or use. The use or occupation of this building for human occupation or use is prohibited and unlawful." The officer may undertake the repair or demolition of the structure and assess those costs against the owner. The sum owed, upon being certified to the municipal tax collector, becomes a lien on the property. A notice of lien should also be filed with the register of deeds. The costs, which may include reasonable fees for registration, inspections, and professional evaluations in addition to the costs of repairs, alterations, improvements, vacating and closing, and removal or demolition, shall be collected by the municipal tax collector or county trustee at the same time and in the same manner as property taxes. These costs also may be collected in an action for debt filed in a court of competent jurisdiction.

Violation of an order to vacate a building that has been found unfit for human occupation or use is a Class B misdemeanor. Additionally, any owner, manager, or person responsible for a structure declared unfit for human occupation or use who authorizes or facilitates the occupancy of the structure commits a Class B misdemeanor.

Dangerous Buildings

Reference Number: MTAS-113

T.C.A. §§ 68-102-117 thru 125, establish procedures that may be used by assistants to the state commissioner of commerce and insurance (generally, fire chiefs) to cause the removal of a dangerous building or defective conditions. The expense of the repair or removal may be charged to the owner. If the owner fails to pay within 30 days, the officer may place a lien on the property for the expenses plus a 25 percent penalty. The officer must file the lien in the county register's office to make it valid.

Administrative Inspection Warrant

Reference Number: MTAS-114

T.C.A. § 68-120-117 authorizes the issuance of an administrative inspection warrant when an owner or person in charge of premises refuses consent to an inspection to determine compliance with safety

codes or ordinances. The building official requesting the warrant must be certified under T.C.A. § 68-120-113. Any judge of a court of record, other official authorized to issue a search warrant, or a municipal judge who is a lawyer may issue the administrative inspection warrant.

Swimming Pool Alarms

Reference Number: MTAS-337

T.C.A. §§ 68-14-801—807 require an alarm on any swimming pool installed or substantially altered on or after January 1, 2011. A municipality may not issue a permit for construction or substantial alteration of a swimming pool unless the project calls for an alarm. The requirement is not applicable to public swimming pools or multi-family housing swimming pools.

DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.

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