

TITLE 12

BUILDING, UTILITY, ETC. CODES

CHAPTER

1. BUILDING CODE.
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4. FUEL GAS CODE.
5. RESIDENTIAL CODE.
6. DANGEROUS BUILDINGS.
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CHAPTER 1

BUILDING CODE¹

SECTION

- 12-101. Building code adopted.
- 12-102. Exceptions, amendments, and deletions.
- 12-103. Modifications.
- 12-104. Available in recorder's office.
- 12-105. Fee for supplying "codes compliance documents."
- 12-106. Violations and penalty.

12-101. Building code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 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*,² 2012 edition, is hereby adopted with amendments and incorporated as a part of this code, and is hereinafter referred to as the building code. (Ord. #399, ____)

¹Municipal 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 are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

12-102. Exceptions, amendments, and deletions.

- (1) Chapter 11. Delete in its entirety.
- (2) Section 105.1 added to the end this paragraph which reads:
No building permit shall be issued for new construction until the applicant shall establish that he has arranged for water and sewer taps to be made promptly upon completion. (Ord. #399, ____)

12-103. Modifications. Whenever the building code refers to the "Chief Appointing Authority" or the "Chief Administrator," it shall be deemed to be a reference to the board of mayor and aldermen. When the "Building Official" or "Director of Public Works" is named it shall, for the purposes of the building code, mean such person as the board of mayor and aldermen shall have appointed or designated to administer and enforce the provisions of the building code. The schedule of permit fees shall be as provided in the following schedule:

SCHEDULE OF PERMIT FEES

An evaluation process for all new construction and additions will be calculated as follows:

Residential - One- and two-family	\$70 per square foot
Residential - Multi-family	\$70 per square foot
Commercial	\$70 per square foot
Industrial	based on plan evaluation

After the evaluation has been done then the following permit fees will apply:

\$1,000 and less	No fee, unless inspection required, in which case a twenty-five dollar (\$25.00) fee for each inspection shall be charged.
\$1,000 to \$50,000	Fifteen dollars (\$15.00) for the first one thousand dollars (\$1,000.00) plus five dollars (\$5.00) for each additional thousand or fraction thereof, to and including fifty thousand dollars (\$50,000.00).
\$50,000 to \$100,000	Two hundred sixty dollars (\$260.00) for the first fifty thousand dollars (\$50,000), plus four dollars (\$4.00) for each additional thousand or fraction thereof, to and including one hundred thousand dollars (\$100,000).

\$100,000 to \$500,000	Four hundred sixty dollars (\$460.00) for the first one hundred thousand dollars (\$100,000.00) plus three dollars (\$3.00) for each additional thousand or fraction thereof, to and including five hundred thousand dollars (\$500,000).
\$500,000 and up	One thousand six hundred sixty dollars (\$1,660.00) for first five hundred thousand dollars (\$500,000.00) plus two dollars (\$2.00) for each additional thousand or fraction thereof.

(1) Moving fee. For the moving of any building or structure, the fee shall be one hundred dollars (\$100.00).

(2) Demolition fee. For the demolition of any building or structures, the fee shall be:

Zero (0) up to one hundred thousand (100,000) cu. ft.	Fifty dollars (\$50.00)
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One hundred thousand (100,000) cu. ft. and over	Fifty cents (\$0.50) per one thousand (1,000) cu. ft.
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(3) Moving of buildings or structures. Moving of buildings or structures - one hundred dollars (\$100.00). (Pre-manufactured sheds and/or out buildings that are not built on site are exempt from building permit, but must meet zoning requirements.)

(4) Plumbing. Ten dollars (\$10.00).

(5) Roofing. (Other than new construction). Ten dollars (\$10.00). (Only if more than half the roof is being replaced.)

(6) Siding. (Other than new construction), ten dollars (\$10.00).

(7) Swimming pools. (Above and below ground), twenty-five dollars (\$25.00).

(8) Business signs (as defined by Ord. #252). Twenty-five dollars (\$25.00) per face.

(9) Special called meeting of planning or zoning commission. one hundred dollars (\$100.00).

No building permit shall be issued for new construction until the applicant shall establish that he has arranged for water and sewer taps to be made promptly upon completion. All site plans or other approvals from regulating boards must be approved before permits are issued if such approval is required. (Ord. #349, March 2010, as amended by Ord. #416, April 2019 *Ch1_6-19-19*)

12-104. Available in recorder's office. Pursuant to the requirements of the *Tennessee Code Annotated*, § 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 during regular business hours. (Ord. #349, March 2010)

12-105. Fee for supplying "codes compliance documents." When the recorder is requested to provide a "codes compliance document" to realty companies, real estate agents, brokers, or similar businesses or persons involved in the business of buying and selling buildings of all types, said services in providing a "codes compliance document" will be compensated for by a fee of fifteen dollars (\$15.00) and shall be paid to the city recorder. (Codes compliance documents are identified as: a letter stating a structure does or does not meet the minimum standards of the building, fire prevention, plumbing, electrical, housing codes, and such other requirements noted within the Decherd Municipal Code.) (Ord. #349, March 2010)

12-106. Violations and penalty. 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. (Ord. #349, March 2010)

CHAPTER 2

PLUMBING CODE¹

SECTION

- 12-201. Plumbing code adopted.
- 12-202. Exceptions, amendments, and deletions.
- 12-203. Modifications.
- 12-204. Available in recorder's office.
- 12-205. Violations and penalty.

12-201. Plumbing code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 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 city, when such plumbing is or is to be connected with the city water or sewerage system, the *International Plumbing Code*,² 2012 edition, with amendments, is hereby adopted and incorporated as a part of this code and is hereinafter referred to as the plumbing code. (Ord. #399, ____)

12-202. Exceptions, amendments, and deletions.

- (1) Section 1003.1, Interceptors and Separators, shall be provided as required by the Decherd Municipal Code Title 18.
- (2) Section 1003.3.4.1, Grease Interceptor Capacity, grease interceptor capacity (where required) shall be governed by Table 1003.3.4.1 and the Decherd Municipal Code Title 18.
- (3) Section 1108, Combined Sanitary and Storm Water System, shall be deleted. (Ord. #399, ____)

12-203. 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 of mayor and aldermen to administer and

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 are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

enforce the provisions of the plumbing code. The construction board of adjustment and appeals shall also serve as the plumbing board of adjustment and appeals. (Ord. #349, March 2010)

12-204. 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 during regular business hours. (Ord. #349, March 2010)

12-205. Violations and penalty. 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. (Ord. #349, March 2010)

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. Enforcement.
- 12-305. Fees.
- 12-306. Violations and penalty.

12-301. Electrical code adopted. The 2014 electrical code is pronounced by the State of Tennessee and inspected by the State of Tennessee Electrical Inspector. (Ord. #399, _____, 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. (1993 Code, § 12-302)

12-303. Permit required for doing electrical work. No electrical work shall be done within the City of Decherd until a permit therefor has been issued by the city. 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. (1993 Code, § 12-303)

12-304. Enforcement. The electrical inspector shall be such person as the city council 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 ensure 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. (1993 Code, § 12-305)

¹Municipal code references

Fire protection, fireworks, and explosives: title 7.

12-305. Fees. The electrical inspector shall collect the same fees as are authorized in *Tennessee Code Annotated*, § 68-17-143 for electrical inspections by deputy inspectors of the state fire marshal. (1993 Code, § 12-306)

12-306. Violations and penalty. 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 circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the electrical code. (1993 Code, § 12-304)

CHAPTER 4

FUEL GAS CODE¹

SECTION

- 12-401. Fuel gas code adopted.
- 12-402. Title and definitions.
- 12-403. Purpose and scope.
- 12-404. Use of existing piping and appliances.
- 12-405. Bond and license.
- 12-406. Gas inspector and assistants.
- 12-407. Powers and duties of inspector.
- 12-408. Permits.
- 12-409. Inspections.
- 12-410. Certificates.
- 12-411. Fees.
- 12-412. Nonliability.
- 12-413. Violations and penalty.

12-401. Fuel gas code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 6-54-506, and for the purpose of regulating fuel gas codes, including alterations, repairs, equipment, appliances, fixtures, fittings, and the appurtenances thereto, within or without the city, when such appliance is or is to be connected with the natural or propane systems, the *International Fuel Gas Code*,² 2012 edition with amendments, is hereby adopted and incorporated as a part of this code and is hereinafter referred to as the gas code. (Ord. #399, ____)

12-402. Title and definitions. This chapter and the code herein adopted by reference shall be known as "the gas code of the city" and may be cited as such.

The following definitions are provided for the purpose of interpretation and administration of the gas code.

(1) "Certain appliances." Conversion burners, floor furnaces, central heating plants, vented wall furnaces, water heaters, and boilers.

(2) "Certificate of approval." A document or tag issued and/or attached by the inspector to the inspected material, piping, or appliance installation,

¹Municipal code reference

Gas system administration: title 19, chapter 1.

²Copies of this code are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

filled out, together with date, address of the premises, and signed by the inspector.

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

(4) "Inspector." 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 city council.

(5) "Person." Any individual, partnership, firm, corporation, or any other organized group of individuals. (1993 Code, § 12-401)

12-403. Purpose and scope. The purpose of the gas code is to provide minimum standards, provisions, and requirements for safe installation of 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 fuel gas code, 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. (1993 Code, § 12-402, modified)

12-404. 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. (1993 Code, § 12-403)

12-405. 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 ten thousand dollars (\$10,000.00), 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 non-transferable 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 city 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 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. (1993 Code, § 12-404)

12-406. 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 city council. (1993 Code, § 12-405)

12-407. 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. (1993 Code, § 12-406)

12-408. 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, 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) 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. (1993 Code, § 12-407)

12-409. 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 inches (6") in height, and the piping shall hold this air pressure for a period of at least ten (10) 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. (1993 Code, § 12-408)

12-410. 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. (1993 Code, § 12-409)

12-411. Fees. (1) The total fees for inspection of consumers gas piping at one (1) location (including both rough and final piping inspection) shall be one dollar and fifty cents (\$1.50) for one (1) to five (5) outlets, inclusive, and fifty cents (\$0.50) for each outlet above five (5).

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

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

(4) If the inspector is called back, after correction of defects noted, an additional fee of one dollar (\$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. (1993 Code, § 12-410)

12-412. Nonliability. This chapter shall not be construed as imposing upon the city 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 city, 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. (1993 Code, § 12-412)

12-413. Violations and penalty. 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. (1993 Code, § 12-411)

CHAPTER 5

RESIDENTIAL CODE

SECTION

- 12-501. Residential code adopted.
- 12-502. Exemptions, amendments, and deletions.
- 12-503. Modifications.
- 12-504. Available in recorder's office.
- 12-505. Violations and penalty.

12-501. Residential code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 6-54-506, and for the purpose of regulating the construction, alteration, repair, use, occupancy location, maintenance, removal, and demolition of one (1) and two (2) family (duplexes) or any appurtenance connected or attached, the *International Residential Code*,¹ 2012 edition, is hereby adopted with amendments and incorporated as a part of this code, and is hereinafter referred to as the residential code. (Ord. #399, ___)

12-502. Exemptions, amendments, and deletions. (1) Section R313.2, One- and two-family dwellings automatic fire systems, this shall be changed to read: Automatic fire systems are required in one- and two-family dwellings that equal or exceed 2,500 sq. feet of living space. Existing buildings that are not already equipped with automatic sprinkler systems will not be required to install a system.

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

(3) Section R315.1 Carbon Monoxide alarms. For new construction, an approved carbon monoxide alarm shall be installed outside each separate sleeping area in the immediate vicinity of the bedrooms in dwelling units within which fuel fired appliances are installed and in dwelling units with attached garages.

(4) IRC Chapters 34-43 concerning electrical shall be deleted, as the State of Tennessee does electrical inspections. (Ord. #399, ___)

12-503. Modifications. Wherever the residential code refers to the "Building Official" it shall mean the person appointed or designated by the

¹Copies of this code are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

board of mayor and aldermen to administer and enforce the provisions of the residential 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. (Ord. #349, March 2010)

12-504. Available in recorder's office. Pursuant to the requirements of *Tennessee Code Annotated*, § 6-54-502, one (1) copy of the residential code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public during normal business hours. (Ord. #349, March 2010)

12-505. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the residential code as herein adopted by reference and modified. Each day of continued violation shall be considered a separate offense. (Ord. #349, March 2010)

CHAPTER 6

DANGEROUS BUILDINGS

SECTION

- 12-601. Dangerous buildings defined.
- 12-602. Standards for repair, vacation, or demolition.
- 12-603. Dangerous buildings--nuisances.
- 12-604. Duties of building inspector.
- 12-605. Duties of recorder.
- 12-606. Duties of city attorney.
- 12-607. Emergency cases.
- 12-608. Where owner absent from the city.
- 12-609. Administrative liability.
- 12-610. Duties of fire department.
- 12-611. Duties of police department.
- 12-612. Supplemental remedy.
- 12-613. Violations and penalty.

12-601. Dangerous buildings defined. All buildings or structures which have any or all of the following defects shall be deemed "dangerous buildings:"

(1) Those whose interior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base;

(2) Those which, exclusive of the foundation, show thirty-three percent (33%) or more of damage or deterioration of the supporting member or members, or fifty percent (50%) of damage or deterioration of the non-supporting enclosing or outside walls or covering;

(3) Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used;

(4) Those which have been damaged by fire, wind, or other causes so as to have become dangerous to life, safety, morals, or the general health and welfare of the occupants or the people of the City of Decherd;

(5) Those which have become or are so dilapidated, decayed, unsafe, insanitary, or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety, or general welfare of those living therein;

(6) Those having light, air, and sanitation facilities which are inadequate to protect the health, morals, safety, or general welfare of human beings who live or may live therein;

(7) Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes, or other means of communication;

(8) Those which have parts thereof which are so attached that they may fall and injure members of the public or property;

(9) Those which because of their condition are unsafe, insanitary, or dangerous to the health, morals, safety, or general welfare of the people of the city; and/or

(10) Those buildings existing in violation of any provision of the building code or any provision of the fire prevention code or other ordinances of the city. (1993 Code, § 12-601)

12-602. Standards for repair, vacation, or demolition. The following standards shall be followed in substance by the building inspector and the recorder in ordering repair, vacation, or demolition.

(1) If the "dangerous building" can reasonably be repaired so that it will no longer exist in violation of the terms of this chapter, it shall be ordered repaired.

(2) If the "dangerous building" is in such condition as to make it dangerous to the health, morals, safety, or general welfare of its occupants, it shall be ordered to be vacated.

(3) In any case where a "dangerous building" is fifty percent (50%) damaged or decayed, or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this chapter, it shall be demolished. In all cases where a "dangerous building" is a fire hazard existing or erected in violation of the terms of this chapter or any ordinance of the city or statute of the state, it shall be demolished. (1993 Code, § 12-602)

12-603. Dangerous buildings--nuisances. All "dangerous buildings" within the terms of § 12-601 are hereby declared to be public nuisances and shall be repaired, vacated, or demolished as hereinbefore and hereinafter provided. (1993 Code, § 12-603)

12-604. Duties of building inspector. The building inspector shall:

(1) Inspect or cause to be inspected semi-annually, all public buildings, schools, halls, churches, theaters, hotels, tenements, commercial, manufacturing, or loft buildings for the purpose of determining whether any conditions exist which render such places a "dangerous building" within the terms of § 12-601;

(2) Inspect any building, wall, or structure about which complaints are filed by any person to the effect that a building, wall, or structure is or may be existing in violation of this chapter;

(3) Inspect any building, wall, or structure reported (as hereinafter provided for) by the fire or police departments as probably existing in violation of the terms of this chapter;

(4) Notify in writing the owner, occupant, lessee, mortgagee, agent, and all other persons having an interest in said building as shown by the land records of the Register of Deeds of Franklin County, of any building found by him to be a "dangerous building" within the standards set forth in § 12-601, that:

(a) The owner must vacate, repair, or demolish said building in accordance with the terms of the notice and this chapter;

(b) The occupant or lessee must vacate said building or may have it repaired in accordance with the notice and remain in possession; and

(c) The mortgagee, agent, or other persons having an interest in said building as shown by the land records of the register of deeds may at his own risk repair, vacate, or demolish said building or have such work or act done; provided, that any person notified under this subsection to repair, vacate, or demolish any building shall be given such reasonable time, not exceeding thirty (30) days, as may be necessary to do, or have done, the work or act required by the notice provided for herein.

(5) Set forth in the notice provided for in subsection (4) above, a description of the building or structure deemed unsafe, a statement of the particulars which make the building or structure a "dangerous building," and an order requiring the same to be put in such condition as to comply with the terms of this chapter within such length of time, not exceeding thirty (30) days, as is reasonable;

(6) Report to the recorder any non-compliance with the "notice" provided for in subsections (4) and (5) above;

(7) Appear at all hearings conducted by the recorder, and testify as to the condition of "dangerous buildings;" and

(8) Place a notice on all "dangerous buildings" reading as follows:
 "This building has been found to be a dangerous building by the building inspector. This notice is to remain on this building until it is repaired, vacated, or demolished in accordance with the notice which has been given the owner, occupant, lessee, mortgagee, or agent of this building, and all other persons having an interest in said building as shown by the land records of the Register of Deeds of Franklin County. It is unlawful to remove this notice until such notice is complied with." (1993 Code, § 12-604)

12-605. Duties of recorder. The recorder shall:

(1) Upon receipt of a report of the building inspector as provided for in § 12-604(6), give written notice to the owner, occupant, mortgagee, lessee, agent, and all other persons having an interest in said building as shown by the land

records of the Register of Deeds of Franklin County to appear before him on the date specified in the notice to show cause why the building or structure reported to be a "dangerous building" should not be repaired, vacated, or demolished in accordance with the statement of particulars set forth in the building inspector's notice provided for herein in § 12-604(5);

(2) Hold a hearing and hear such testimony as the building inspector or the owner, occupant, mortgagee, lessee, or any other person having an interest in said building as shown by the land records of the register of deeds shall offer relative to the "dangerous building;"

(3) Make written findings of fact from the testimony offered pursuant to subsection (2) above as to whether or not the building in question is a "dangerous building" within the terms of § 12-601;

(4) Issue an order based upon findings of fact made pursuant to subsection (3) above commanding the owner, occupant, mortgagee, lessee, agent, and all other persons having an interest in said building as shown by the land records of the register of deeds, to repair, vacate, or demolish any building found to be a "dangerous building" within the terms of this chapter and provided that any person so notified, except the owners, shall have the privilege of either vacating or repairing said "dangerous building;" or any person not the owner of said "dangerous building" but having an interest in said building as shown by the land records of the register of deeds may demolish said "dangerous building" at his own risk to prevent the acquiring of a lien against the land upon which said "dangerous building" stands by the city as provided in subsection (5) hereof;

(5) If the owner, occupant, mortgagee, or lessee fails to comply with the order provided for in subsection (4) hereof, within ten (10) days, the recorder shall cause such building or structure to be repaired, vacated, or demolished as the facts may warrant, under the standards hereinbefore provided for in § 12-602, and shall with the assistance of the city attorney cause the costs of such repair, vacation, or demolition to be charged against the land on which the building existed as a municipal lien or cause such costs to be recovered in a suit at law against the owner; provided, that in cases where such procedure is desirable and any delay thereby caused will not be dangerous to the health, morals, safety, or general welfare of the people of this city, the recorder shall notify the city attorney to take legal action to force the owner to make all necessary repairs or demolish the building; and

(6) Report to the city attorney the names of all persons not complying with the order provided for in subsection (4) above. (1993 Code, § 12-605)

12-606. Duties of city attorney. The city attorney shall:

(1) Prosecute all persons failing to comply with the terms of the notices provided for herein in § 12-604(4) and (5) and the order provided for in § 12-605(4);

(2) Appear at all hearings before the recorder in regard to "dangerous buildings;"

(3) Bring suit to collect all municipal liens, assessments, or costs incurred by the recorder in repairing or causing to be vacated or demolished "dangerous buildings;" and

(4) Take such other legal action as is necessary to carry out the terms and provisions of this chapter. (1993 Code, § 12-607)

12-607. Emergency cases. In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless a "dangerous building" as defined herein is immediately repaired, vacated, or demolished, the building inspector shall report such facts to the recorder and the recorder shall cause the immediate repair, vacation, or demolition of such "dangerous building." The costs of such emergency repair, vacation, or demolition of such "dangerous building" shall be collected in the same manner as provided in § 12-605(5). (1993 Code, § 12-608)

12-608. Where owner absent from the city. In cases, except emergency cases, where the owner, occupant, lessee, or mortgagee is absent from the city, all notices or orders provided for herein shall be sent by registered mail to the owner, occupant, mortgagee, lessee, and all other persons having an interest in said building as shown by the land records of the Register of Deeds of Franklin County to the last known address of each, and a copy of such notice shall be posted in a conspicuous place on the "dangerous building" to which it relates. Such mailing and posting shall be deemed adequate service. (1993 Code, § 12-609)

12-609. Administrative liability. No officer, agent, or employee of the City of Decherd shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this chapter. Any suit brought against any officer, agent, or employee of the City of Decherd as a result of any act required or permitted in the discharge of his duties under this chapter shall be defended by the city attorney until the final determination of the proceedings therein. (1993 Code, § 12-610)

12-610. Duties of fire department. The employees of the fire department shall make a report in writing to the building inspector of all buildings or structures which are, may be, or are suspected to be "dangerous buildings" within the terms of this chapter. Such reports must be delivered to the building inspector within twenty-four (24) hours of the discovery of such buildings by any employee of the fire department. (1993 Code, § 12-611)

12-611. Duties of police department. All employees of the police department shall make a report in writing to the building inspector of any buildings or structures which are, may be, or are suspected to be "dangerous

buildings" within the terms of this chapter. Such reports must be delivered to the building inspector within twenty-four (24) hours of the discovery of such buildings by any employee of the police department. (1993 Code, § 12-612)

12-612. Supplemental remedy. The provisions in this chapter are supplemental to any others which may be available to the city for abating substandard, dangerous, or dilapidated buildings or structures. (1993 Code, § 12-613)

12-613. Violations and penalty. The owner of any "dangerous building" who shall fail to comply with any notice or order to repair, vacate, or demolish said building given by any person authorized by this chapter to give such notice or order shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined under the general penalty clause for this code of ordinances.

The occupant or lessee in possession who fails to comply with any notice to vacate and who fails to repair said building in accordance with any notice given as provided for in this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined under the general penalty clause for this code of ordinances.

Any person removing the notice provided for in § 12-604(8) shall be guilty of a misdemeanor and, upon conviction, shall be fined under the general penalty clause for this code of ordinances. (1993 Code, § 12-606)

CHAPTER 7

FAIR HOUSING CODE

SECTION

- 12-701. Policy.
- 12-702. Definitions.
- 12-703. Unlawful practice.
- 12-704. Discrimination in the sale or rental of housing.
- 12-705. Discrimination in the financing of housing.
- 12-706. Discrimination in the provision of brokerage services.
- 12-707. Exemption.
- 12-708. Administration.
- 12-709. Education and conciliation.
- 12-710. Enforcement.
- 12-711. Investigations; subpoenas; giving of evidence.
- 12-712. Enforcement by private persons.

12-701. Policy. It is the policy of the City of Decherd to provide, within constitutional limitations, for fair housing throughout the city. (1993 Code, § 12-701)

12-702. Definitions. (1) "Discriminatory housing practice." An act that is unlawful under §§ 12-704, 12-705, or 12-706.

(2) "Dwelling." Any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

(3) "Family." Includes a single individual.

(4) "Person." Includes one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.

(5) "To rent." Includes to lease, to sublease, to let, and otherwise to grant for a consideration the right to occupy premises owned by the occupant. (1993 Code, § 12-702)

12-703. Unlawful practice. Subject to the provisions of subsection (2) below and § 12-707, the prohibitions against discrimination in the sale or rental of housing set forth in § 12-704 shall apply to:

- (1) All dwellings except as exempted by subsection (2) below;
- (2) Nothing in § 12-704 shall apply to:

(a) Any single-family house sold or rented by an owner; provided, that such private individual owner does not own more than three (3) such single-family houses at any one (1) time; provided further, that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one (1) such sale within any twenty-four (24) month period; provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three (3) such single-family houses at any one (1) time; provided further, that the sale or rental of any single-family house shall be excepted from the application of this title only if such house is sold or rented:

(i) Without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person; and

(ii) Without the publication, posting, or mailing, after notice of any advertisement or written notice in violation of § 12-704(3) of this code, but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title.

(b) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one (1) of such living quarters as his residence.

(3) For the purpose of subsection (2) above, a person shall be deemed to be in the business of selling or renting dwellings if:

(a) He has, within the preceding twelve (12) months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein;

(b) He has, within the preceding twelve (12) months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two (2) or more transactions involving the sale or rental of any dwelling or any interest therein; or

(c) He is the owner of any dwelling designed or intended for occupancy by, or occupied by, five (5) or more families. (1993 Code, § 12-703)

12-704. Discrimination in the sale or rental of housing. As made applicable by § 12-703 and except as exempted by §§ 12-703(2) and 12-707, it shall be unlawful:

(1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, or national origin;

(2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, or national origin;

(3) To make, print, or publish, or cause to be made, printed, or published, any notice, statement, or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, or national origin, or an intention to make any such preference, limitation, or discrimination;

(4) To represent to any person because of race, color, religion, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available; and

(5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, or national origin. (1993 Code, § 12-704)

12-705. Discrimination in the financing of housing. It shall be unlawful for any bank, building and loan association, insurance company, or other corporation, association, firm, or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, or national origin of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given: provided, that nothing contained in this section shall impair the scope or effectiveness of the exception contained in § 12-703(2). (1993 Code, § 12-705)

12-706. Discrimination in the provision of brokerage services. It shall be unlawful to deny any person access to, or membership or participation in, any multiple-listing service, real estate brokers organization, or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such

access, membership, or participation, on account of race, color, religion, or national origin. (1993 Code, § 12-706)

12-707. Exemption. Nothing in this chapter shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental, or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which, as an incident to its primary purpose or purposes, provides lodgings which it owns or operates for other than a commercial purpose from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members. (1993 Code, § 12-707)

12-708. Administration. (1) The authority and responsibility for administering this act shall be in the Chief Executive Officer of the City of Decherd.

(2) The chief executive officer may delegate any of these functions, duties, and powers to employees of the city or to boards of such employees, including functions, duties, and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting, or otherwise acting as to any work, business, or matter under this chapter. The chief executive officer shall by rule prescribe such rights of appeal from the decisions of his hearing examiners to other hearing examiners or to other officers in the city, to boards of officers, or to himself, as shall be appropriate and in accordance with law.

(3) All executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this chapter and shall cooperate with the chief executive officer to further such purposes. (1993 Code, § 12-708)

12-709. Education and conciliation. Immediately after the enactment of this chapter, the chief executive officer shall commence such educational and conciliatory activities as will further the purposes of this chapter. He shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this chapter and his suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement. (1993 Code, § 12-709)

12-710. Enforcement. (1) Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter

"person aggrieved"), may file a complaint with the chief executive officer. Complaints shall be in writing and shall contain such information and be in such form as the chief executive officer requires. Upon receipt of such a complaint, the chief executive officer shall furnish a copy of the same to the person or persons who allegedly committed or about to commit the alleged discriminatory housing practice. Within thirty (30) days after receiving a complaint, or within thirty (30) days after the expiration of any period of reference under subsection (3) below, the chief executive officer shall investigate the complaint and give notice in writing to the person aggrieved whether he intends to resolve it. If the chief executive officer decides to resolve the complaints, he shall proceed to try to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation, and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this chapter without the written consent of the persons concerned. Any employee of the chief executive officer who shall make public any information in violation of this provision shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than fifty dollars (\$50.00) or imprisoned not more than one (1) year.

(2) A complaint under subsection (1) above shall be filed within one hundred eighty (180) days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him and with the leave of the chief executive officer, which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.

(3) If within thirty (30) days after a complaint is filed with the chief executive officer, the chief executive officer has been unable to obtain voluntary compliance with this chapter, the person aggrieved may, within thirty (30) days thereafter, file a complaint with the secretary of the department of housing and urban development. The chief executive officer will assist in this filing.

(4) If the chief executive officer has been unable to obtain voluntary compliance within thirty (30) days of the complaint, the person aggrieved may, within thirty (30) days hereafter commence a civil action in any appropriate court, against the respondent named in the complaint, to enforce the rights granted or protected by this chapter, insofar as the rights relate to the subject of the complaint. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may enjoin the respondent from engaging in such practice or order such affirmative action as may be appropriate.

(5) In any proceeding brought pursuant of this section, the burden of proof shall be on the complainant.

(6) Whenever an action filed by an individual shall come to trial, the chief executive officer shall immediately terminate all efforts to obtain voluntary compliance. (1993 Code, § 12-710, modified)

12-711. Investigations; subpoenas; giving of evidence. (1) In conducting an investigation, the chief executive officer shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy such materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation; provided, however, that the chief executive officer first complies with the provisions of the Fourth Amendment relating to unreasonable searches and seizures. The chief executive officer may issue subpoenas to compel his access to or the production of such materials, or the appearance of such persons, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the United States District Court for the district in which the investigation is taking place. The chief executive officer may administer oaths.

(2) Upon written application to the chief executive officer, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the chief executive officer to the same extent and subject to the same limitations as subpoenas issued by the chief executive officer himself. Subpoenas issued at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were issued at his request.

(3) Witnesses summoned by subpoena of the chief executive officer shall be entitled to the same witness and mileage fees as are witnesses in proceedings in United States District Courts. Fees payable to a witness summoned by a subpoena issued at the request of a respondent shall be paid by him.

(4) Within five (5) days after service of a subpoena upon any person, such person may petition the chief executive officer to revoke or modify the subpoena. The chief executive officer shall grant the petition if he finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.

(5) In case of contumacy or refusal to obey a subpoena, the chief executive officer or other person at whose request it was issued may petition for its enforcement in the municipal or state court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

(6) Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents, or other evidence, if in his power to do so, in obedience to the subpoena or lawful order of the chief executive officer shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than one (1) year, or both. Any person who, with intent thereby to mislead the chief executive officer, shall make or cause to be made any false entry or statement of fact in any report, account, record, or other document submitted to the chief executive officer pursuant to his subpoena or other order, or shall willfully neglect or fail to make or cause to be made full, true, and correct entries in such reports, accounts, records, or other documents, or shall willfully mutilate, alter, or by any other means falsify any documentary evidence, shall be fined not more than fifty dollars (\$50.00) or imprisoned not more than one (1) year, or both.

(7) The city attorney shall conduct all litigation in which the chief executive officer participates as a party or as amicus pursuant to this chapter. (1993 Code, § 12-711, modified)

12-712. Enforcement by private persons. (1) The rights granted by §§ 12-703 through 12-706 may be enforced by civil actions in state or local courts of general jurisdiction. A civil action shall be commenced within one hundred eighty (180) days after the alleged discriminatory housing practice occurred; provided, however, that the court shall continue such civil case brought pursuant to this section or § 12-710(4) from time to time before bringing it to trial or renting dwellings; or

(2) Any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:

(a) Participating, without discrimination on account or race, color, religion, or national origin, in any of the activities, services, organizations, or facilities described in subsection 15(a); or

(b) Affording another person or class of persons opportunity or protection so to participate.

(3) Any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, or national origin, in any of the activities, services, organizations, or facilities described in subsection 15(a), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate shall be fined not more than fifty dollars (\$50.00), and if bodily injury results shall be fined not more than fifty dollars (\$50.00), and if death results shall be subject to imprisonment for any term of years or for life. (1993 Code, § 12-712, modified)

CHAPTER 8

EXISTING BUILDING CODE

12-801. Existing building code adopted.

12-802. Available in recorder's office.

12-803. Violations and penalty.

12-801. Existing building code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 6-54-506, and for the purpose of regulating existing buildings, including alterations, repairs, equipment, appliances, fixtures, fittings, and the appurtenances thereto, within or without the city, when such structures are to have construction within them or to them, the *International Existing Building Code*,¹ 2012 edition with amendments, is hereby adopted and incorporated as a part of this code and is hereinafter referred to as the Existing Building Code. (Ord. #399, ____)

12-802. Available in recorder's office. Pursuant to the requirements of the *Tennessee Code Annotated*, § 6-54-502, one (1) copy of the existing 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 during regular business hours.

12-803. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the existing building code as herein adopted by reference and modified.

¹Copies of this code are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.