ORDINANCE NO. 11345

AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE, CHAPTER 18, ARTICLE VII, SECTION 18-123(h); CHAPTER 21, ARTICLE I, SECTIONS 21-1 THROUGH 21-25; CHAPTER 21, ARTICLE II, SECTIONS 21-26, 21-28, 21-30; CHAPTER 21, ARTICLE III, SECTIONS 21-36 AND 21-40; CHAPTER 21, ARTICLE VII, SECTIONS 21-101 AND 21-123; CHAPTER 24, ARTICLE X, DIV. 3, SECTIONS 24-341(c) AND 24-345(c); CHAPTER 31, ARTICLE I, SECTION 31-2(b); AND CHAPTER 32, ARTICLE VIII, SECTION 32-174, RELATIVE TO NEIGHBORHOOD SERVICES.

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WHEREAS, T.C.A. §§13-21-101 through 13-21-208, power is conferred on municipalities to exercise their police powers to repair, close or demolish certain unfit, dilapidated, defective, unsafe or unsanitary dangerous structures in the manner therein provided; and

WHEREAS, The City Council of the City of Chattanooga finds that there exists in Chattanooga structures which are unfit for human occupation or use due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, and due to other conditions rendering such structures unsafe or unsanitary, or dangerous or detrimental to the health, safety or morals, or otherwise inimical to the welfare of the residents of Chattanooga;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, as follows:

SECTION 1. That Chattanooga City Code, Part II, Chapter 18, Article VII, Section 18-123(h) is amended by deleting “Better Housing Commission” and replacing in lieu thereof “Public Officer of the Department of Neighborhood Services”.

SECTION 2.That Chattanooga City Code Part II, Chapter 21, Article I, Sections 21-1 through 21-25 be and is hereby amended by deleting the same in its entirety and inserting in lieu thereof the following:

**Sec. 21-1.Scope.**

The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitutes minimum requirements and standards for premises, structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety required herein.

**Sec. 21-2.Effect of provisions on other ordinances,** **power**

**of city.**

Nothing in this Article shall be construed to impair or limit in any way the power of the City to define and declare nuisances and to their removal or abatement by summary procedures or otherwise. The measures and procedures provided in this Article do not supersede and the Article does not repeal any other measures or procedures which are provided by this Code for the elimination, repair or correction of the conditions referred to in this Article, but the measures and procedure herein provided for shall be in addition to all other powers and authority of the City or inspector.

**Sec. 21-3.General.**

Any requirement not specifically covered by this Code, found necessary for the safety, health and general welfare of the occupants of any dwelling and of the public, shall be determined by the Code Official subject to a hearing before the public officer.

**Sec. 21-4.Definitions.**

For the purpose of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this section.

*Accessory Structure* means all structures including detached garages, storage buildings, fences and walls and other similar type structures.

*Alter or Alteration* means change or modification in construction or occupancy.

*Approved* shall mean approved by the building official.

*Basement* shall mean a portion of a building located partly underground but having less than one-half (1/2) or more of its clear floor-to-ceiling height below the average grade of the adjoining ground.

*Building* shall mean any structure or part thereof not a dwelling as defined in this Section.

*Building Code* shall mean the building code officially adopted by the legislative body of this jurisdiction, or such other code as may be officially designated by the legislative body of the jurisdiction for the regulation of construction, alteration, repair, removal, demolition, use, location, occupancy and maintenance of buildings and structures.

*Building Official* shall mean the officer, or other person, charged with the administration and enforcement of Municipal Building Codes or his duly authorized representative.

*Cellar* shall mean a portion of a building located partly or wholly underground, having one-half (1/2) or more of its clear floor-to-ceiling height below the average grade of the adjoining ground.

*Code Official* shall mean the officer, or other person, charged with the administration and enforcement of this code or any duly appointed representative.

*Condemn* shall mean to adjudge unfit for use or occupancy.

*Dwelling* shall mean any building or structure, or part thereof, used and occupied for human habitation or intended to be so used, and including any accessory structure, outhouse and appurtenances belonging thereto or usually enjoyed therewith.

*Dwelling Unit* shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking or eating.

*Extermination* shall mean the control and extermination of insects, rodents, or other pests, eliminating their harborage places by removing or making inaccessible materials that may serve as their food by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods.

*Family* shall mean one (1) or more persons living together whether related by blood, marriage or adoption, and having common housekeeping facilities.

*Floor Area* shall mean the total area of all habitable space in a building or structure.

*Garbage* shall mean the animal and vegetable waste resulting from handling, preparation, cooking and consumption of food.

*Habitable Room* shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers, or communicating corridors, closets and storage spaces.

*Infestation* shall mean the presence within a dwelling of insects, rodents or other pests.

*Inspector* shall mean the code enforcement inspector of the city.

*Multiple Dwelling* shall mean any building, or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of more than two (2) families living independently of each other and doing their own cooking in such building, and shall include flats and apartments.

*Nuisance* - the following shall be defined as nuisances:

1.Any public nuisance known at common law or in equity jurisprudence.

2.Any attractive nuisance, which may prove detrimental to children whether in a building, on the premises of a building, or upon an unoccupied lot. This includes any abandoned wells, shafts, basements or excavations; abandoned refrigerators and motor veh

following criteria shall be used by the housing inspectors and the Code Official in ordering repair or demolition.

(1)If the dwelling or rooming house unfit for human habitation or dangerous building can reasonably be repaired so that it will no longer exist in violation of the terms of this Article or other ordinances of the City, it shall be ordered repaired.

(2)In any case where a dwelling or rooming house unfit for human habitation or a dangerous building is found by the Code Official to be fifty percent (50%) damaged or decayed or deteriorated, it shall be demolished. In all cases where it is found by the Code Official that a dwelling or a building or a rooming house cannot be repaired so that it will no longer exist in violation of the terms of this Article, it shall be demolished. In all cases where it is found by the Code Official that a dwelling or a dangerous building or rooming house is a fire hazard, existing or erected in violation of the provisions of this Article or any ordinance of the City or statute of the state, it shall be demolished.

(3)In all cases of demolition, each structure is to be completely demolished, including footings, basement walls and floors at or below ground level (unless otherwise specified) with all areas below ground level to be completely filled in a manner to insure proper drainage across the filled and unfilled areas. All wells, cisterns, septic tanks and cesspools shall be properly filled to grade with the existing terrain in a manner that will insure proper drainage across same without causing erosion. Vegetation, with the exception of trees (unless otherwise specified) will be cut to a height of no more than three (3) inches and the premises raked clean.

(Code 1986, § 21-12; Ord. No. 9808, § 1, 11-12-92)

### Sec. 21-14.Posting record of condemnation and certificate

**of occupancy.**

All structures condemned under this Code shall be registered in the office of the Building Official for the City of Chattanooga. Any owners or interested party desiring to rehabilitate a structure or satisfy the requirements of this provision shall be required to secure a permit from the Building Official for the City of Chattanooga. Upon satisfactory completion of the provisions of this Article a certificate of occupancy shall be issued by the Building Official. A certificate of occupancy is required before renting, leasing or occupying a condemned structure.

(Ord. No. 9808, § 1, 11-12-92)

**Sec. 21-15.Renting buildings unfit for habitation prohibited.**

It shall be unlawful for any owner or party in interest of a dwelling or of a building to rent or offer for rent any dwelling or building or rooming unit which is unfit for human habitation due to dilapidation, defects increasing the hazard of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, and due to other conditions rendering such dwelling or building or rooming unit unsafe or unsanitary or dangerous or detrimental to the health, safety or morals or otherwise inimical to the welfare of the residents of the city. A certificate of occupancy shall be obtained from the Building Official of the City of Chattanooga before renting, leasing or occupying any condemned structure. (Code 1986, § 21-10; Ord. No. 9808, § 1, 11-12-92)

**Sec. 21-16.Transfer of ownership.**

It shall be unlawful for the owner of any dwelling unit or structure who has received compliance order, or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of to another until the provisions of the compliance order, or notice of violation has 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 furnish 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 for making the corrections or repairs required by such compliance order or notice of violation.

(Ord. No. 9808, § 1, 11-12-92)

**Sec. 21-17.Mailing, posting of notices and orders.**

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 certified mail, return receipt requested to the last known address of any owner, occupant, mortgagee, lessee and all other persons having an interest in the dwelling, rooming house or building, as shown by the public records, to the last known address of each, and a copy of such notice shall also be posted in a conspicuous place on the dwelling, rooming house or building to which it relates.

(Code 1986, § 21-16; Ord. No. 9808, § 1, 11-12-92)

**Sec. 21-18.General cleanliness, freedom from infestation.**

It shall be the duty of an inhabitant of any dwelling or rooming house or occupant of any building to keep that portion of the property which he occupies, or over which he has exclusive control, clean and free from any accumulation of dirt, filth, rubbish, garbage or similar matter, and free from rodent or vermin infestation. If an occupant shall fail to keep his portion of the property clean, a housing inspector shall send a written notice to the occupant to abate the nuisance within the time specified in such notice. Failure of an occupant to comply with such notice shall be deemed a violation of this Article and shall constitute a public nuisance.

(Code 1986, § 21-18; Ord. No. 9808, § 1, 11-12-92)

**Sec. 21-19.Workmanlike construction.**

All repairs, maintenance work, alterations or installations which are required for compliance with this Code shall be executed and installed in a workmanlike and acceptable manner so as to secure the results intended by this Code.

(Ord. No. 9808, § 1, 11-12-92)

**Secs. 21-20 -- 21-25. Reserved.**

SECTION 3.BE IT FURTHER ORDAINED, That Chattanooga City Code, Chapter 21, Article II, Section 21-26 is deleted in its entirety and inserting in lieu thereof the following.

**Sec. 21-26.Grading and drainage.**

The premises shall be graded and maintained so as to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon. Stagnant water shall be determined as any accumulation that has not dispersed within seven (7) days of the last recorded local rainfall.

SECTION 4BE IT FURTHER ORDAINED, That Chattanooga City Code, Chapter 21, Article II, Section 21-28 is deleted in its entirety and inserting in lieu thereof the following.

**Sec. 21-28.Accessory structures.**

Garages, storage buildings and other accessory structures shall be maintained and kept in good repair and sound structural condition.

Swimming pools shall be maintained in a clean and sanitary condition, in good repair and to prevent the accumulation of stagnant water.

SECTION 5.BE IT FURTHER ORDAINED, That Chattanooga City Code, Chapter 21, Article II, Section 21-30 is deleted in its entirety and inserting in lieu thereof the following:

**Sec. 21-30(a)**

Every person owning or having charge or control of any unsecured building shall remove all combustible waste and refuse therefrom and lock, barricade or otherwise secure all windows, doors and openings in the building to prohibit entry by unauthorized persons.

**Sec. 21-30(b)**

An unsecured vacant building that is barricaded pursuant to this section shall be barricaded by using one half (1/2) inch plywood board. Any board placed on an unsecured, vacant building shall be painted a color that is consistent with the color of the structure and shall be cut to fit into any windows, doors or other openings on such unsecured, vacant building.

SECTION 6.BE IT FURTHER ORDAINED, That Chattanooga City Code, Chapter 21, Article II, Section 21-36 is amended by deleting “thirty-four” and replacing in lieu thereof “forty (40).”

SECTION 7.BE IT FURTHER ORDAINED, That Chattanooga City Code, Chapter 21, Article II, Section 21-40 is deleted in its entirety and inserting in lieu thereof the following:

**Sec. 21-40.Defacement of Property.**

1.All supporting structural members of all buildings shall be kept structurally sound, free of deterioration and maintained capable of safely bearing the dead and live loads imposed upon them.

2.Every exterior wall shall be free of holes, breaks, loose or rotten boards or timbers. The exterior walls of all dwellings or buildings shall be substantially weather-tight, and shall be made impervious to the adverse effects of weather and shall be maintained in sound condition and good repair.

3.No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

4.It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

SECTION 8.BE IT FURTHER ORDAINED, That Chattanooga City Code, Part II, Chapter 21, Article VII, Section 21-101 be and is hereby amended by deleting “Better Housing Commission” and replacing in lieu thereof “Department of Neighborhood Services”.

SECTION 9.BE IT FURTHER ORDAINED, That Chattanooga City Code, Part II, Chapter 21, Article VII, Section 21-123 be and is hereby amended by deleting the same in its entirety and inserting in lieu thereof the following:

**Sec. 21-123.Vacant property review commission established.**

(a)There is hereby created and established a Vacant Property Review Commission referred to in this Division hereafter as the “Commission”. The “Commission” shall serve as a vacant property review commission which shall certify properties as blighted or detracted to the City Council.

(b)The “Commission” shall consist of five (5) persons who are qualified voters of the city, to be appointed by the mayor and confirmed by the City Council. They shall hold office for a term of three (3) years and until their successors are appointed. Provided, however, no officer of employee of the city whose duties include enforcement of local housing, building, plumbing, fire or related codes shall be appointed to the commission.

The members of the “Commission” shall serve without compensation.Three (3) members shall constitute a quorum for the transaction of business.

(c)The “Commission” shall meet in the assembly room at the City Hall at least as my be necessary. Special meetings may be called by the Chairman or by five (5) members upon giving notice to all members. The “Commission” shall keep a record of their proceeding.

SECTION 10.BE IT FURTHER ORDAINED, That Chattanooga City Code, Part II, Chapter 24, Article X, Section 24-341(c) is deleted in its entirety and substituted in lieu thereof the following “*Discarded vehicle* shall mean any vehicle or part hereof which: is inoperative, wrecked, dismantled, partially dismantled or discarded for a period of more than ten (10) days.

SECTION 11.BE IT FURTHER ORDAINED, That Chattanooga City Code, Part II, Chapter 24, Article X, Section 24-345(c) is amended by deleting “Better Housing Commission” and replacing in lieu thereof “Public Officer of the Department of Neighborhood Services”.

SECTION 12.BE IT FURTHER ORDAINED, That Chattanooga City Code, Part II, Chapter 31, Article I, Section 31-2(b) is amended by deleting “inspector for the Better Housing Commission” and replacing in lieu thereof “Public Officer of the Department of Neighborhood Services”.

SECTION 13.BE IT FURTHER ORDAINED, That Chattanooga City Code, Part II, Chapter 32, Article VIII, Section 32-174 is amended by deleting “an authorized inspector of the Better Housing Division” and replacing in lieu thereof “Inspector of the Department of Neighborhood Services”.

SECTION 14.BE IT FURTHER ORDAINED, That the provisions of this Ordinance are hereby declared to be severable. If any of these sections, provisions, sentences, clauses, phrases, or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

SECTION 15.BE IT FURTHER ORDAINED, That this Ordinance shall take effect two (2) weeks from and after its passage, as provided by law.

PASSED on Third and Final Reading

November 12, 2002.S/\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

CHAIRPERSON

APPROVED: X DISAPPROVED: \_\_\_\_\_\_\_

DATE: November 15 , 2002

S/\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

MAYOR

Reviewed By: s/\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

KC/cw/pm*James S. Boney*