at a reasonable cost which is less than 50% of the value of the structure, the owner shall be required within the time specified in the order, to repair, alter, or improve such structure to render it fit for human occupation or use or to vacate and close the structure as a place of human occupation or use. Prior to reoccupying the premises, the owner shall obtain a certificate of occupancy from the **Code Official**. It shall be illegal for any person to reoccupy a structure found unfit for human occupation or use without first obtaining a certificate of occupancy from the **Code Official,** or,

(b)If the repair, alteration or improvement of the structure cannot be made at a reasonable cost which is less than 50% of the value of the structure, the owner may be required, within the time specified in the order, to remove or demolish such structure; or

(c)That 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 a notice with the office of the Register of Deeds of the county in which the property lies, be assessed as a municipal 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 in accordance with T.C.A. § 13-21-103(6). This cost shall be placed upon the tax rolls of the municipality as a lien and shall be added to the 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; or

(d)If the structure is removed or demolished by the public officer, it 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 by the public officer and shall be secured in such manner as may be directed by that Court, and shall be disbursed by that Court to the person found to be entitled thereto by final order of decree of such court; or

(e)The proceeds of all demolitions of housing in the City of Chattanooga after collection by the Back Tax Attorney shall be placed in an account which shall be utilized to sustain continuing demolition of substandard housing in the City.

6)Report to the City Attorney the names of all persons not complying with the order provided for in subsection (4) of this Section.

**Sec. 21-9.Emergency measures.**

Imminent danger. When, in the opinion of the Code Official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Code Official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Code Official shall cause to be posted at each entrance to such structure a notice reading as follows: “This structure is unsafe and its occupancy has been prohibited by the Code Official.” It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the Code Official, there is imminent danger due to an unsafe condition, the Code Official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the Code Official deems necessary to meet such emergency.

Closing of streets. When necessary for public safety, the Code Official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

Emergency Repairs. For the purpose of this section, the Code Official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

Cost of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

Emergency repair or demolition**.**

In cases where it reasonably appears there is immediate danger to the life or safety of any person unless a dwelling or rooming house unfit for human habitation or a dangerous building as defined in this article is immediately repaired or demolished, the inspector shall place a condemnation sign in the form prescribed by Section 21-13(9), upon such building, and shall immediately report the facts to the Code Official and to the Chief Building Official of the City. The Code Official and/or the Chief Building Official of the City shall cause the immediate repair or demolition of such dwelling, rooming house or building. The cost of such emergency demolition by the City of rooming house or building shall be a lien and be collected, charging the cost thereof as a portion of the real estate taxes for the current year.

(Code 1986, § 21-15; Ord. No. 9808, § 1, 11-12-92)

**Sec. 21-10.Duties of housing code official and housing code inspectors.**

General. The Code Official shall enforce the provisions of this code.

1)Rule-making authority. The Code Official shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this code; to secure the intent thereof; and to designate requirements applicable because of local climate or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating engineering methods involving public safety.

2)Right of entry. The code official is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law.

3) It shall be a violation of their ordinance if any owner, occupant or other person in charge of a structure subject to the provisions of this Code refuses, impedes, inhibits, interferes with, restricts, or obstructs entry and free access to any part of the structure or premises where inspection authorized by this Code is sought, the administrative authority may seek, in a court of competent jurisdiction, an order that such owner, occupant or other person in charge cease and desist with such interference.

4)All housing inspectors shall inspect any dwelling, building, rooming house, wall or structure about which complaints are filed by any person to the effect that a dwelling, building, rooming house, wall or structure is, or may be, existing in violation of this article.

5)All housing inspectors shall inspect any dwelling, building, rooming house, wall or structure reported by the fire or police department, department of health or municipal judge as probably existing in violation of the provisions of this article.

6)The Code Official shall notify, in writing, the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in such dwelling, building or rooming house, as shown by the public records, found by a housing code inspector to be a dwelling unfit for human habitation or a dangerous building within the standards set forth in this Code that:

(a)The owner shall repair or demolish such dwelling, rooming house or building in accordance with the terms of the notice of this article.

(b)The occupant or lessee must vacate such dwelling, rooming house or building, or must have it repaired in accordance with the notice and remain in possession.

(c)The mortgagee, agent or other person having an interest in such dwelling, rooming house or building, as shown by the public record may, at his own risk, repair or demolish the dwelling, rooming house or building or have such work or act done, provided that any person notified under this subsection to repair or demolish any dwelling, rooming house or building shall commence within a reasonable time, not exceeding thirty (30) days, and complete such work within a reasonable length of time as may be necessary to do, or have done, as required by the notice provided herein.

(d)The above time limits may be extended at the discretion of the Code Official, administrator or his designated appointee.

The Code Official and housing inspectors shall set forth in the notice provided for in subsection (5) of this section a description of the dwelling or building or rooming house deemed unsafe, a statement of the particulars which make the dwelling or rooming house unfit for human habitation, or the building a dangerous building and an order requiring the same to be put in such condition as to comply with the terms of this article.

(7)The Code Official and housing inspectors shall appear at hearings or in any court of competent jurisdiction to testify as to the condition of any dwellings or rooming houses unfit for human habitation, and/or dangerous buildings.

(8)The Code Official shall direct a notice to be posted on all dwellings or rooming houses unfit for human habitation and/or dangerous buildings, which shall contain the following language:

"*THIS BUILDING HAS BEEN FOUND TO BE UNFIT FOR HUMAN HABITATION AND A DANGEROUS BUILDING BY THE INSPECTOR. THIS NOTICE IS TO REMAIN ON THIS BUILDING UNTIL IT IS REPAIRED OR DEMOLISHED IN ACCORDANCE WITH THE NOTICE, WHICH HAS BEEN GIVEN THE OWNER, OCCUPANT, LESSEE, MORTGAGEE OR AGENT OF THIS BUILDING. IT IS UNLAWFUL TO REMOVE THIS NOTICE UNTIL SUCH NOTICE IS COMPLIED WITH*."

(9)The powers and duties conferred upon housing inspectors by this article shall be in addition and supplemental to the powers conferred upon the inspector by any other ordinance or code provision of the City.

Code 1986, § 21-9; Ord. No. 9808, § 1, 11-12-92)

**Sec. 21-11.Condemnation standards.**

General. When a structure, equipment or property is found by the Code Official to be unsafe, or when a structure or property is found unfit for human occupancy, or use, or is found unlawful, such structure or property shall be condemned pursuant to the provisions of this code.

Unsafe structure. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundations, that partial or complete collapse is possible.

Unsafe equipment. Unsafe equipment includes, but is not limited to, any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

Unsafe property. Unsafe property is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the property.

Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the Code Official finds that such structure is unsafe, unlawful, or unsanitary because of the degree to which the structure is in disrepair or lacks maintenance, is vermin or rat infes