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 vehicles, any structurally unsound fences or structures; or any lumber, trash, fences, debris or vegetation which may prove a hazard for inquisitive minors.

3.Whatever is dangerous to human life or is detrimental to health, as determined by the health officer.

4.Overcrowding a room with occupants.

5.

Insufficient ventilation or illumination.

6.Inadequate or unsanitary sewage or plumbing facilities.

7.Uncleanliness, as determined by the health officer.

8.Whatever renders air, food or drink unwholesome or detrimental to the health of human beings, as determined by the health officer.

*Occupant* shall mean any person over one (1) year of age living, sleeping, cooking or eating in or having actual possession of a dwelling unit or rooming unit.

*Openable Area* shall mean that part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

*Owner* shall mean any person, agent, operator, firm, or corporation having a legal or equitable int

(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*