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.

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 infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to laws, or where activities by the occupants of the structure are in violation of established state or local laws.

**Sec. 21-12.Defects constituting unfitness or dangerousness.**

All dwellings, dwelling units and/or buildings, which have any or all of the following defects shall be deemed unfit for human habitation or shall be deemed dangerous buildings:

(1)Those whose walls or other vertical members list, lean or buckle to such an extent that a plumb line suspended from the top edge of such a member shall fall outside of a distance of its base equal to one-third (1/3) the thickness of such member.

(2)Those which, exclusive of the foundation, have support members which have deteriorated to such an extent as to be unable to safely support the applied loads or which have forty (40) percent 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.

(5)Those which have parts thereof which are so attached that they may fall and injure persons or property.

(6)Those which do not have an unobstructed means of egress leading to an open space at ground level.

(7)Those which do not have the window area for each habitable room equal to at least eight (8) percent of the total floor area of such room.

(8)Those which do not have ventilation provided by windows equal to a minimum of 45% of the openable window area size of each room, except where there is supplied some device affording adequate ventilation and approved by the inspector.

(9)Those having habitable rooms with a ceiling height less than seven (7) feet throughout one-half (1/2) of the area of such room. Any portion of a room having a ceiling height less than five (5) feet high shall not be considered in computing the total floor area for such room.

(10)Those which do not have an installed kitchen sink in each dwelling unit properly connected to the hot and cold potable water supply pipes and the sewer system.

(11)Those which do not have an installed tub or shower and lavatory properly connected to the water pipes and sewer system.

(12)Those which do not have a flush-type water closet located in a room affording privacy and properly connected to the water pipes and sewer system.

(13)Those which do not have installed electric lighting facilities consisting of at least two (2) separate wall type convenience outlets or one (1) ceiling type fixture and one (1) wall type outlet for every habitable room, to be installed in accordance with the Electrical Code of the City.

(14)Those which, where heat is not furnished from a central heating plant, do not have fireproof chimney flues so that heating habitable rooms can be operated. Heating equipment, whether installed by the owner or occupant, must be properly vented and maintained in good order and repair.

(15)Those dwellings or buildings or rooming houses existing in violation of any of the building, plumbing or health codes or other ordinances or codes of the City.

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

**Sec. 21-13.Unfit,** **dangerous** **buildings** **declared** **nuisances; repair, demolition.**

All dwellings or rooming houses unfit for human habitation and/or all dangerous buildings within the terms of Section 21-14 of this Code are hereby declared to be public nuisances and shall be repaired or demolished and debris removed from the site as provided in this Article. The 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*