Voluntary Report - public distribution

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**Poland**

**Product Brief**

**Dried Fruits and Nuts**

**2004**

**Approved by:**

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U.S. Embassy

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**Report Highlights:**

Overall Polish imports of dried fruits and nuts increased 6.5 percent in 2003. US exporters have more opportunities to enter the market due to the May 1, 2004, accession of Poland to the EU. Demand for these products generally increased between January and May, stimulated by the Carnival Season

Includes PSD Changes: No

Includes Trade Matrix: No

Unscheduled Report

Warsaw [PL1]

[PL]

**Section I. Market Overview**

Quick snacks and foods are showing continued expansion in the Polish food industry. Polish consumers perceive dried fruit & nuts as a positive, healthy form of food "on the go." As a result, this sector shows overall growth. Total imports of dried fruit & nuts in 2003 were 77,286 MT, a 6.5 percent increase from 2002. This developing market has brought forth a variety of changes, including bulk packaging. While bulk packaging brings in a higher quantity of product, it has proven to decrease overall quality. The lack of a tariff for raw shelled and unshelled peanuts and newly decreased tariffs for walnuts, pistachios, raisins, dried prunes, and mixed nuts due to the May 1, 2004, EU accession, may offer U.S. dried fruit and nut suppliers the opportunity to capture a larger market share in Poland.

Market research shows that about 32 percent of the Polish population buys a variety of nuts and dried fruits throughout the year. Nearly 65 percent of the Polish population purchases nuts once a month, 25 percent purchases nuts once a week, and 7 percent purchases nuts more than once a week. Among the nuts available on the Polish market, the following are the most popular: peanuts, walnuts, hazelnuts, almonds, and pistachios.

No detailed data on dried fruit consumption is available. The most popular dried fruits on the Polish market are: raisins, prunes, dates, apricots, figs, apples, and pears. Dried cranberries are occasionally offered on the market, however; due to the implementatORDINANCE NO. 11345AN 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.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_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; andWHEREAS, 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 interest in the property, or recorded in the official record of the state, county or municipality as holding title to the property, or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.Operator shall mean any person who has charge, care or control of a building, or part thereof, in which dwelling units or rooming units are let.Parties in Interest shall mean all individuals, associations and corporations who have an interest of record in a dwelling or building or who are in possession thereof.Plumbing shall mean the practice, materials and fixtures used in the installation, maintenance, extension and alteration of all piping, fixtures, appliances and appurtenances in connection with any of the following: sanitary drainage or storm drainage facilities, the venting system and the public or private water supply systems, within or adjacent to any building, structure or conveyance. Also, the practice and materials used in the installation, maintenance, extension or alteration of storm water, liquid waste, or sewerage and water supply systems, or any premises to their connection with any point of public disposal or other acceptable terminal.Premises shall mean a lot, plot or parcel of land including the buildings or structures thereon.Public Areas shall mean an unoccupied open space adjoining a building and on the same property that is permanently maintained accessible to the fire department and free of all encumbrances that might interfere with its use by the fire department.Public Officer shall mean the Administrator of the Department of Neighborhood Services or his designee who is authorized by this to exercise the power prescribed by this ordinance for enforcement of this code or Division 1 of the Municipal Court of the City of Chattanooga.Public Record shall include deeds, deeds of trust and other instruments of record in the register's office of the county.Repair shall mean the replacement of existing work with an approved material similar to that used in the existing work, not including additional work that would change the structural safety of the building, or that would affect or change required exit facilities, a vital element of an elevator, plumbing, gas piping, wiring or heating installation, or that would be in violation of a provision of law or ordinance. The term "repair" or "repairs" shall not apply to any change of construction.Required shall mean required by some provision of this chapter.Rooming House shall mean any dwelling or that part of any dwelling containing one (1) or more rooming units, in which space is let by the owner or occupant to three (3) or more persons who are not husband and wife, son or daughter, mother or father, sister or brother of the occupant.Rooming Unit shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.Rubbish shall mean combustible and noncombustible waste materials except for garbage, and the term shall include the residue from the burning of wood, coal, coke and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metal mineral matter, glass crockery and dust.Stairway shall mean one (1) or more flights of stairs and the necessary landings and platforms connecting them, to form a continuous and uninterrupted passage from one story to another in a building or structure.Story shall mean that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.Structural Alteration shall mean any change except for repair or replacement in the supporting members of a building, such as bearing walls, columns, beams or girders.Structure shall mean that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. The term "structure" shall be construed as if followed by the words "or part thereof".Supplied shall mean paid for, furnished, or provided by or under control of the owner or operator.Temporary Housing shall mean any tent, trailer or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure or to any utilities system on the same premises for more than thirty (30) consecutive days.Ventilation shall mean the process of supplying and removing air by natural or mechanical means to or from any space.Workmanlike shall mean that whenever the words "workmanlike construction" are used in this Code they shall mean that such maintenance and repair be made in a reasonably skillful manner.Yard shall mean an open unoccupied space on the same lot with a building extending along the entire length or a street, or rear or interior lot line.Sec. 21-5.Approval.Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the Code Official shall have the authority to grant modifications for individual cases, provided the Code Official shall first find that special individual reason(s) makes the strict letter of the code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.Alternative materials, methods and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternate material or method of construction shall be approved where the Code Official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.Requiring testing. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the Code Official shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.Sec. 21-6.Violations.Unlawful acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.Notice of violation. The Code Official shall serve a notice of violation or order in accordance with Sec. 21-20.Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Sec. 21-20 shall be deemed guilty of a misdemeanor, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the Code Official shall institute the appropriate proceeding at law or in equity to retrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto.Violation penalties. Any person, who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the legal office of the jurisdiction from instiion of an ad valorem tariff which is being applied to certain US products in retaliation for unfair trade activities by the US; the potential for expansion in this area has been limited.

Demand for these products greatly increases between January and May. This is stimulated by Carnival season, Easter holidays, and a decrease in fresh fruit consumption during this period. Polish consumers, ages 15 to 19, are the biggest consumers of dried fruit and nuts. This age group likes the health food aspect and use of nuts and dried fruit as snacks. In addition, these products are also quite popular with the 20-49 year old age group. Consumption in the age group above 50 years is very marginal. Consumption decreases at this age mainly due to low-income levels and no tradition of using nuts and dried fruit as snacks. Market research results show that these products are most popular in medium (population above 500,000 people) and larger cities among consumers with at least high school education and college degrees within the medium and high-income levels.

**Section II. Market Sector Opportunities and Threats**

1) Entry Strategy

Larger firms have traditionally distributed products in this sector through wholesalers.

However, more dried fruit & nut importers are tending toward direct distribution to the retail market. Direct distribution reduces overall cost and avoids the loss of product freshness that results in declining sales. Larger firms have also introduced sales representatives in the field to process orders and to disseminate market information back to the firm. The smaller, less capital accessible firms still rely on the wholesaler link to the market. These firms do not have the capital necessary to distribute their product internally.

Exporters of U.S. dried fruit and nuts may obtain a list of current Polish importers by contacting the Office of Agricultural Affairs at the U.S. Embassy in Warsaw (see Section V).

2) Market Size, Structure, Trends

The retail centers for dried fruit & nut sales are broken into several segments. They include hypermarkets, supermarkets and discount stores, convenience stores, traditional stores, and kiosks. Hypermarkets have been growing in number throughout Poland and offer the largest variety and shelf space of any segment. Supermarkets and discount stores also offer a large variety of dried fruit & nuts and shelf space. Convenience stores are a new and growing distribution channel located at railway, bus, and gas stations throughout Poland. The number of these stores is expected to double over next few years and will likely offer the greatest potential for market growth in snack products such as dried fruit & nuts. In addition, Poland’s vehicle sales increased sharply in the 1990's. Although this trend does not continue, sales continue to increase slightly, which makes the gas stations with food stores an increasingly attractive retail outlet. Traditional stores and kiosks offer the least amount of variety and shelf space for dried fruit & nuts but make up the largest percentage of stores.

In terms of substitutes, the potato chip/snack food industry competes heavily with the dried fruit and nuts sector. Firms involved in this industry advertise heavily through TV and billboards to increase their sales of these products. Fresh fruit and vegetables compete with dried fruit and nuts during the months of June through August. Consumption of dried fruit and nuts is the strongest during the months of September through May.

While overall imports of dried fruits and nuts have grown 6.5 percent, new trends in market development have promoted an increase in bulk packaging from grams to kilograms, which has dampened quality. In addition, foreign retail outlets in Poland often demand the same product terms and prices as occur among their Western European outlets. The following tables show a break down of the dried fruit and nuts imported to Poland.

**Table I. Dried Fruit & Nuts Import Tables**

\* Denotes information that is unavailable.

Source: World Trade Atlas

3.) Market Preferences

Flavored peanuts, almonds, and hazelnuts have recently become popular among Polish consumers. Spicy flavors tend to be most appealing. Coated peanuts, referred to as double crunch peanuts, are also rather popular among Poles, and are available salted or flavored. Energy bars produced from grains, nuts, and dried fruits are becoming more visible on the market as the society moves towards becoming more health conscious. Products from companies outside of Poland primarily dominate the energy bar market, however; Polish companies are starting to produce these bars under their own brands. Chocolate manufacturers are also starting to look for high quality ingredients to ensure longer shelf life of their products. This has led to an increased demand for high quality nuts as raw materials. Due to increased local demand, Polish importers have become more interested in larger orders increasing the demand for direct shipments from the US.

**Section III. Costs & Prices**

Costs of dried fruits and nuts vary by the market in which they are sold (upper, middle, lower income), in addition to the brand they carry. However, overall price fluctuation is moderate. The following depicts retail prices for dried fruit and nuts in July 2004.

**Table II. Retail Prices**

Source: FAS Warsaw Field Research

Poland’s import tariffs on dried fruit and nuts are drastically reduced due to the May 1, 2004, EU accession. As a result of the accession, EU member states receive duty free market access.

**Table III. Dried Fruits and Nut Tariffs**

\*Other Almonds, in shell and shelled, have a quota of 900,000 tons, with a tariff quota 2%.

\*\*In addition to this tariff an ad valorem tariff is being applied to this product. The additional tariff for the month of July 2004, is 9%, and will increase by 1% each month until it reaches 17% in March 2005. On March 1,2005, this additional tariff is subject to revision.

**Section IV. Market Access**

The Polish government works to ensure the safety and quality of food for Polish consumers through a number of regulatory means. Information specifically pertaining to Poland may be obtained from FAS’s Food and Agricultural Import Regulations and Standards (FAIRS) report for Poland, which will be updated to reflect the new EU regulations in August 2004. Most of the newer measures are the same as those observed in the European Union. The most important EU regulations can be found in FAS’s FAIRS report for the European Union, which can be found at the following address http://www.useu.be/agri/usda.html.

**- Registration of a new imported product:**

All imported products must be approved for sale or use on the Polish market. Registration and approval of imported products is much simpler if the product has already received approval for sale in another EU nation. In order to test or register a new product or start procedures for receiving approval of a new additive, (not specified in the approved additives list), the following procedure should be followed:

Appropriate Voivod Sanitary Station should be contacted. In Warsaw - the Wojewodzka Stacja Sanitarna (SANEPID) is the appropriate contact.

An appropriate local sanitary station must be supplied with a product sample for testing. The tests can take between 2 weeks and 2 months. The cost is difficult to estimate but may amount to $250.00 per product. An estimate of the cost can be obtained from the SANEPID station when it is presented with product details. The lab tests for product ingredients determine whether they are permitted on the Polish market.

If it is determined that all the ingredients are allowed on the Polish market, SANEPID test results are sufficient for the product to be sold in Poland. However, should some ingredients be questioned, additional requests must be submitted to State Hygiene Office (Panstwowy Zaklad Higieny).

Please note that product testing in SANEPID can only be ordered by a firm **registered in Poland** (eg. potential importer). Each region in Poland has appropriate sanitary stations (a list is available from Warsaw SANEPID)- eg. Only firms registered in Warsaw or neighboring areas can conduct product testing in the Warsaw Sanitary Station).

Effective July 15, 1994 per Journal of Law no. 86 chapter 402, all package/canned food products are required to have Polish language labels. Multi-language labels are acceptable as long as they include Polish. The label must contain: name of the product, name and address of the producer, date - to be consumed before - the Polish phrase “nalezy spozyc do XXX” is commonly used, net content (weight/capacity), and content of the product (ingredients, chemical additives, etc.)

Labeling must be applied in the form of a whole label or a permanent sticker before the product can enter Poland. Products arriving in Poland without appropriate labels will be detained at the border until appropriate labels are applied.

Poland’s Ministry of Health and Social Welfare published a new regulation (Journal of Law no. 87 dtd. May 19, 2003) on food additives on June 3, 2003. Poland uses a positive-additives list, which identifies additives that are permitted for use in foodstuffs. This particular regulation has been one of the most difficult obstacles facing imported products. The new list is in line with the current EU regulations. **Please note:** As each EU member state has a different list of allowable food additives it is vital for all U.S. exporters to check with the potential Polish importers about whether the product intended for the Polish market meets all the ingredient requirements.

If you would like to contact authorities directly involved in preparing regulations on food additives and inspection of additive levels in imported products, please contact the National Food and Nutrition Institute.

Section V. Key Contacts and Further Information

Embassy of the United States of America

Office of Agricultural Affairs, Warsaw, Poland

Wayne Molstad

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tel: 48 22 504 2336, fax: 48 22 504 2320

Mazowiecka Sanitary Station - SANEPID - actual tests & check ups

Mr. Krzysztof Dziubinski, Acting Voividship Sanitary Inspector

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Institute of Food and Nutrition

*-*Dr. Lucjan Szponar, Director

or

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Section for Food and Nutrition Manager

ul. Powsinska 61/63

02-903 Warsaw

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fax: 4822-423742

**For aflatoxin information please contact:**

State Hygiene Office (Panstwowy Zaklad Higieny) PZH Prof. Jan Krzysztof Ludwicki, Diretuting appropriate action to restrain, correct or abate a violation, or to prevent legal occupancy of a building, structure or premises, or to stop an illegal act, conduct business or utilization of the building, structure or premises.Sec. 21-7.Authority relative to unfit dangerous buildings.General. The Code Official shall order the owner of any premises upon which is located any structure, which in the Code Official’s judgment is so old, dilapidated or has become so out of repairs as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner’s option; or where there has been cessation of normal construction of any structure for a period of more than two (2) years, to demolish and remove such structure.If repair, alteration or improvement of the structure cannot be made at a reasonable cost which is less than fifty percent (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.Sec. 21-8.Duties of the Public Officer.The public officer shall have the authority to:(1)Upon receipt of a report of housing inspectors, as provided in Section 21-10) of this Code, the Code Official shall give written notice to the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in such dwelling or building, as shown by the public records, ordering them to appear before the public officer on the date specified in the notice or show cause why the dwelling or building reported to be unfit for human habitation or a dangerous building should not be repaired or demolished in accordance with the statement of particulars set forth in the inspector's notice provided for in Section 21-11 of this Code. If a person notified fails to appear in person or through a representative, public officer shall hear testimony and notify such person of its decision. The public officer shall have authority to issue subpoenas for witnesses and administer oaths. Any person duly served with a subpoena failing to appear shall be guilty of a misdemeanor and punishable as such.(2)Hold a hearing and hear such testimony as the inspector or the owner, occupant, mortgagee, lessee or any other person having an interest in such building, as shown by the public records, shall offer relative to the dwelling or rooming house being unfit for human habitation or dangerous building.(3)Make written findings of fact from the testimony offered pursuant to subsection (2) of this Section as to whether or not the dwelling or rooming house is unfit for human habitation or the building within the terms and provisions of Section 21-12 of this Code.(4)Issue an order, based upon the findings of fact made pursuant to subsection (3) of this Section, commanding the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in such dwelling, rooming house or building, as shown by the public records, to repair or demolish any dwelling or rooming house found to be unfit for human habitation or any building found to be a dangerous building within the terms and provisions of this Article; provided that, any person so notified shall have the privilege of either repairing such dwelling, rooming house or building or may demolish such dwelling, rooming house or building at his own risk to prevent the acquiring of a lien against the land upon which the dwelling, rooming house or building stands by the City, as provided in subsection (5) of this Section.(5)If the owner, occupant, mortgagee, lessee or agent fails to comply with a lawful order provided for in subsection (4) of this Section within ten (10) days, public officer shall cause such dwelling or rooming house or building to be repaired or demolished, as the facts may warrant, under the criteria provided in Section 21-12 of this Code. If after proper notice and a hearing in accordance with T.C.A. § 13-21-103, the public officer finds that the structure under consideration is unfit for human occupation or use, they shall state in writing their findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order:(a)If the repair, alteration or improvement of the structure can be made 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 Officctor, ph: 48228497084

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