

TITLE 12

BUILDING, UTILITY, ETC. CODES

CHAPTER

1. BUILDING CODE, ETC.
2. INTERNATIONAL PROPERTY MAINTENANCE CODE.
3. THE STANDARD CODE FOR THE ELIMINATION OR REPAIR OF UNSAFE BUILDINGS.
4. SWIMMING POOLS.
5. ENERGY CODE.

CHAPTER 1

BUILDING CODE, ETC.¹

SECTION

12-101. Current codes adopted.

12-101. Current codes adopted. (1) The city hereby adopts the 2003 version of the ICC International Building Code relating to building, mechanical, plumbing, gas, fire and one and two family dwellings to date, excluding chapter 16, §§ 1613 through 1623, regarding seismic requirements and replace with the seismic requirements of the 1999 version of the Standard Building Code, chapter 16, § 1607.

(2) The city hereby adopts the 2002 version of the NEC including all referenced NFPA publications to date.

(3) The city hereby adopts the 2003 version of the NFPA Life Safety Code 101 and all referenced NFPA publications to date.

(4) The city will require building contractors, electricians, plumbers and mechanical contractors to be licensed by the State of Tennessee, Hamilton County, and/or the City of Chattanooga to preform related work as permitted by the city. Building, electrical, plumbing and mechanical permits will require purchase by a licensed contractor.

(5) Any property owner desiring to preform work on his or her own property, which may require such a license, may obtain a limited building permit upon such condition established by the city building inspector and shall

¹Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

not make more than one application for the construction of a single family residence within a period of twenty-four (24) months. A permit for the plumbing, electrical and mechanical work in a single family residence, outbuilding or garage must be obtained by a licensed contractor.

(6) Structures not requiring design by a registered architect or engineer:

(a) Business, "factory-industrial," "hazardous," "mercantile," "residential" and "storage" occupancies, as defined in the 2003 edition of the ICC code, which are:

(i) Less than three (3) stories in height; and

(ii) Less than five thousand square feet (5,000 sq. ft.) in total gross area

(b) One-family and two-family dwellings and domestic outbuildings appurtenant thereto; or

(c) Farm buildings not designed or intended for human occupancy.

Nothing in this section shall prevent the city from requiring the services of a registered architect, engineer or landscape architect for any project.

(7) Any person, firm, corporation or agent who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, install, demolish or move any structure, electrical, gas, mechanical or plumbing system, or has erected, constructed, altered, repaired, moved or demolished a building, structure, electrical, gas, mechanical or plumbing system, in violation of a detailed statement or drawing submitted and permitted thereunder, shall be guilty of a misdemeanor. Each such person shall be considered guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed or continued, and upon conviction of any such violation such person shall be punished within the limits as provided by state laws. (1990 Code, § 4-101)

CHAPTER 2

INTERNATIONAL PROPERTY MAINTENANCE CODE

SECTION

12-201. International property maintenance code adopted.

12-202. Modifications.

12-203. Available in recorder's office.

12-204. Violations.

12-201. International property maintenance code adopted.

Pursuant to authority granted by §§ 6-54-501 through 6-54-506 of the Tennessee Code Annotated, and for the purpose of securing the public safety, health, and general welfare through structural strength, stability, sanitation, adequate light, and ventilation in dwellings, apartment houses, rooming houses, and buildings, structures, or premises used as such, the International Property Maintenance Code,¹ 2003 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the housing code. (1990 Code, § 4-401)

12-202. Modifications.

Wherever the International Property Maintenance Code refers to the "Building Official" it shall mean the person appointed or designated by the city manager to administer and enforce the provisions of the International Property Maintenance Code. Wherever the "Department of Law" is referred to, it shall mean the city attorney. Wherever the "Chief Appointing Authority" is referred to it shall mean the city manager. Section 106 of the International Property Maintenance Code is deleted. (1990 Code, § 4-402, modified)

12-203. Available in recorder's office.

Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the International Property Maintenance Code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1990 Code, § 4-403, modified)

12-204. Violations.

It shall be unlawful for any person to violate or fail to comply with any provision of the International Property Maintenance Code as herein adopted by reference and modified. (1972 Code, § 4-404, modified)

¹Copies of this code are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213-1206.

CHAPTER 3

THE STANDARD CODE FOR THE ELIMINATION OR REPAIR OF UNSAFE BUILDINGS

SECTION

- 12-301. Definitions.
- 12-302. Code remedial.
- 12-303. Scope.
- 12-304. Alterations, repairs or rehabilitation work.
- 12-305. Maintenance.
- 12-306. Enforcement officer.
- 12-307. Powers and duties of the building official.
- 12-308. Liability.
- 12-309. Defects making dwelling unfit for human habitation and dangerous buildings.
- 12-310. When unfit dwellings and dangerous buildings are to be repaired or demolished.
- 12-311. Abatement of nuisances; inspector's duties.
- 12-312. Abatement of nuisances; board's duties.
- 12-313. Emergency abatement of nuisances.
- 12-314. Notices and orders to out-of-town owners, etc.
- 12-315. Failure to receive notices and effect.
- 12-316. Remedies provided herein are cumulative.
- 12-317. Violations and penalties.

12-301. Definitions. The following definitions and terms shall apply in the interpretation and enforcement of this chapter.

(1) "Owner" shall mean the holder of a fee simple title and every trustee or mortgagee of record.

(2) "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.

(3) "Dwelling" shall mean any building or structure or part thereof used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

(4) "Building" shall mean any structure or part thereof not a dwelling as above defined.

(5) "Structural alterations" shall mean any change, except for repair or replacement, in the supporting members of a building such as bearing walls, columns, beams, or girders.

(6) "Public record" shall mean deeds, deeds of trust, and other instruments of record in the registrar's office of Hamilton County, Tennessee.

(7) "Building official" is the officer or other designated authority charged with the administration and enforcement of this code, or his duly authorized representative. (1990 Code, § 4-501)

12-302. Code remedial. This code is hereby declared to be remedial and shall be constructed to secure the beneficial interests and purposes thereof - which are public safety, health and general welfare - through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use and occupancy of buildings, structures or premises. (1990 Code, § 4-502)

12-303. Scope. The provisions of code shall apply to all unsafe buildings or structures, as herein defined, and shall apply equally to new and existing conditions. (1990 Code, § 4-503)

12-304. Alterations, repairs or rehabilitation work. (1) Alterations, repairs or rehabilitation work may be made to any existing building without requiring the building to comply with all the requirements of the International Building Code, provided that the alteration, repair or rehabilitation work conforms to the requirements of the International Building Code adopted in chapter 1 of this title.

(2) Alterations, repairs or rehabilitation work shall not cause an existing building to become unsafe as defined in § 12-309.

(3) If the occupancy classification of an existing building is changed, the building shall be made to conform to the intent of the International Building Code, adopted in chapter 1 of this title, for the occupancy classification as established by the building official. (1990 Code, § 4-504, modified)

12-305. Maintenance. All buildings or structures, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by the International Building Code, adopted in chapter 1 of this title, in a building when erected, altered or repaired, shall be maintained in good working order. (1990 Code, § 4-505, modified)

12-306. Enforcement officer. The provisions of this code shall be enforced by the building official, codes officer, or any other employee appointed or designated by the city manager. (1990 Code, § 4-506)

12-307. Powers and duties of the building official. (1) The building official, codes officer or any employee so designated by the city manager may enter any building, structure or premises at all reasonable times to make an inspection or enforce any of the provisions of this code.

(2) When entering a building, structure, or premise that is occupied, the building official shall first identify himself, present proper credentials and request entry. If the building, structure, or premise is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge of the building and demand entry. If entry is refused the building official or authorized representative shall have recourse to every remedy provided by the law to secure entry.

(3) No person, owner or occupant of any building or premise shall fail, after proper credentials are displayed, to permit entry into any building or onto any property by the building official or his authorized agent for the purpose of inspections pursuant to this code. Any person violating this section shall be prosecuted within the limits of the law. (1990 Code, § 4-507)

12-308. Liability. Any officer or employee charged with the enforcement of this code, acting for the city manager in the discharge of his duties, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer or employee because of such act performed by him in the enforcement of any provisions of this code shall be defended by the legal department of the board of commissioners until the final termination of the proceedings. (1990 Code, § 4-508)

12-309. Defects making dwellings unfit for human habitation and dangerous buildings. All dwellings or buildings which have any or all of the following defects shall be deemed to be unfit for human habitation or dangerous buildings:

(1) Those whose interior walls or other vertical members list, lean or buckle to such an extent that a plum line passing through the center of gravity falls outside the middle third of its base.

(2) Those which, exclusive of the foundation, show thirty-three percent (33%) or more of damage or deterioration of the support member or members, or fifty percent (50%) of 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 become dangerous to life, safety, morals, or the general health and welfare of the occupants of the people of the city.

(5) Whenever any means of egress or portion thereof is not of adequate size or is not arranged to provide a safe path of travel in case of fire or panic.

(6) Whenever for any reason a building, structure or portion thereof is manifestly unsafe or unsanitary for the purpose it is being used.

(7) Whenever any building, structure or portion thereof as a result of decay, deterioration or dilapidation is likely to fully or partially collapse.

(8) Whenever any building, structure, or portion thereof is in such a condition as to constitute a public nuisance.

(9) Whenever any exterior appendages or portion of a building or structure is not securely fastened, attached or anchored that they may fall and injure members of the public or property.

(10) Those dwellings or buildings existing in violation of any provision of this chapter or any other ordinances of this city at the time such provisions become effective. (1990 Code, § 4-509)

12-310. When unfit dwellings and dangerous buildings are to be repaired or demolished. All dwellings unfit for human habitation and all dangerous buildings within the terms of § 12-309 are hereby declared to be public nuisances, and shall be repaired or demolished as hereinbefore and hereinafter provided. The following criteria shall be used by the building inspector in ordering repair or demolition:

(1) If the dwelling or dangerous building can reasonably be repaired so that it will no longer exist in violation of the terms of this chapter or other ordinances of this city, it shall be ordered repaired.

(2) In any case where a dwelling unfit for human habitation or a dangerous building is fifty percent (50%) damaged or decayed or deteriorated from its original value or structure, it shall be demolished, and in all cases where a dwelling or a building cannot be repaired so that it will no longer exist in violation of the terms of this chapter, it shall be demolished. In all cases where a dwelling or a dangerous building is a fire hazard existing or erected in violation of the provisions of this chapter or any ordinance of this city or any statute of the State of Tennessee, it shall be demolished. (1990 Code, § 4-510)

12-311. Abatement of nuisances; inspector's duties. (1) The building inspector shall inspect any dwelling, building, wall or structure about which complaints are filed by any person to the effect that it is or may be existing in violation of this chapter.

(2) He shall inspect any dwelling, building, wall or structure reported by the fire or police department or the Department of Health as probably existing in violation of the provisions of this chapter.

(3) He shall notify (in writing) the owners, occupants, lessees, mortgagees, agents, and all other persons having any interest, as shown by the public records, in any dwelling or building found to be unfit for human habitation or a dangerous building within the standards set forth in this chapter, that:

(a) The owner must repair or demolish said dwelling or building in accordance with the terms of this notice and this chapter.

(b) The occupant or lessee must vacate such dwelling or building or must have it repaired in accordance with the notice and this chapter in order to remain in possession.

(c) The mortgagee, agent or other persons having an interest in said dwelling or building as shown by the public records may, at his own risk, repair or demolish said dwelling or building or have such work or act done. However, any person notified under this subsection to repair or demolish any dwelling or building shall be given such reasonable time, not exceeding sixty (60) days, as may be necessary to do, or have done, the work or act required by the notice provided herein.

(4) Failure of any owner, occupant, lessee, mortgagee, agent, or other person having an interest in said dwelling or building, to receive a copy of the inspector's notice if mailed, or failure of the city or the inspector to notify any owner, occupant, lessee, mortgagee, agent or other person having an interest in said dwelling or building, shall not relieve the remaining persons who are actually notified in accordance with this subsection of their responsibilities hereunder.

(5) The building inspector shall set forth in the notice provided for in subsection (3) hereof, a description of the dwelling or building deemed unsafe, a statement of the particulars which make the dwelling 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 chapter within such length of time, to begin within sixty (60) days and completion not to exceed one hundred twenty (120) days.

(6) The building inspector shall report to the city manager any noncompliance with the notice provided for in this section. The manager shall in turn report his findings and recommendations to the board.

(7) The building inspector shall appear at all hearings conducted by the board and testify as to the condition of the dwellings unfit for human habitation and the dangerous buildings.

(8) The building inspector shall place a notice on all dwellings unfit for human habitation and on all dangerous buildings as follows:

DANGER

This building is deemed unsafe

for human occupancy

under § 12-309 of the Building Code of the

City of Soddy-Daisy

It is unlawful for any person to occupy

or reside in this building

City of Soddy-Daisy

Any unauthorized person removing this notice

Will be prosecuted

(1990 Code, § 4-511, modified)

12-312. Abatement of nuisances; board's duties. (1) Upon receipt of a report of the city manager as provided for in § 12-311, the board shall give written notice to the owner, occupant, mortgagee, lessee, agent, and any other person having an interest in said dwelling or building, as shown by the public records, to appear before the board on the date specified in the notice to 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 § 12-313.

(2) The board shall hold a hearing and hear such testimony as the inspector and the owner, occupant, mortgagee, lessee, or any other person having an interest in said building as shown by the public records, shall offer relative to the dwelling being unfit for human habitation or a dangerous building.

(3) The board shall make written findings of fact from the testimony offered, as to whether or not the dwelling is unfit for human habitation or the building in question is a dangerous building within the terms and provisions of this chapter.

(4) The board shall issue an order, based upon its findings of fact, commanding the owner, occupant, mortgagee, lessee, agent, and all other persons having an interest in said dwelling or building, as shown by public records, to repair or demolish any dwelling found to be a dangerous building within the terms and provisions of this chapter. Any person so notified shall have the privilege of either repairing the dwelling or building or demolishing it at his own risk to prevent the acquiring of a lien against the land upon which said dwelling or building stands by the city as provided in subsection (5) hereof.

(5) If the owner, occupant, mortgagee, lessee, or agent fails to comply with the order provided for in subsection (4) hereof within ten (10) days, the board shall cause such dwelling or building to be repaired or demolished as the facts may warrant, under the criteria hereinbefore provided. Furthermore, the board shall, with the assistance of the city attorney cause the cost of such repair or demolition to be charged against the land on which the building existed as a municipal lien shall be superior to all liens except liens for state, county and municipal taxes and municipal special assessments, to be recovered in a suit at law against the owner.

(6) The board shall report to the city attorney the names of all persons not complying with the order provided for in subsection (4) of this section. (1990 Code, § 4-512)

12-313. Emergency abatement of nuisances. In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless a dwelling unfit for human habitation or a dangerous building, as defined herein, is immediately repaired or demolished the inspector shall report such facts to the board, and the board shall cause the immediate repair or demolition of such dwelling or building. The cost of such emergency repair or emergency demolition of such dwelling or building shall be a lien to be collected in the same manner as provided in this chapter. (1990 Code, § 4-513)

12-314. Notices and orders to out-of-town owners, etc. In cases, except emergency cases, where the owner, occupant, lessee or mortgagee is absent from the city, all notice or orders provided for herein shall be sent by registered mail to the owner, occupant, mortgagee, lessee, and all other persons having an interest in said dwelling or building, as shown by the public records, to the last known address of each, and a copy of such notice shall be posted in a conspicuous place on the dwelling or building to which it relates. (1990 Code, § 4-514)

12-315. Failure to receive notices and effect. The fact that any person entitled to notice hereunder did not receive any such notice shall not affect the validity of the proceedings taken hereinunder so long as the procedures for giving notice herein provided have been followed. (1990 Code, § 4-515)

12-316. Remedies provided herein are cumulative. Nothing in this chapter shall be construed to impair or limit, in any way, the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise. The measure and procedures herein provided do not supersede, and this chapter does not repeal, any other measures or procedures which are provided by the ordinances of the city for the elimination, repair or correction of the conditions referred to in this chapter, but the measures and procedures herein provided for shall be in addition to the other powers and authority of the city or its inspector. (1990 Code, § 4-516)

12-317. Violations and penalties. Any person, firm, corporation or agent who shall violate any provision of this code, or fail to comply therewith, or with any of the requirements thereof shall be guilty of a misdemeanor and shall be punished according to the general penalty provisions of this code of ordinances.
(1990 Code, § 4-517)

CHAPTER 4

SWIMMING POOLS

SECTION

- 12-401. Building permit required.
- 12-402. Electrical requirements.
- 12-403. Final inspection--enclosure.
- 12-404. Above ground pools.
- 12-405. Existing pools.

12-401. Building permit required. No public or private swimming pool installations, alteration, or major repair work shall be commenced until a building permit shall first have been obtained from the building official. Construction is to be done in accordance with the Standard Building Code, adopted in chapter 1 of this title, where applicable. (1990 Code, § 4-601)

12-402. Electrical requirements. Electrical work is to be done in accordance with the 2002 NEC electrical code and the 2003 ICC residential code.¹ (1990 Code, § 4-602, modified)

12-403. Final inspection--enclosure. All public and private swimming pool installations must be complete, completely filled with water and in operation before final inspection. For the safety of others, before final inspection, in ground pools shall be completely enclosed by a wall, fence, or screen or such substantial structure not less four (4) feet in height. Opening in the fence shall not permit the passage of a sphere two and one half (2-1/2) inches in diameter or otherwise constructed as to be difficult to climb. The enclosure shall be equipped with self-closing and self-latching gates. (1990 Code, § 4-603)

12-404. Above ground pools. Pool enclosures are not required on above ground pools with the following exceptions: Above ground pools with deck or platform with steps leading up to same shall conform to enclosure requirements as set forth in § 12-403 of this chapter or steps shall be gated with self-closing and self-latching gate to restrict the entrance of small children to said deck or platform. (1990 Code, § 4-604)

12-405. Existing pools. The enclosure requirement shall apply to all pools, both public and private, existing at the time this chapter is adopted, with three (3) months from the date of its adoption being allowed for conformance.

¹Municipal code reference

Licensing of plumbers and electricians: § 12-101.

Pools with existing enclosures of not less than four (4) feet in height at the time of the passage of this chapter may remain, provided that any alterations, repairs or rehabilitation work made to any existing enclosure comply with all the provisions of this chapter. (1990 Code, § 4-605)

CHAPTER 5

ENERGY CONSERVATION CODE

SECTION

12-501. International energy conservation code adopted.

12-502. Modifications.

12-503. Available in recorder's office.

12-504. Violations and penalty.

12-501. International energy conservation code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the design of energy-efficient building envelopes and the installation of energy-efficient mechanical, lighting and power systems to establish energy-efficient buildings using prescriptive and performance-related provisions which will make possible the use of new materials and innovative techniques that conserve energy, the 2000 International Energy Conservation Code, with 2002 amendments as prepared and maintained by the International Code Council, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the energy code.

12-502. Modifications. Whenever the energy code refers to the duties of a certain official named therein, that designated official of the City of Soddy-Daisy who has duties corresponding to those of the named official in the energy code shall be deemed to be the responsible official insofar as enforcing the provisions of the energy code are concerned.

12-503. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the energy code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

12-504. Violations and penalty. It shall be a civil offense for any person to violate or fail to comply with any provision of the international energy conservation code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to fifty dollars (\$50) for each offense. Each day a violation is allowed to continue shall constitute a separate offense.