

RESOLUTION #18-05
HAMBLEN COUNTY PROPERTY MAINTENANCE CODE
Amended July 19, 2018

A Resolution of the Hamblen County Commission adopting the **Hamblen County Property Maintenance Code, 2018 edition**, regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; repealing Regulations adopted **April 23, 2015 by the Hamblen County Commission** and all other ordinances or parts of laws in conflict therewith.

The Legislative Body of Hamblen County does ordain as follows:

Section 1. That a certain document, three (3) copies of which are on file in the Planning and Zoning Office of Hamblen County, being marked and designated as the **Property Maintenance Code of Hamblen County, 2018 edition**, and is hereby adopted as the Property Maintenance Code of Hamblen County, in the State of Tennessee for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the Planning and Zoning Office are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this resolution.

Section 2. That Resolutions adopted April 23, 2015 by the Legislative Body of Hamblen County entitled 2012 International Property Maintenance Code and all other ordinance or parts of laws in conflict herewith are hereby repealed.

Section 3. That if any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional and such decision shall not affect the validity of the remaining portions of this resolution. The Legislative Body hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

Section 4. That nothing in this legislation or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cities in Section 3 of this law; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

Section 5. That the **Planning and Zoning Office** is hereby ordered and directed to cause this legislation to be published on the County's website www.hamblencountyttn.gov.

Section 6. That this law and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect from and after the date of its final passage and adoption.

Section 7. Enforcement of the law and the rules, regulations, provisions, requirements, orders and matters established shall be implemented in phases. Phase 1 applies to subdivisions.

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CHAPTER 1
SCOPE AND ADMINISTRATION
PART 1 - SCOPE AND APPLICATION

Section 101

General

101.1 Title-These regulations shall be known as the Property Maintenance Code of Hamblen County hereinafter referred to as “this code”.

101.2 Scope-The provision of this code shall apply to all related residential and nonresidential structures and all related premises and constitute minimum requirements and standards; regarding-the responsibility of owners, operators, and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

101.3 Intent-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 as required herein.

101.4 Severability-If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional; such decision shall not affect the validity of the remaining portions of this code.

Section 102

Applicability

102.1 General-Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

102.2 Maintenance-Equipment, systems, devices, and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner’s designated agent shall be responsible for the maintenance of buildings, structures and premises.

102.3 Application of other codes-Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Building Code, International Residential Code and other codes of the International Code Council adopted and in effect by Hamblen County. Nothing in this code shall be construed to cancel, modify or set aside any provision of the International Zoning Code.

102.4 Existing Remedies-The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and insanitary.

102.5 Workmanship-Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's instructions.

102.6 Historic Buildings -The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings when such building or structures are judged by the code official to be safe and in the public interest of health, safety and welfare.

102.7 Requirements not covered by code-Requirements necessary for the strength, stability, or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the code official.

102.8 Application of reference-References to chapter or section numbers, or to provisions not specifically identifies by number, shall be construed to refer to such chapter, section or provision of this code.

102.9 Other Laws-The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

PART 2 - ADMINISTRATION AND ENFORCEMENT

Section 103

Department of Property Maintenance and Inspection

103.1 General - Property Maintenance inspections are a function of the Planning and Zoning office. The executive official supervising the day to day operations of the department is the Planning Zoning Operations Manager who shall be known in this document as the code official.

103.2 Appointment-The code official shall be appointed by the County Mayor.

103.3 Deputies-In accordance with funding provided by the Hamblen County Legislative Body and with the concurrence of the County Mayor, the code official shall have the authority to appoint a deputy(s). Such employees shall have such powers as delegated by the code official.

103.4 Liability-The code official, member of the board of appeals or employee(s) charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction or such other counsel as may be provided by the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceedings that are instituted in pursuance of the provisions of this code.

Section 104

Duties and Powers of the Code Official

104.1 General-The code official is hereby authorized and directed to enforce the provisions of this code. The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided in this code.

104.2 Inspections-The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

104.3 Identification-The code official and/or approved agency individuals shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.4 Notice and orders-The code official shall issue all necessary notices or orders to ensure compliance with this code.

104.5 Department records-The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public records.

Section 105

Violations

105.1 Unlawful acts-It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provision of this code.

105.2 Notice of violation-The code official shall serve a notice of violation or order in accordance with 106.

105.3 Prosecution of violation-Any person failing to comply with a notice of violation or order served in accordance with Section 106 shall be deemed guilty of a misdemeanor or civil infraction as determined by the local jurisdiction 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 restrain, 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.

105.4 Violation penalties-Any person, who may 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 (beginning with the day that the code violation citation is issued) shall be deemed a separate offense. The fine will be \$50 per offense. TCA 5-1-121; TCA 13-7-111.

105.5 Abatement of violation-The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

Section 106

Notice and Orders

106.1 Notice to person responsible-Whenever the code official determine(s) that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Section 106.2 and 106.3 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 109.3

106.2 Forms-Such notice prescribed in Section 106.1 shall be in accordance with all of the following:

1. Be in writing
2. Include a description of the real estate (street address and/or tax map/parcel number) sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
5. Inform the property owner of the right to appeal.

106.3 Method Service-Such notice shall be deemed to be properly served if a copy thereof is;

1. Delivered personally;
2. Sent by certified or first-class mail addressed to the last known address of the property and/or property owner, if different;
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

106.4 Unauthorized tampering-Signs, tags or seals posted or affixed by the code official shall not be mutilated, destroyed or tampered with, or removed without authorization from the code official.

106.5 Penalties-Penalties for noncompliance with orders and notices shall be as set forth in Section 105.4.

106.6 Transfer of ownership-It shall be unlawful for the owner of any dwelling unit or structure who received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have 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 and fully accepting the responsibility without condition for making the correction or repairs required by such compliance order or notice of violation.

Section 107

Unsafe Structures and Equipment

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

107.1.1 Unsafe structures-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 foundation, that partial or complete collapse is possible.

107.1.2 Unsafe equipment-Unsafe equipment includes 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 structures.

107.1.3 Structure unfit for human occupancy-A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, 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.

107.1.4 Unlawful Structures-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 law.

107.1.5 Dangerous structure or premises-For the purpose of this code, any structure or premises that has any or all of the conditions or defects described below shall be considered dangerous:

1. Any door, aisle, passageway, stair, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other

cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.

4. Any portion of a building, or member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half of the original designed value.
5. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.
7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.
11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

107.2 Closing of vacant structures-If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to notify the property owner of the code violation and begin the enforcement process.

107.2.1 Authority to disconnect service utilities - The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 102.7 in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility

connection has been made without approval. The code official shall notify the serving utility and, whenever possible, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the owner or occupant of the building structure or service system shall be notified in writing as soon as practical thereafter.

107.2.2 Condemnation of Property - The code official may pursue condemning a structure if it is found to be unsafe, unfit for human occupancy or is found unlawful pursuant to the provisions of this code.

If the code official determines that a structure under consideration is unfit for human occupancy or use, he shall state in writing his finding of fact in support of such determination and shall issue and cause to be served upon the owner and parties in interest (ex: lienholders) a notice of violation:

- a) If the repair, alteration or improvement of the structure can be made at a reasonable cost to relation to the value of the structure (defined as less than 50% of the appraised value on the records of the Assessor of Property), the code official can require the owner during the time specified in the notice of violation to repair, alter or improve such structure to rend it fit for human occupancy or use, or to vacate and close the structure for human occupancy or use; or,
- b) If the repair, alteration or improvement of said structure cannot be made at a reasonable cost in relation to the value of the structure (defined as more than 50% of the appraised value on the records of the Assessor of Property), the code official can require the owner within the time specified in the order, to remove or demolish such structure.

The property owner or parties in interest can appeal the order within ten (10) days after receipt of the notice of violation to the PMB.

If the order is not followed by the property owner or parties in interest and they do not appeal, the code official issues a citation (with fine, court costs and attorney's fees) and the case is sent to General Sessions Court for prosecution/enforcement.

107.3 Notice-Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section 107.2

107.4 Placarding-Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

107.4.1 Placard removal-The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.

107.5 Prohibited occupancy-Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premise or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premise or operate placarded equipment shall be liable for the penalties provided by this code.

107.6 Abatement methods-The owner, operator or occupant of a building, premises or equipment deemed unsafe by the code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

107.7 Record-The code official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

Section 108

Emergency Measures

108.1 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

108.2 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

Section 109

Demolition

109.1 General- Any premises upon which is located any structure, which in the code official's judgement after review, is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure is in violation of this code. The code official is authorized to begin the enforcement process with the notice of violation that lists possible remedies to the violation including but not limited to repairs to make the structure safe and sanitary, to board up and hold for future repairs, or to demolish and remove at the owner's option.-Boarding the building up for future repair shall not extend beyond one year, unless approved by the building official.

109.2 Notices and orders-All notices and orders shall comply with Section 107

109.3 Failure to comply -If the owner of a premises fails to comply with a court order to demolish a structure within the time prescribed, the code official shall cite the responsible person to the appropriate judicial authority to explain why he/she should not be required to comply with the court order.

Section 110

Means of Appeal

110.1 Application for appeal-Any person directly affected by a decision of the code official or a notice of violation issued under this code shall have the right to appeal to the Property Maintenance Board provided that a written application for appeal is filed within 20 days after the day the notice of violation was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

110.2 Membership of Board-The Property Maintenance Board (PMB) shall consist of a minimum of three members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not regular full-time employees of the County. The code official shall be an ex-officio member but shall have no vote on any matter before the board. The board shall be selected from the members of the County Planning Commission who are not County Commissioners. The terms of the Property Maintenance Board members shall correspond with their terms as Planning Commissioners. The Planning Commission shall appoint the three members who serve on the Property Maintenance Board. The remaining two members of the Planning Commission shall serve as alternates at the discretion of the PMB chairman. **No private citizen shall have any right of action to enforce the above member appointment rotation, such being totally within the purview of the Hamblen County Planning Commission or County Commission.**

110.2.1 Chairman-The board shall annually select one of its members to serve as chairman.

110.2.2 Disqualification of member-A member shall not hear an appeal in which that member has a personal, professional or financial interest.

110.2.3 Secretary-The planning and zoning department's operations manager shall designate a qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the planning and zoning office.

110.2.4 Compensation of members-Compensation of members shall be determined by the County Legislative Body.

110.3 Notice of meeting-The PMB shall meet upon notice from its chairman, within 20 days of the filing of an appeal, or at stated periodic meetings.

110.4 Open hearing-All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person who interests are affected shall be given an opportunity to be heard. A quorum shall consist of a minimum of two-thirds of the board membership.

110.4.1 Procedure-The PMB shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

110.5 Postponed hearing-When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

110.6 Board decision-The board shall modify or reverse the decision of the code official only by a concurring vote of a majority (2) of the total number of appointed board members.

110.6.1 Records and copies-The decision of the board shall be audio recorded. Copies shall be furnished to the appellant and to the code official when requested.

110.6.2 Administration -The code official shall take immediate action in accordance with the decision of the board.

110.7 Court review-Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the planning and zoning office.

110.8 Stays of enforcement-Appeals of notice and orders shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.

Section 111

Stop Work Order

111.1 Authority-Whenever the code official finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the code official is authorized to issue a stop work order.

111.2 Issuance-A stop work order shall be in writing and shall be given to the owner of the property, to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

111.3 Emergencies-Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work.

111.4 Failure to comply-Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine as described in Section 106.4.

CHAPTER 2

DEFINITIONS

Section 201

General

201.1 Scope-Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meaning shown in this chapter.

201.2 Interchangeability-Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

201.3 Terms defined in other codes-Where terms are not defined in this code and are defined in the International Building Codes adopted by Hamblen County, such terms shall have the meaning ascribed to them as stated in those codes.

201.4 Terms not defined-Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

201.5 Parts- Whenever the words "dwelling unit," "dwelling," "premises," "building," "roominghouse," "rooming unit," "housekeeping unit" or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof".

Section 202

General Definitions

Anchored-Secured in a manner that provides positive connection

Approved-Approved by the code official

Basement-That portion of a building which is partly or completely below grade

Bathroom-A room containing plumbing fixtures including a bathtub or shower

Bedroom-Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit

Code Official-The official who is charged with the administration and enforcement of this code, or any duly authorized representative

Condemn-To adjudge unfit for occupancy

Detached-When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection

Deterioration-To weaken, disintegrate, corrode, rust or decay and lose effectiveness

Dwelling Unit-A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation

Easement-That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be use under, on or above a said lot or lots

Equipment Support-Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles that transmit gravity load, lateral load and operating load between the equipment and the structure

Exterior Property-The open space on the premises and on adjoining property under the control of owners or operators of such premises

Garbage-The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food

Guard-A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surfaces to a lower level.

Habitable Space-Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

Housekeeping Unit-A room or group of rooms forming a single habitable equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, toilet, lavatory and bathtub or shower.

Imminent Danger-A condition which could cause serious or life-threatening injury or death at any time

Infestation-The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests

Inoperable Motor Vehicle-A vehicle which cannot be driven upon the public streets for reason including but not limited to, having no current valid registration, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power

Labeled-Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specific purpose.

Let for Occupancy or Let-To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

Neglect-The lack of property maintenance for a building or structure

Occupancy-The purpose for which a building or portion thereof is utilized or occupied.

Occupant-Any individual living or sleeping in a building, or having possession of a space within a building

Openable Area-The part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

Operator-Any person who has charge, care or control of a structure or premises which is let or offered for occupancy

Owner-Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records 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.

Person-An individual, corporation, partnership or any other group acting as a unit

Pest Elimination-The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serves as their food or water; by other approved pest elimination methods

Premises-A lot, plot or parcel of land, easement or public way, including any structures thereon

Public Way-Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use

Rooming House-A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one-or-two family dwelling

Rooming Unit-Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes

Rubbish-Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

Sleeping Unit-A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

Strict Liability Offense-An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

Structure-That which is built or constructed or a portion thereof

Subdivision- A Subdivision shall be defined as a group or groups of lots restricted to residential use by private covenant or zoning, intended for single family or multifamily use which are designated numerically on a recorded or unrecorded plat which bears a common name such as "Greene Acres".

Tenant-A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit or decision maker.

Toilet Room-A room containing a water closet or urinal but not a bathtub or shower.

Ultimate Deformation-The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to 80 percent (80%) or less of the maximum strength.

Vacant Lot – A small parcel of property that s unimproved, contains no structures and is not being used.

Ventilation-The natural or mechanical process of supplying conditioned or unconditioned air to or removing such air from, any space.

Workmanlike-Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

Yard-An open space on the same lot with a structure

CHAPTER 3

GENERAL REQUIREMENTS

Section 301

General

301.1 Scope-The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

301.2 Responsibility-The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit and responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

301.3 Vacant structures and land-All vacant structures and premises thereof shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

Section 302

Exterior Property Areas

302.1 Sanitation-All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

302.2 Grading and drainage-All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon. Exception: Approved retention areas and reservoirs.

302.3 Weeds-All premises and exterior residential property within the county shall be maintained free from weeds or plant growth in excess of 12 inches in height. All noxious weeds shall be prohibited. Weeds shall be defined as all weeds, grasses, plants, bushes, vines, poison oak, poison ivy and other vegetation not cultivated, whether living or dead, except vegetation for the purpose of conservation or preventing erosion, trees, ornamental shrubbery, ornamental grass, flowers, garden vegetables or other plants or vegetables customarily

planted and/or cultivated by farmers or gardeners. Vacant lots within subdivisions are exempt from this provision of the code.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction.

Exceptions: Notwithstanding the requirements set forth in this article, the following shall be exempt from the provisions of this article

- a) Undeveloped wooded areas where tree growth is in excess of ten feet in height.
- b) All government-owned land or premises, and street rights-of-way.
- c) Streambeds or banks.
- d) Heavily wooded parcels of land or premises that are densely wooded with trees, shrubs and overgrowth where equipment cannot maneuver due to the density of the area.
- e) Slopes covered with vegetation as recommended by the state (UT) agricultural extension service for the purpose of conservation or preventing erosion.
- f) Portion of land or premises, excluding the curtilage of any dwelling located thereon, that , due to steepness of terrain, rock or rock outcroppings, marshes or wetlands, cannot be mowed using wheeled, motorized equipment, unless such vegetative growth is an immediate threat to the health or safety of life or property.
- g) Land or premises zoned for agricultural use or that is actively and legitimately used for agricultural purposes, such as, but not limited to, mowing hay, pasture, gardens or field crops.
- h) Periods of active construction and/or demolition, which is defined as the time when the land disturbance and/or demolition permit is issued and for a period of six months thereafter. If the construction is still in active development after the initial six-month period, the developer can request an extension for an additional six months by contacting the code official.
- i) Public and private country clubs and golf courses.

302.3.1 Stagnant water-it is a violation of this code for any person knowingly to allow any pool of stagnant water that is not a stock or retention pond to accumulate and stand on property without treating it to prevent the breeding of mosquitos.

302.4 Rodent harborage-All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

302.5 Accessory Buildings-All accessory structures, including detached garages and storage buildings, shall be maintained structurally sound and in good repair. Fences and walls are exempt from this provision of the code.

302.6 Motor Vehicles-Except as provided for in other regulations, no more than two (2) inoperative, unlicensed and uninsured motor vehicles shall be parked, kept or stored on any premises. No vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. No inoperable vehicles allowed to be parked on public road Right of Way (ROW).

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

302.7 Defacement of property-No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or buildings on any private or public property by placing thereon any making carving or graffiti.

It shall be the responsibility of the property owner to restore said surface to an approved state of maintenance and repair.

Section 303

Swimming Pool, Spas and Hot Tubs

303.1 Swimming Pools-Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

303.2 Enclosures-Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is minimum of 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

Section 304

Exterior Structure

304.1 General-The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

304.1.1 Unsafe conditions-The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Structural members that have evidence of deterioration or that are not capable of safely deterioration or that are not capable of safely supporting all nominal loads and load effects;
5. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
6. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable ~~and incapable~~ of supporting all nominal loads and resisting all load effects;
7. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all loads effects;
8. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all loads effects; or

304.2 Premises identification-Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (mm) in height with a minimum stroke width of 0.5 inch (12.7mm).

304.3 Structural members-All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

304.4 Foundation walls-All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pest.

304.5 Exterior walls-All exterior walls shall be free from holes, breaks, and loose or rotting materials;

and maintained weatherproof and properly surface coated where required to prevent deterioration.

304.6 Roofs and drainage-The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

304.7 Overhang extensions-All overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.8 Stairways, decks, porches and balconies -Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

304.9 Handrails and guards-Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

304.10 Doors-All exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door.

304.11 Basement hatchways-Every basement hatchway shall be maintained to prevent the entrance of rodents, rain, and surface drainage water.

Section 305

Handrail and Guardrails

305.1 General-Every exterior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: Guards shall not be required where exempted by the adopted building code.

Section 306

Rubbish and Garbage

306.1 Accumulation of rubbish or garbage- Accumulation of rubbish or garbage-All exterior property and premises of every structure shall be free from any accumulation of rubbish or garbage. This includes, but is not limited to, the keeping or maintaining or depositing on or scattering over such yards any of the following: (1) Lumber, junk, trash, or debris; (2) Abandoned, discarded or unused objects or equipment such as furniture, appliances, cans, tires, or containers; (3) Any compost pile which is of such a nature as to spread or harbor disease, emit unpleasant odors or harmful gas, or attract rodents, vermin or other disease-carrying pests, animals or insects, provided that the presence of earthworms in a compost pile shall not constitute a nuisance; (4) Garbage and unsanitary matter on premises unless such material is retained in containers, garbage pails or vessels which deny access to flies, insects, rodents and animals. Garbage can only be stored outside in mechanically-handled containers (MHC) provided by Hamblen County for garbage collection and then only for the purpose of such collection. (5) Abandoned wells, cisterns, shafts, basements, excavations, sinkholes, mounds of gravel or earth, junk vehicles, structurally unsound structures or fences, trash, debris or vegetation; and (6) Container units or garbage cans that have failed to be maintained in good repair.

306.2 Disposal of rubbish- The safe and sanitary placement of rubbish curbside for collection by the Hamblen County Sanitation Department is permitted. No hazardous household waste, such as batteries, wet paint, shingles, animal or human feces, fuel, oxygen, propane tanks, oil and tires will be collected by the County Sanitation Department. Rubbish should be placed at places that will not cause personal property damage or hinder sight distance for safe ingress/egress onto the public road when collection is being performed and within approximately a week of the areas' routine pickup schedule. Rubbish such as discarded household materials shall be placed at the curbside in plastic bags or containers to prevent items from scattering.

306.2.1 Refrigerators- Refrigerators-the doors of refrigerators and similar equipment not in operation shall be removed before the items are discarded.

306.3 Disposal of garbage-Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage container

306.3.1 Garbage facilities-The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leak-proof, covered, outside garbage container.

306.3.2 Containers-The owner of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leak-proof containers with close-fitting covers for the storage of such materials until removed from the premises for disposal.

Section 307

Code Enforcement

307.1 – Enforcement Process – The enforcement of this code will follow the following process:

- a) Code Violation Complaint Received
- b) Field Review by codes official
- c) Violation Identified and documented
- d) Notice of Violation Sent According to Provisions in Section 107. Ten (10) days given to correct violation or written request for additional time to correct violation or to appeal the violation finding
- e) Second Field Review to Determine if Violation Corrected Within Time Allotted
- f) If violation not corrected, Code office issues Citation with fine, court costs and attorney's fees
- g) Court Action
- h) Return to Court if Order not followed