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Chapter 21

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ARTICLE I. IN GENERAL

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.

(Ord. No. 11345, §2, 11-12-02)

¹**Cross references**--Building regulations, Ch. 10; electricity, Ch. 14; fire prevention, Ch. 17; garbage and refuse, Ch. 18; gas regulations, Ch. 19; health and sanitation, Ch. 20; plumbing, Ch. 27; sewers, mains and drainage, Ch. 31; swimming pools, Ch. 33; trailers and trailer camps, Ch. 34; water, Ch. 36; zoning regulations, Ch. 38.

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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.

(Ord. No. 11345, §2, 11-12-02)

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.

(Ord. No. 11345, §2, 11-12-02)

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

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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.

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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.

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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.

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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.

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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.
(Ord. No. 11345, §2, 11-12-02)

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.
(Ord. No. 11345, §2, 11-12-02)

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.

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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 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.

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 instituting 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.
(Ord. 11345, §2, 11-12-02)

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.
(Ord. 11345, §2, 11-12-02)

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,

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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

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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.

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- 6) Report to the City Attorney the names of all persons not complying with the order provided for in subsection (4) of this Section.
(Ord. 11345, §2, 11-12-02)

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

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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; Ord. No. 11345, §2, 11-12-02)

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,

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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

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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; Ord. 11345, §2, 11-12-02)

Sec. 21-11. Condemnation standards.

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

Unsafe structure. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundations, that partial or complete collapse is possible.

Unsafe equipment. Unsafe equipment includes, but is not limited to, any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

Unsafe property. Unsafe property is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the property.

Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the Code Official finds that such structure is unsafe, unlawful, or unsanitary because of the degree to which the structure is in disrepair or lacks maintenance, is vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

Unlawful structure. An unlawful structure is one found in whole or in part to be

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occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to laws, or where activities by the occupants of the structure are in violation of established state or local laws.

(Ord. 11345, §2, 11-12-02)

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

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

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

(2) Those which, exclusive of the foundation, have support members which have deteriorated to such an extent as to be unable to safely support the applied loads or which have forty (40) percent damage or deterioration of the non-supporting enclosing or outside walls or covering.

(3) Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used.

(4) Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the City.

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

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

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

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

(9) Those having habitable rooms with a ceiling height less than seven (7) feet throughout one-half (1/2) of the area of such room. Any portion of a room having a ceiling

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height less than five (5) feet high shall not be considered in computing the total floor area for such room.

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

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

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

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

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

(15) Those dwellings or buildings or rooming houses existing in violation of any of the building, plumbing or health codes or other ordinances or codes of the City.
(Code 1986, § 21-11; Ord. No. 9808, § 1, 11-12-92; Ord. 11345, §2, 11-12-02)

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

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

(1) If the dwelling or rooming house unfit for human habitation or dangerous building can reasonably be repaired so that it will no longer exist in violation of the terms of this Article or other ordinances of the City, it shall be ordered repaired.

(2) In any case where a dwelling or rooming house unfit for human habitation or a dangerous building is found by the Code Official to be fifty percent (50%) damaged or decayed or deteriorated, it shall be demolished. In all cases where it is found by the Code Official that a

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dwelling or a building or a rooming house cannot be repaired so that it will no longer exist in violation of the terms of this Article, it shall be demolished. In all cases where it is found by the Code Official that a dwelling or a dangerous building or rooming house is a fire hazard, existing or erected in violation of the provisions of this Article or any ordinance of the City or statute of the state, it shall be demolished.

(3) In all cases of demolition, each structure is to be completely demolished, including footings, basement walls and floors at or below ground level (unless otherwise specified) with all areas below ground level to be completely filled in a manner to insure proper drainage across the filled and unfilled areas. All wells, cisterns, septic tanks and cesspools shall be properly filled to grade with the existing terrain in a manner that will insure proper drainage across same without causing erosion. Vegetation, with the exception of trees (unless otherwise specified) will be cut to a height of no more than three (3) inches and the premises raked clean. (Code 1986, § 21-12; Ord. No. 9808, § 1, 11-12-92; (Ord. 11345, §2, 11-12-02)

Sec. 21-14. Posting record of condemnation and certificate of occupancy.

All structures condemned under this Code shall be registered in the office of the Building Official for the City of Chattanooga. Any owners or interested party desiring to rehabilitate a structure or satisfy the requirements of this provision shall be required to secure a permit from the Building Official for the City of Chattanooga. Upon satisfactory completion of the provisions of this Article a certificate of occupancy shall be issued by the Building Official. A certificate of occupancy is required before renting, leasing or occupying a condemned structure. (Ord. No. 9808, § 1, 11-12-92; Ord. 11345, §2, 11-12-02)

Sec. 21-15. Renting buildings unfit for habitation prohibited.

It shall be unlawful for any owner or party in interest of a dwelling or of a building to rent or offer for rent any dwelling or building or rooming unit which is unfit for human habitation due to dilapidation, defects increasing the hazard of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, and due to other conditions rendering such dwelling or building or rooming unit unsafe or unsanitary or dangerous or detrimental to the health, safety or morals or otherwise inimical to the welfare of the residents of the city. A certificate of occupancy shall be obtained from the Building Official of the City of Chattanooga before renting, leasing or occupying any condemned structure. (Code 1986, § 21-10; Ord. No. 9808, § 1, 11-12-92; Ord. 11345, §2, 11-12-02)

Sec. 21-16. Transfer of ownership.

It shall be unlawful for the owner of any dwelling unit or structure who has received compliance order, or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of to another until the provisions of the compliance order, or notice of

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violation has been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation for making the corrections or repairs required by such compliance order or notice of violation.

(Ord. No. 9808, § 1, 11-12-92; Ord. 11345, §2, 11-12-02)

Sec. 21-17. Mailing, posting of notices and orders.

In cases, except emergency cases, where the owner, occupant, lessee or mortgagee is absent from the City, all notices or orders provided for herein shall be sent by certified mail, return receipt requested to the last known address of any owner, occupant, mortgagee, lessee and all other persons having an interest in the dwelling, rooming house or building, as shown by the public records, to the last known address of each, and a copy of such notice shall also be posted in a conspicuous place on the dwelling, rooming house or building to which it relates.

(Code 1986, § 21-16; Ord. No. 9808, § 1, 11-12-92; Ord. 11345, §2, 11-12-02)

Sec. 21-18. General cleanliness, freedom from infestation.

It shall be the duty of an inhabitant of any dwelling or rooming house or occupant of any building to keep that portion of the property which he occupies, or over which he has exclusive control, clean and free from any accumulation of dirt, filth, rubbish, garbage or similar matter, and free from rodent or vermin infestation. If an occupant shall fail to keep his portion of the property clean, a housing inspector shall send a written notice to the occupant to abate the nuisance within the time specified in such notice. Failure of an occupant to comply with such notice shall be deemed a violation of this Article and shall constitute a public nuisance.

(Code 1986, § 21-18; Ord. No. 9808, § 1, 11-12-92; Ord. 11345, §2, 11-12-02)

Sec. 21-19. Workmanlike construction.

All repairs, maintenance work, alterations or installations which are required for compliance with this Code shall be executed and installed in a workmanlike and acceptable manner so as to secure the results intended by this Code.

(Ord. No. 9808, § 1, 11-12-92; Ord. 11345, §2, 11-12-02)

Secs. 21-20 -- 21-25. Reserved.

(Ord. No. 11345, §2, 11-12-02)

ARTICLE II. PREMISES

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Sec. 21-26. Grading and drainage.

The premises shall be graded and maintained so as to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon. Stagnant water shall be determined as any accumulation that has not dispersed within seven (7) days of the last recorded local rainfall.

(Ord. 11345, §3, 11-12-02)

Sec. 21-27. Access areas.

All sidewalks, steps, driveways, parking spaces and similar paved areas for public use shall be kept in a proper state of repair, free of debris and shall be maintained free of hazardous conditions. If any sidewalk or driveway or portion thereof by virtue of its state of repair shall constitute a danger to public health and safety, the sidewalk or driveway or portion thereof shall be replaced. Steps shall comply with the requirements for exterior stairs.

(Ord. No. 9808, § 1, 11-12-92)

Sec. 21-28. Accessory structures.

(a) Garages, storage buildings and other accessory structures shall be maintained and kept in good repair and sound structural condition.

(b) Swimming pools shall be maintained in a clean and sanitary condition, in good repair and to prevent the accumulation of stagnant water.

(Ord. 11345, §4, 11-12-02)

Sec. 21-29. Closing of vacant structures.

If the structure or part thereof is vacant or unfit for human habitation, occupancy or use and is not in danger of structural collapse, the Code Official may post a placard of condemnation on the premises and may order the structure closed up so it will not be an attractive nuisance.

(Ord. No. 9808, § 1, 11-12-92)

Sec. 21-30. Barricading vacant buildings.

(a) Every person owning or having charge or control of any unsecured building shall remove all combustible waste and refuse therefrom and lock, barricade or otherwise secure all windows, doors and openings in the building to prohibit entry by unauthorized persons.

(b) An unsecured vacant building that is barricaded pursuant to this section shall be barricaded by using one half (1/2) inch plywood board. Any board placed on an unsecured,

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vacant building shall be painted a color that is consistent with the color of the structure and shall be cut to fit into any windows, doors or other openings on such unsecured, vacant building.
(Ord. No. 11345, §5, 11-12-02)

Secs. 21-31 -- 21-34. Reserved.

ARTICLE III. EXTERIOR STRUCTURES

Sec. 21-35. 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 health, safety or welfare of the occupants and so as to protect the occupants from the adverse effects of the environment.
(Ord. No. 9808, § 1, 11-12-92)

Sec. 21-36. Stairs, porches and handrails.

Every stair, porch, fire escape, balcony and all appurtenances attached thereto shall be so constructed as to be safe to use and capable of supporting the anticipated loads, and shall be maintained in sound condition and good repair. Every stair, porch and fire escape shall be maintained free of hazardous conditions.

Every flight of stairs which is more than three (3) risers high shall have a handrail on at least one side of the stair, and every open portion of a stair, fire escape, porch, landing or balcony which is more than thirty inches (30) above the grade below shall have guardrails. Handrails shall be not less than thirty (30) inches nor more than forty (40) inches high, measured vertically above the nosing of the treads. Guardrails shall be not less than thirty (30) inches high above the floor of the porch, landing or balcony. Every handrail and guardrail shall be firmly fastened and capable of bearing normally imposed loads and shall be maintained in good condition.

(Ord. No. 9808, § 1, 11-12-92; Ord. No. 11345, §6, 11-12-02)

Sec. 21-37. Foundation walls.

No dwelling or building shall hereafter be structurally altered without providing an enclosed foundation, and such foundation shall be of masonry construction. All foundation walls shall be maintained so as to carry the safe design and operating dead and live loads and shall be maintained plumb and free from open cracks and breaks, so as not to be detrimental to public safety and welfare.

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The space between structurally sound piers may be enclosed with materials other than concrete or masonry units providing the material are water resistant and the new wall is non-load bearing.

(Ord. No. 9808, § 1, 11-12-92)

Sec. 21-38. Piers.

Piers shall not be leaning or buckling out of plumb from top to bottom more than 1/3 the thickness of the wall. Piers should be free of large cracks that weaken their bearing capacity. Loose or missing masonry units and mortar shall be properly replaced.

(Ord. No. 9808, § 1, 11-12-92)

Sec. 21-39. Basements and crawl spaces.

Every basement and/or crawl space access way shall be so constructed and maintained as to prevent the entrance of rodents, rain and surface drainage water into the structure. In every building, basement and crawl space shall be maintained reasonably free from dampness to prevent conditions conducive to decay or deterioration of the structure.

(Ord. No. 9808, § 1, 11-12-92)

Sec. 21-40. Defacement of Property.

1. All supporting structural members of all buildings shall be kept structurally sound, free of deterioration and maintained capable of safely bearing the dead and live loads imposed upon them.

2. Every exterior wall shall be free of holes, breaks, loose or rotten boards or timbers. The exterior walls of all dwellings or buildings shall be substantially weather-tight, and shall be made impervious to the adverse effects of weather and shall be maintained in sound condition and good repair.

3. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

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

(Ord. No. 11345, §7, 11-12-02)

Sec. 21-41. Windows and doors.

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Every window, exterior door and basement or cellar door and hatchway shall be substantially watertight and rodent proof, and shall be kept in sound working condition and working repair. Window panes or an approved substitute shall be maintained without cracks or holes. The window sash shall be properly fitted and weather-tight within the window frame.

Every window required for light and ventilation for habitable rooms shall be capable of being easily opened and secured in any position by the window hardware. Every exterior door shall be provided with proper hardware and maintained in good condition, and shall fit reasonably well within its frame, so as to substantially exclude rain and wind from entering the dwelling or building. All windows and doors shall be provided with acceptable, standard and operable locking devices.

All dwellings, dwelling units and/or buildings shall have an unobstructed means of egress leading to an open space at ground level.

Every dwelling unit shall have screens to effectively cover all openable windows and doors. Every door opening to an outdoor space shall have screens and a self closing device; and every window opening to an outdoor space, used or intended to be used for ventilation, shall have screens. Dwelling buildings containing central heating furnaces and air conditioning equipment for mechanical ventilation year-round are not required to have screens. Window-type air conditioning units are not included in this exception. Screens shall be fastened to removable frames and have a mesh with a maximum gauge of fourteen (14) by eighteen (18). (Code 1986, § 21-26; Ord. No. 9808, § 1, 11-12-92)

Sec. 21-42. Cornice and eaves.

All cornices, entablatures, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in safe condition. Exterior trim and similar features shall be maintained in sound condition and good repair. (Ord. No. 9808, § 1, 11-12-92)

Sec. 21-43. Gutters.

Gutters, downspouts and/or splash blocks shall be required in cases where roof water drainage needs to be diverted away from one or more portions of the structure to help prevent from foundation problems and to help prevent from slippage as they enter or leave a dwelling.

Roof water shall not be discharged in a manner that creates a nuisance to owners or occupants of adjacent premises or that creates a public nuisance. Existing gutters and downspouts shall be properly maintained. All exposed metal surfaces shall be protected from

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the elements and against decay or rust by periodic application of weather-coating material such as paint or similar surface treatment.

(Ord. No. 9808, § 1, 11-12-92)

Sec. 21-44. Roof.

The roof shall be structurally sound, tight and not have defects which might admit rain. Roof drainage shall be adequate to prevent rain water from causing dampness or deterioration in the walls or interior portion of the building.

(Ord. No. 9808, § 1, 11-12-92)

Sec. 21-45. Chimneys.

All chimneys, cooling towers, smoke stacks and similar appurtenances shall be maintained structurally safe, sound and in good repair. All exposed metal surfaces shall be protected from the elements and against decay or rust by periodic application of weather-coating material such as paint or similar surface treatment. Loose or missing mortar, stucco and masonry shall be properly replaced.

(Ord. No. 9808, § 1, 11-12-92)

Sec. 21-46. Exterior surfaces.

All exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. It shall be the duty of the owner to keep all dwellings and buildings painted at regular intervals so that none of them become badly in need of a protective coat of paint.

(Ord. No. 9808, § 1, 11-12-92)

Secs. 21-47 -- 21-54. Reserved.

ARTICLE IV. INTERIOR STRUCTURE

Sec. 21-55. General.

The interior of a structure and its equipment shall be maintained in good repair, structurally sound and in a sanitary condition so as not to pose a threat to the health, safety or welfare of the occupants or visitors, and to protect the occupants from the environment. Floors, walls (including windows and doors), ceilings, and other interior surfaces shall be maintained in sound, clean and sanitary condition and shall be substantially rodent proof. Peeling paint, cracked or loose plaster, decayed wood and other defective surface conditions shall be eliminated.

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(Ord. No. 9808, § 1, 11-12-92)

Sec. 21-56. Interior doors.

Every existing interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

Every interior door shall be provided with proper hardware, securely attached and maintained in good condition. Hasp lock assemblies are not permitted on the exterior side of the door of habitable rooms.

Privacy of bathrooms shall be afforded by doors complete with privacy hardware intended by manufacturer for that purpose.

(Ord. No. 9808, § 1, 11-12-92)

Sec. 21-57. Floors.

The supporting structural members of every building shall be maintained structurally sound, not showing any evidence of deterioration which would render them incapable of carrying the imposed loads. Floors shall not be sagging, deflecting or buckling significantly.

Every toilet, bathroom and kitchen floor surface shall be constructed and maintained so as to be substantially impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

(Ord. No. 9808, § 1, 11-12-92)

Sec. 21-58. Interior walls.

Interior walls or other members shall be maintained in sound condition and good repair. They shall not list, lean or buckle. The primary wall surface materials shall be free of cracks and holes that completely penetrate the wall surface material. Wall surface materials including, but not limited to, gypsum board, plaster, baseboard, trim, etc. are to be properly and securely installed and finished.

(Ord. No. 9808, § 1, 11-12-92)

Sec. 21-59. Ceilings.

Ceilings are to be structurally sound with joists that are capable of carrying the loads they support. They shall not be sagging, deflecting or buckling significantly- The primary ceiling surface material shall be free of cracks and holes that completely penetrate the ceiling surface

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material. Ceiling surface material including, but not limited to, gypsum board, plaster, trim, etc. are to be properly and securely installed and finished.

Habitable (space) rooms other than kitchens, storage rooms and laundry rooms shall have a ceiling height of not less than seven (7) feet. Hallways, corridors, bathrooms, water closet rooms and kitchens shall have a ceiling height of not less than seven (7) feet measured to the lowest projection from the ceiling.

If any room in a building has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half the room area. No portion of the room measuring less than five (5) feet from the finished floor to the finished ceiling shall be included in any computation of the minimum room area.

(Ord. No. 9808, § 1, 11-12-92)

Sec. 21-60. Stairs and railings.

All interior stairs and railings shall be maintained in sound condition and good repair by replacing treads and risers that evidence excessive wear or are broken, warped or loose. Every inside stair shall be so constructed and maintained as to be safe to use and capable of supporting the anticipated loads.

(Ord. No. 9808, § 1, 11-12-92)

Sec. 21-61. Minimum requirements for electrical systems.

- (1) All existing electrical wiring outlets and fixtures required by this Code shall be installed, maintained and connected to a source of electric power in accordance with the provisions of the Electrical Code adopted by the City of Chattanooga.
- (2) All dwellings, dwelling units and/or buildings shall have installed electric lighting facilities consisting of at least two (2) separate wall type convenience outlets or one (1) ceiling type fixture and one (1) wall type outlet for every habitable room.
- (3) Each entry door shall have a light fixture that can shine light on the door at nighttime. The light must have a globe and be able to be operated by a switch located just inside the door.
- (4) Unsafe and hazardous conditions in violation of the Electric Code or Fire Codes adopted by the City of Chattanooga shall not be allowed to exist.
- (5) All residential dwellings shall have at the minimum one (1) battery operated or hard wired (electric) smoke detector on each habitable floor.

(Ord. No. 9808, § 1, 11-12-92)

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Sec. 21-62. Minimum requirements for plumbing.

- (1) *Sanitary Facilities:* All required plumbing fixtures located within the dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower and a water closet all in good working condition and properly connected to an approved water and sewer system. Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition free from defects, leaks and obstructions.
- (2) *Location of Sanitary Facilities:* All required plumbing fixtures shall be located within the dwelling unit and be accessible to the occupants of same. The water closet, tub or shower and lavatory shall be located in a room affording privacy to the user and such room shall have a minimum floor space of thirty (30) square feet with no dimension less than four (4) feet. Bathrooms shall be accessible from habitable rooms, hallways, corridors and other protected or enclosed areas, not including kitchens or other food preparation areas.
- (3) *Hot and Cold Water Supply:* Every dwelling unit shall have connected to the kitchen sink, lavatory and tub or shower an adequate supply of both cold and hot water. All water shall be supplied through an approved distribution system connected to a potable water supply.
- (4) *Water Heating Facilities:* Every dwelling unit shall have water facilities which are properly installed and maintained in a safe and good working condition and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower.

(Ord. No. 9808, § 1, 11-12-92)

Sec. 21-63. Minimum heating facilities.

- (1) Every dwelling unit shall have heating facilities which are properly installed, are maintained in safe and good working conditions and are capable of safely and adequately heating all habitable rooms and bathrooms in every dwelling unit located therein to a temperature of at least sixty-eight (68) degrees F at a distance of three (3) feet above floor level, under minimum winter conditions.
- (2) Where a central heating system is not provided, each dwelling unit shall be provided with facilities whereby heating appliances may be connected.
- (3) Unvented fuel burning heaters shall be prohibited except for gas heaters listed for unvented use.

(Ord. No. 9808, § 1, 11-12-92)

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Sec. 21-64. Minimum light and ventilation requirements.

- (1) All spaces or rooms shall be provided sufficient light so as not to endanger health and safety. Every habitable space or room shall have the window area equal to at least eight (8) percent of the total floor area of such space or room.
- (2) *Lights in Hallways of Apartments and Rooming Houses:* In every apartment and rooming house in the City exceeding one (1) story, a light shall be kept burning by the owner in the public hallways near the stairs; upon the entrance floor and second floor of such building every night from sunset to sunrise and upon all other floors from sunset until 10:00 P.M.
- (3) *Ventilation:* All spaces or rooms shall be provided sufficient natural or mechanical ventilation so as not to endanger health and safety. The total of openable window area in each habitable room shall equal to at least forty-five percent (45%) of the minimum window area size.
- (4) *Bathroom:* Every bathroom shall comply with the light and ventilation requirements for habitable rooms except that no window or skylight shall be required in adequately ventilated bathrooms equipped with an approved ventilating system.

(Ord. No. 9808, § 1, 11-12-92)

Sec. 21-65. Minimum dwelling space requirements.

The number of persons occupying any dwelling shall be limited by the following requirements:

- (1) *Required Space in Dwelling Unit:* The total of all habitable rooms in a dwelling unit shall be such as to provide at least one hundred fifty (150) square feet of floor space for the first occupant there and at least one hundred (100) additional square feet of floor space for each additional occupant thereof. Floor space shall be calculated in relation to ceiling heights as specified in 21-14 (9) of this Code.
- (2) *Required Space in Sleeping Rooms:* In every dwelling unit, every room occupied for sleeping purposes by one (1) occupant shall contain at least seventy (70) square feet of floor space, and every room occupied for sleeping purposes by more than one (1) occupant shall contain at least fifty (50) square feet of floor space for each occupant.
- (3) *Occupancy of Dwelling Unit Below Grade:* No basement or cellar space shall be used as a habitable room or dwelling unit unless:

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- (a) The floor and walls are impervious to leakage of underground and surface run-off water and are insulated against dampness; and
- (b) The total window area in each room is equal to at least a minimum window area size as required by the Code; and
- (c) Such required minimum window area is located entirely above the grade of the ground adjoining such window area; and
- (d) The total of openable window area in each room is equal to at least the minimum as required under the Code except where some other device affording adequate ventilation is supplied.

(Ord. No. 9808, § 1, 11-12-92)

Sec. 21-66. Extermination.

Every occupant of a single dwelling building and every owner of a building containing two (2) or more dwelling units shall be responsible for the extermination of any insects, rodents, or other pests within the building or premises. After extermination, proper precautions shall be taken to prevent re-infestation. The owner of any structure shall be responsible for extermination within the structure prior to renting, leasing or selling the structure.

(Ord. No. 9808, § 1, 11-12-92)

Sec. 21-67. Requirements for rooming houses.

No person shall operate a rooming house or shall let to another for occupancy any room unless such rooming house or room complies with the following requirements:

- (1) Every rooming house and room shall be in compliance with the minimum standards set forth in Sections 21-14 (1)-(5), (7)-(10) and (13)-(15), and Section 21-65 of this Code.
- (2) At least one (1) flush water closet lavatory, basin and bathtub or shower, properly connected to a water and sewer system and in good working condition, shall be supplied for each four (4) rooms within a rooming house, wherever such facilities are stored.
- (3) Every flush water closet, flush urinal, tub or shower required above shall be located within the rooming house in rooms which:
 - (a) Afford privacy;
 - (b) Are accessible by a common hall without going outside of the rooming house;

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- (c) Are accessible from a common hall without going through sleeping quarters of others; and
 - (d) Are located on the floor they serve within the dwelling.
- (4) *Rooming Unit Exit Requirements:* Every rooming unit shall have safe, unobstructed means of egress leading to safe and open space at ground level as required by the Building Code of the applicable governing body.
- (5) *Sanitary Conditions:* The operator of every rooming house shall be responsible for the maintenance of all walls, floors and ceilings, and for maintenance of sanitary conditions in every other part of the rooming house, and shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the operator.
- (6) *License Requirements:* No individual or company holding five (5) or more dwelling units for rent or lease shall offer same without obtaining a valid license as required by the City Code.
- (7) *License Required:* No person shall operate a rooming house unless he holds a valid rooming license.
(Ord. No. 9808, § 1, 11-12-92)

Secs. 21-68 -- 21-75. Reserved.

ARTICLE V. REFERRAL SERVICE²

Sec. 21-76. Agency designated.

The Chattanooga Housing Authority is hereby designated as the agency responsible for providing a housing referral service for the city.
(Code 1986, § 21-41; Ord. No. 9808, § 2, 11-12-92)

² **Cross reference--**Businesses, trades and occupations, Ch. 11.

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Sec. 21-77. Duties, scope of services.

The duties and scope of services of the housing authority as a housing referral service shall be as follows:

- (1) To be responsible for providing effective assistance in the rehousing of displaced families. Displacement shall mean any activity, program or project by a governmental body, federal, state or local, which makes it necessary for a family to seek other housing accommodations, including the following:
 - a. Direct construction by all instrumentalities of government, e.g., public buildings, military installations, highways, schools, playgrounds, low rent projects by local housing authorities, power project, etc.
 - b. Slum clearance, urban redevelopment and urban renewal activities of all instrumentalities of government, e.g., land acquisition, site clearance, rehabilitation work both publicly and privately (pursuant to publicly-sponsored enforcement of voluntary programs) financed, privately-financed new construction on a publicly-sponsored clearance site, etc. (Publicly-financed projects on site included in a. above.)
 - c. Enforcement of housing standards and the demolition, closing and improvement of dwelling units through actions of public bodies or courts, e.g., code enforcement, including health and safety ordinances, occupancy ordinances. etc.
 - d. Privately-financed construction of public buildings under lease-purchase agreements with government instrumentalities, e.g., federal buildings built under such agreements with the General Services Administration and the U.S. Postal Service.
 - e. Slum clearance and urban redevelopment activities and construction on the clearance site by private groups and organizations having the power of eminent domain, e.g., public utilities, limited dividend housing corporations, etc.
 - f. Construction by quasi-public bodies, such as state universities.
 - g. Removal and demolition of publicly-owned buildings by all instrumentalities of government, e.g., publicly-owned defense housing, and Veterans' Rause housing, dwellings on grounds of public institutions, etc.

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- h. Removal and demolition of privately-owned buildings by a public body in the interest of public health, welfare and safety (not necessarily connected with the code enforcement activities mentioned above), e.g., flood control operations, fire-fighting operations, etc.
 - i. Eviction of over-income tenants in low-rent projects operated by a public body, e.g., projects financed with federal aid, state-aided projects, etc.
 - j. Displacement resulting from tenants' inability to pay increased rents as a result of publicly-sponsored rehabilitation (of units occupied in areas scheduled for rehabilitation) or of improvements made in connection with the enforcement of housing standards.
- (2) To cooperate with the relocation housing committee in their work, including:
- a. Development of a long-range relocation plan, in connection with the community renewal program.
 - b. Organization of relocation services.
 - c. Establishment of lines of communication with local builders, real estate men, and financial institutions to increase the supply of standard housing to which displaced families can move.
 - d. Development of means to meet minority housing needs.
 - e. Cooperation in the improvement of the agency referral service.
 - f. Provision of monthly reports of activities to the relocation housing committee.
- (3) To provide services, to include:
- a. Schedule of hours of the relocation office that shall be convenient to the displaced families.
 - b. A personal contact with each family to be displaced.
 - c. The introduction of these families to standard housing, within their means, that will meet their relocation needs.
 - d. Providing liaison between managers and owners of properties being offered for rent or sale and families needing relocation housing.

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- e. In order to minimize the possibility of displaced families moving to substandard properties, thereby defeating the major purpose of the relocation program, the agency shall provide for the inspection of all existing dwellings to which families are referred.
- f. The development of relocation standards as a guide for the inspection of relocation housing.

(Code 1986, § 21-42; Ord. No. 9808, § 2, 11-12-92)

Sec. 21-78. Records required.

The agency shall establish and maintain an adequate system of records, including:

- (1) Records of dwellings being offered for occupancy. A dwelling-record card should be made up for each unit listed to show:
 - a. Type of dwelling.
 - b. Number of bedrooms.
 - c. Utilities.
 - d. Equipment provided.
 - e. Condition of structure.
 - f. Conformity with relocation standards and date of inspection.
 - g. Rents charged.
 - h. Sales price asked.
 - i. Accessibility to public facilities; schools, transportation, shopping, etc.
- (2) Records of families to be displaced. A family record card for each family shall be maintained and should include:
 - a. Family composition (the number of persons in each family).
 - b. Incomes.

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- c. Tenure.
- d. Rents now being paid.
- e. Relocation housing requirements and preferences.
- f. Eligibility for public housing, low rent private housing, etc.
(Code 1986, § 21-43; Ord. No. 9808, § 2, 11-12-92)

Secs. 21-79 -- 21-80. Reserved.

ARTICLE VI. FAIR HOUSING³

Sec. 21-81. Title.

This article shall be known as the "Chattanooga Fair Housing Ordinance."
(Code 1986, § 21-61; Ord. No. 9808, § 3, 11-12-92)

Sec. 21-82. Definitions.

As used in this article:

Discriminatory housing practice means an act that is unlawful under this article.

Dwelling means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one (1) or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

Family includes a single individual.

Person includes one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.

To rent includes to lease, to sub-lease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

³ **Cross references--**Businesses, trades and occupations generally, Ch. 11.
State law reference--Fair housing, T.C.A. §§ 4-21-101 – 4-21-202, 4-21-601 – 4-21-607.

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(Code 1986, § 21-62; Ord. No. 9808, § 3, 11-12-92)

Cross reference--Definitions and rules of construction generally, § 1-2.

Sec. 21-83. Article applicable to dwellings not exempted.

This article shall apply to all dwellings in the city except as exempted in sections 21-64 and 21-66 of this Code.

(Code 1986, § 21-63; Ord. No. 9808, § 3, 11-12-92)

Sec. 21-84. Article inapplicable to certain dwellings.

Nothing in this article shall apply to:

- (1) Any single-family house sold or rented by an owner, provided that such private individual owner does not own more than three (3) such single-family houses at any one (1) time; and, provided, further, that, in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale, or who was not the most recent resident of such house prior to such sale, the exemption granted by this section shall apply only with respect to one such sale within any twenty-four-month period; and, provided, further, that, such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of more than three (3) such single-family houses at any one time; and, provided, further, the sale or rental of any such single-family house shall be excepted from the application of this section only if such house is sold or rented (a) without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person, and (b) without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of section 21-67(3) of this article; but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title, or

- (2) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

(Code 1986, § 21-64; Ord. No. 9808, § 3, 11-12-92)

Sec. 21-85. When person deemed "to be in business of selling or renting dwellings."

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For the purposes of section 21-84 a person shall be deemed to be in the business of selling or renting dwellings if:

- (1) He has, within the preceding twelve (12) months, participated as principal in three (3) or more transactions involving the sale or rental of any dwelling or any interest therein, or
- (2) He has, within the preceding twelve (12) months, participated as agent, other than in the sale of his own personal residence, in providing sales or rental facilities or sales or rental services in two (2) or more transactions involving the sale or rental of any dwelling or any interest therein, or
- (3) He is the owner of any dwelling designed or intended for occupancy by, or occupied by, five (5) or more families.

(Code 1986, § 21-65; Ord. No. 9808, § 3, 11-12-92)

Sec. 21-86. Effect of article on religious organizations, nonprofit institutions, etc.

Nothing in this article shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, sex, handicap, religion, national origin, or familial status; nor shall anything in this article prohibit a private club, not in fact opened to the public, which as an incident to its primary purpose or purposes provides lodging which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

(Code 1986, § 21-66; Ord. No. 9808, § 3, 11-12-92; Ord. No. 9885, § 1, 5-18-93)

Sec. 21-87. Unlawful acts generally.

As made applicable by section 21-83 of this article, and except as exempted by sections 21-84 and 21-86 of this article, it shall be unlawful:

- (1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, sex, handicap, religion, national origin, or familial status.
- (2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, sex, handicap, religion, national origin, or familial status.

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- (3) To make, print, or publish, or cause to be made, printed or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, sex, handicap, religion, national origin, or familial status or an intention to make any such preference, limitation or discrimination.
- (4) To represent to any person because of race, color, sex, handicap, religion, national origin, or familial status that any dwelling is not available for the inspection, sale, or rental when such dwelling is in fact so available.
- (5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, sex, handicap, religion, national origin, or familial status.

(Code 1986, § 21-67; Ord. No. 9808, § 3, 11-12-92; Ord. No. 9885, § 1, 5-18-93)

Sec. 21-88. Loans and financial assistance.

It shall be unlawful for any bank, building and loan association, insurance company, or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, sex, handicap, religion, national origin, or familial status of such person or of any person associated with him in connection with such loan or other financial assistance for the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of a dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given; provided that, nothing contained in this section shall impair the scope or effectiveness of the exceptions contained in sections 21-84 and 21-86 of this article.

(Code 1986, § 21-68; Ord. No. 9808, § 3, 11-12-92; Ord. No. 9885, § 1, 5-18-93)

Sec. 21-89. Access, membership or participation in service, organization or facility relating to the business of selling or renting dwellings.

It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate broker's organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership or participation, on account of race, color, sex, handicap, religion, national origin, or familial status.

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(Code 1986, § 21-69; Ord. No. 9808, § 3, 11-12-92; Ord. No. 9885, § 1, 5-18-93)

Sec. 21-90. Coercion, intimidation, etc., declared unlawful.

(a) It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of, his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this article.

(b) It shall be unlawful for anyone, whether or not acting under color of law, to, by force or threat of force, willfully injure, intimidate or interfere with, or attempt to injure, intimidate or interfere with:

- (1) Any person because of his race, color, sex, handicap, religion, national origin, or familial status and because he is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility related to the business of selling or renting dwellings; or
- (2) Any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:
 - a. Participating, without discrimination on account of race, color, sex, handicap, religion, national origin, or familial status in any act of the activities, services, organizations or facilities described in subparagraph (b)(1) of this section; or
 - b. Affording another person or class of persons opportunity or protection so to participate; or
- (3) Any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination, on account of race, color, sex, handicap, religion, national origin, or familial status in any of the activities, service, organizations or facilities described in subparagraph (b)(1) of this section, or participating lawfully in a speech or peaceful assembly opposing any denial of the opportunity to so participate.

(Code 1986, § 21-70; Ord. No. 9808, § 3, 11-12-92; Ord. No. 9885, § 1, 5-18-93)

Sec. 21-91. Conciliation and prosecutorial process.

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The equal opportunity office of the city (hereinafter referred to as EOO) and the mayor will henceforth handle complaints, conciliation and enforcement of all matters with respect to alleged fair housing violations according to the following procedures:

- (1) *Complaints, contents; notice to charged party; time limits for filing.*
 - a. A person who claims that another person has committed a discriminatory housing practice may report that offense to the mayor. Such informal complaints shall be forwarded to the EOO for investigation and, if necessary, conciliation and/or prosecution. An informal complaint may also be filed by the EOO if it has reasonable evidence to believe that a person has committed a discriminatory housing practice.
 - b. The EOO shall treat a complaint referred by the Secretary of Housing and Urban Development or the Attorney General of the United States under the Fair Housing Act of 1968, Public Law 90-284, as an informal complaint filed under subparagraph (1)a. of this section.
 - c. An informal complaint must be in writing, verified and contain the following:
 1. The identity of the alleged offender;
 2. The date of offense and date of filing the informal complaint;
 3. A general statement of the facts of the offense, including the basis of the discrimination (race, color, sex, handicap, religion, national origin, or familial status);
 4. The name and signature of complainant; and
 5. A statement that the complainant will prosecute the case if it is substantiated by the EOO and conciliation efforts fail.
 - d. Not more than twenty (20) days after the filing of an informal complaint, the EOO shall notify the alleged offender named in the complaint:
 1. An informal complaint alleging the commission of a discriminatory housing practice has been filed against the alleged offender;
 2. The alleged offender will be furnished a copy of the complaint upon request; and

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3. The alleged offender may file a written, subscribed, informal answer to the informal complaint.
 - e. An informal complaint or answer may be amended at any time before the EOO notifies the office of the city attorney (under subparagraph (5) of this section) of a discriminatory housing practice upon which the informal complaint is based. The EOO shall furnish a copy of each amended informal complaint or answer to the alleged offender or complainant, respectively, as promptly as practicable.
 - f. Except for an offense based on a complaint referred to under subparagraph (1)b. of this section, a person may not be prosecuted in city court for a discriminatory housing practice unless an informal complaint on the offense for which he is charged is filed not more than ninety (90) days after the commission of the offense.
 - g. The EOO may not disclose or permit to be disclosed to the public the identity of the alleged offender before the EOO notifies the office of the city attorney (under subparagraph (5) of this section) of a discriminatory housing practice alleged against the alleged offender in an informal complaint or while the informal complaint is in the process of being investigated and prior to completion of all negotiations.
- (2) *Investigation; notice to parties of findings.*
- a. With respect to each discriminatory housing practice alleged in an informal complaint and each discriminatory housing practice determined from reasonable evidence by the EOO for which no informal complaint has been filed, the EOO shall conduct as promptly as practicable an investigation to determine whether there is probable cause to believe an offense was committed and the facts of the offense. This subsection does not limit the authority of the EOO to conduct such other investigations or to use such other enforcement procedures, otherwise lawful, as it considers necessary to enforce this article.
 - b. If the EOO determines that there is not probable cause to believe that a particular alleged or suspected discriminatory housing practice has been committed, the EOO shall take no further action with respect to that alleged or suspected offense, and shall so notify the complainant and the alleged offender.
- (3) *Conciliation agreement; effect on prosecution; contents.*
- a. If the EOO determines that there is probable cause to believe that a discriminatory housing practice alleged in an informal complaint has been com-

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mitted, the EOO and the alleged offender, or a person who owns, controls or manages a housing accommodation involved in the offense, or a person who employs the alleged offender, may voluntarily enter into a conciliation agreement.

- b. If a conciliation agreement is executed under this subsection, a party to the agreement may not be prosecuted in city court for an offense specified in the agreement unless the EOO determines that the agreement has been violated and notifies the office of the city attorney in writing of the violation.
- c. A conciliation agreement must be in writing in the form approved by the city attorney and must be signed and verified by the EOO and each other party to the agreement. A conciliation agreement that is not executed before the expiration of thirty (30) days after notification to the alleged offender (as required under subparagraph (1)d. of this section) may only be executed after written notification to and approval of the city attorney. A conciliation agreement is executed upon its signing and verification by all parties to the agreement.
- d. A conciliation agreement executed under this section must contain:
 1. An identification of the discriminatory housing practice and corresponding alleged offender that gives rise to the conciliation agreement under subparagraph (3)a. of this section and the identification of any other discriminatory housing practice and alleged offender that the parties agree to make subject to the limitation on prosecution in subparagraph (3)b. of this section;
 2. An identification of the housing accommodation subject to the conciliation agreement; and
 3. A statement that each party entering into the conciliation agreement with the EOO agrees:
 - (i) Not to violate this article or the conciliation agreement; and
 - (ii) To file with the EOO a periodic activity report which states with respect to each person of the specified class (the race, color, sex, handicap, religion, national origin, or familial status alleged as the basis of discrimination in the informal complaint on the offense) who in person contacts a party to the conciliation agreement concerning either sale, rental or financing in connection

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with a housing accommodation of a business relating to selling or renting housing accommodations, the name and address or telephone number of the person, the date of each contact, and the result of each contact. The party who prepares the activity report shall sign and verify the report. An activity report must be filed each month on the date specified in the conciliation agreement for a period of not fewer than three (3) nor more than twenty-four (24) months, as required by the conciliation agreement.

- e. In addition to the requirements of subparagraph (3)d. of this section, a conciliation agreement may include any other term or condition agreed to by the parties.
- f. If the EOO determines that a conciliation agreement has been violated, the EOO shall give written notice to all parties subject to the agreement.

(4) *Violations of conciliation agreement.*

- a. A person commits an offense if after he and the EOO execute a conciliation agreement he intentionally, knowingly or recklessly violates the conciliation agreement.
- b. It is no defense to prosecution under this subsection that, with respect to a discriminatory housing practice that gave rise to the conciliation agreement:
 - 1. The alleged offender did not commit the offense; or
 - 2. The EOO did not have probable cause to believe the offense was committed.

(5) *Notification of the city attorney; prosecution.*

- a. Except as otherwise provided in subparagraph (1) of this section if the EOO determines that there is probable cause to believe that a discriminatory housing practice alleged in an informal complaint has been committed, it shall promptly notify the office of the city attorney in writing of the identification of the alleged offender and offense and request prosecution in city court.
- b. If the EOO elects to attempt a conciliation, it may postpone notification for a period of not more than thirty (30) days after notification to the alleged offender of an informal complaint. However, if a conciliation agreement is executed during the period of postponement, the EOO is not required to notify the office of the city attorney of the identification of the alleged offender or of an offense

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specified in the conciliation agreement unless the EOO determines that the agreement has been violated.

- c. Notification required under subparagraph (5)a. of this section is not a prerequisite to prosecution for an offense under this article. Except for the notice prohibited under subparagraph (5)b. of this section, this subsection does not limit communications, otherwise lawful, between the EOO and the office of the city attorney.
- d. If the city attorney concurs that there is probable cause for prosecution, the office of the city attorney may:
 - 1. Aid and assist the complainant in completing the necessary warrant and shall prosecute the case on behalf of the city and the complainant;
 - 2. Turn over to the U.S. Attorney with a request for enforcement in the federal courts of the Fair Housing Act of 1968; or
 - 3. Report the violation and violator to the United States Department of Housing and Urban Development;

or any combination of the above.

(6) *Dismissal of charges after conciliation rendered.* If, after a charge is filed in the city court charging an alleged offender with a discriminatory housing practice, a conciliation agreement is executed before commencement of trial on the offense, the city attorney shall cease prosecution and move for dismissal of the charge.

(7) *Penalty for violation.* Violations of this article shall be punished as provided in section 1-8 of this Code.

(Code 1986, § 21-71; Ord. No. 9808, § 3, 11-12-92; Ord. No. 9885, §§ 1 and 2; 5-18-93)

Sec. 21-92. Powers, duties and responsibilities of equal opportunity office.

The equal opportunity office (EOO) shall have such powers as are necessarily incidental to the performance of its obligations under section 21-91, including, but not limited to, the right to interview witnesses and seek voluntary admission to premises where alleged offenses occur. In addition thereto, the EOO shall have the following responsibilities:

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- (1) To educate the public on fair housing laws, the rights of victims of housing discrimination, and penalties for noncompliance, and the social, economic and legal effects of discrimination in housing.
 - (2) To aid and counsel individuals who feel they have experienced discrimination in housing; and
 - (3) To promote efforts to eliminate discriminatory policies and practices in the housing industry.
- (Code 1986, § 21-72; Ord. No. 9808, § 3, 11-12-92)

ARTICLE VII. SLUM CLEARANCE AND REDEVELOPMENT

DIVISION 1. STRUCTURES UNFIT FOR OCCUPATION OR USE

Sec. 21-101. Definitions.

As used in this division, unless the context otherwise requires:

“Dwelling” means any building or structure, or part thereof, used and occupied for human occupation or use or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith:

“Governing body” means the City Council of the City of Chattanooga, Tennessee;

“Municipality” means the City of Chattanooga, Tennessee;

“Owner” means the holder of the title in fee simple and every mortgagee of record;

“Parties in interest” means all individuals, associations, corporations and others who have interests of record in a structure and any who are in possession thereof;

“Place of public accommodation” means any building or structure in which goods are supplied or services performed, or in which the trade of the general public is solicited;

“Public authority” means the Chattanooga Housing Authority or any officer who is in charge of any department or branch of the government of the city or state relating to health, fire, building regulations, or other activities concerning structures in the municipality;

“Public officer” means any officer or officers of the municipality or the executive director or other chief executive officer of the Department of Neighborhood Services or authority established

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by the City or jointly with any other municipality who is authorized by ordinances and by this chapter to exercise the power prescribed by such ordinances and by this article; and

“Structure” means any dwelling or place of public accommodation or vacant building or structure suitable as a dwelling or place of public accommodation.

(Ord. No. 10787, § 1, 11-3-98; Ord. No. 11345, §8, 11-12-02)

Sec. 21-102. Enforcing officer.

The mayor of the city shall designate a public officer to exercise the powers conferred under this article and enforce this article whenever the officer determines that a building is dangerous or unfit or that conditions exist in such building which are dangerous or injurious to the health, safety or morals of the occupants of that building, the occupants of neighboring buildings or the public pursuant to this division.

(Ord. No. 10787, § 1, 11-3-98)

Sec. 21-103. Procedure.

(1) The administrator of neighborhood services is designated to exercise the powers herein set forth.

(2) Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the municipality charging that any structure is unfit for human occupation or use, or whenever it appears to the public officer (on the public officer's own motion) that any structure is unfit for occupation or use, the public officer shall, if the public officer's preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest of such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer (or the public officer's designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the serving of the complaint, that:

(a) The owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and

(b) The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer;

(3) If, after such notice and hearing, the public officer determines that the structure under consideration is unfit for human occupation or use, the public officer shall state in writing the public

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officer's findings of fact in support of such determination and shall issue and caused 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 in relation to the value of the structure (at a cost not to exceed 50% of the value of the structure), requiring the owner, 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; or
 - (b) If the repair, alteration or improvement of the structure cannot be made at a reasonable cost in relation to the value of the structure (not to exceed 50% of the value of the structure), requiring the owner, within the time specified in the order, to remove or demolish such structure;
- (4) If the owner fails to comply with an order to repair, alter or improve or to vacate and close the structure, the public officer may cause such structure to be repaired, altered or improved, or to be vacated and closed; that the public officer may cause to be posted on the main entrance of any structure so closed, a placard with the following words: "This building is unfit for human occupation or use. The use or occupation of this building for human occupation or use is prohibited and unlawful";
- (5) If the owner fails to comply with an order to remove or demolish the structure, the public officer may cause such structure to be removed or demolished; and
- (6) The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer shall be assessed against the owner of the property, and shall, upon the filing of the notice with the Register's Office of Hamilton County, be a 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. These costs shall be collected by the municipal tax collector or county trustee 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. In addition, the municipality may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The municipality may bring one (1) action for debt against more than one (1) or all of the owners of properties against whom said costs have been assessed, and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a misjoinder of parties. If the structure is removed or demolished by the public officer, the public officer 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, shall be secured in such manner as may be directed by such court, and

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shall be disbursed by such court to the person found to be entitled thereto by final order or decree of such court. Nothing in this section shall be construed to impair or limit in any way the power of the municipality to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise.

(Ord. No. 10787, § 1, 11-3-98)

Sec. 21-104. Conditions rendering structure unfit for human occupation or use.

The public officer may determine that a structure is unfit for human occupation or use if the public officer finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants of such structure, the occupants of neighboring structures or other residents of the City of Chattanooga. Such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair, structural defects; or uncleanness.

In addition thereto the public officer may consider conditions set forth in Section 21-14, Part II, Chattanooga City Code.

(Ord. No. 10787, § 1, 11-3-98)

Sec. 21-105. Service of complaints or orders.

Complaints or orders issued by a public officer pursuant to this division shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons are unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in Chattanooga. A copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the Register's Office of Hamilton County, and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law.

(Ord. No. 10787, § 1, 11-3-98)

Sec. 21-106. Enjoining enforcement of order.

(a) As provided by *Tennessee Code Annotated*, Section 13-21-106, any person affected by an order issued by the public officer may file a bill in the chancery court for an injunction restraining the public officer from carrying out the provisions of the order, and the court may, upon the filing of such bill, issue a temporary injunction restraining the public officer pending the final disposition of the cause; provided, that within sixty (60) days after the posting and service of the

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order of the public officer, such person shall file such bill in the court. Hearings shall be had by the court on such bills within twenty (20) days, or as soon thereafter as possible, and shall be given preference over other matters on the court's calendar.

(b) The court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require. In all such proceedings, the findings of the public officer as to facts, if supported by evidence, shall be conclusive.

(Ord. No. 10787, § 1, 11-3-98)

Sec. 21-107. Powers of public officer.

The public officer is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this part, including the following powers in addition to others herein granted, to:

- (1) Investigate conditions in the municipality in order to determine which structures therein are unfit for human occupation or use;
- (2) Administer oaths, affirmations, examine witnesses and receive evidence;
- (3) Enter upon premises for the purpose of making examinations; provided, that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession and shall be made in accordance with all other pertinent law;
- (4) Appoint and fix the duties of such officers, agents and employees as the public officer deems necessary to carry out the purposes of the ordinances; and
- (5) Delegate any of such public officer's functions and powers under the ordinance to such officers and agents as the public officer may designate.

(Ord. No. 10787, § 1, 11-3-98)

Sec. 21-108. Renting of unfit or dangerous building prohibited.

It shall be unlawful for any owner or any party in interest of a building to rent or offer for rent any building which is unfit or dangerous due to dilapidation, defects increasing hazards of fire, accidents or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such building unsafe or unsanitary or dangerous or detrimental to the health, safety or morals, or otherwise inimical to the welfare of the residents of the city.

(Ord. No. 10787, § 1, 11-3-98)

Sec. 21-109. Division confers supplementary powers.

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Nothing in this division shall be construed to abrogate or impair the powers of the courts or of any department of the city to enforce any provisions of its charter or its ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this part shall be in addition and supplemental to the powers conferred by any other law.
(Ord. No. 10787, § 1, 11-3-98)

Secs. 21-110 -- 21-120. Reserved.

DIVISION 2. ACQUISITION OF VACANT PROPERTIES

Sec. 21-121. Purpose.

- (a) It is hereby found that:
- (1) There exists in the City of Chattanooga blighted and deteriorated properties in neighborhoods which cause the deterioration of those and contiguous neighborhoods and constitute a serious and growing menace which is injurious to the public health, safety, morals and general welfare of the residents of Chattanooga; and are beyond remedy and control solely by regulatory process in the exercise of police power;
 - (2) There exists blighted and deteriorated properties, both residential and commercial, within neighborhoods, and the growth and spread of blight and deterioration or the threatened deterioration of other neighborhoods and properties:
 - a) Contribute substantially and increasingly to the spread of disease and crime, and to losses by fire and accident;
 - b) Necessitate expensive and disproportionate expenditures of public funds for the preservation of the public health and safety, for crime prevention, correction, prosecution, and punishment, for the treatment of juvenile delinquency, for the maintenance of adequate police, fire and accident protection, and for other public services and facilities;
 - c) Constitute an economic and social liability;
 - d) Substantially impair or arrest the sound growth of the community;
 - e) Retard the provision of decent, safe and sanitary housing and public accommodations;
 - f) Depreciate assessable values;

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- g) Cause an abnormal exodus of families and businesses from these neighborhoods;
and
 - h) Are detrimental to the health, the well-being and the dignity of many residents of these neighborhoods;
- (3) This menace cannot be effectively dealt with by private enterprise without the aids provided herein; and
- (4) The benefits which would result from eliminating the blighted properties that cause the blight and deterioration of neighborhoods will accrue to the inhabitants of the neighborhoods in which these conditions exist and to the inhabitants of this city generally.

(b) It is hereby declared that:

- (1) It is the policy of the City of Chattanooga to protect and promote the health, safety, and welfare of the people of the city by eliminating the blight and deterioration of neighborhoods through the elimination of blighted and deteriorated properties within these neighborhoods; and
- (2) The elimination of such blight and deterioration and the preparation of the properties for sale or lease, for development or redevelopment, constitute a public use and purpose for which public money may be expended and private property acquired, and are governmental functions in the interest of the health, safety, and welfare of the people of Chattanooga.

(Ord. No. 10787, § 1, 11-3-98)

Sec. 21-122. Definitions.

As used in this part, unless the context otherwise requires:

- (1) a) “Blighted” or “deteriorated” property means any vacant structure or vacant or unimproved lot or parcel of ground in a predominantly built-up neighborhood, which property is not used for agricultural purposes:
 - (i) Which because of physical condition or use is regarded as a public nuisance at common law or has been declared a public nuisance in accordance with local housing, building, plumbing, fire or related codes;
 - (ii) Which because of physical condition, use or occupancy is considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations, and unsafe fences or structures;

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- (iii) Which, because it is dilapidated, unsanitary, unsafe, vermin-infected or lacking in the facilities and equipment required by the housing code of the municipality, has been designated by the appropriate agency or department responsible for enforcement of the code as unfit for human habitation;
 - (iv) Which is a fire hazard, or is otherwise dangerous to the safety of persons or property;
 - (v) From which the utilities, plumbing, heating, sewerage or other facilities have been disconnected, destroyed, removed, or rendered ineffective so that the property is unfit for its intended use;
 - (vi) Which by reason of neglect or lack of maintenance has become a place for accumulation of trash and debris, or a haven for rodents or other vermin;
 - (vii) Which has been tax delinquent for a period of at least three (3) years; or
 - (viii) Which has not been rehabilitated within the time constraints placed upon the owner by the appropriate code enforcement agency.
- b) “Blighted” or “deteriorated” property shall also include displaced and/or vacant industrial and commercial properties and facilities.
- (2) “Municipality” means the City of Chattanooga;
- (3) “Redevelopment” means the planning or replanning, design or redesign, acquisition, clearance, development and disposal, or any combination of these, of a property in the preparation of such property for residential, commercial and related uses, as may be appropriate or necessary;
- (4) “Residential, commercial and related use” means residential or commercial property for sale, lease or rental and related uses, such related uses including, but not limited to, park and recreation areas, neighborhood community service, parking lots or structures, and any use which is consistent with and/or complementary to the existing properties in the area; and
- (5) “Vacant property review commission” means the commission established by ordinance to review vacant properties to make a written determination of blight and deterioration. (Ord. No. 10787, § 1, 11-3-98)

Sec. 21-123. Vacant property review commission established.

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(a) There is hereby created and established a Vacant Property Review Commission referred to in this Division hereafter as the “Commission”. The “Commission” shall serve as a vacant property review commission which shall certify properties as blighted or detracted to the City Council.

(b) The “Commission” shall consist of five (5) persons who are qualified voters of the city, to be appointed by the mayor and confirmed by the City Council. They shall hold office for a term of three (3) years and until their successors are appointed. Provided, however, no officer of employee of the city whose duties include enforcement of local housing, building, plumbing, fire or related codes shall be appointed to the commission.

The members of the “Commission” shall serve without compensation. Three (3) members shall constitute a quorum for the transaction of business.

(c) The “Commission” shall meet in the assembly room at the City Hall at least as may be necessary. Special meetings may be called by the Chairman or by five (5) members upon giving notice to all members. The “Commission” shall keep a record of their proceeding.
(Ord. No. 11345, §9, 11-12-02)

Sec. 21-124. Acquisition by eminent domain authorized.

The municipality may acquire by eminent domain pursuant to Title 29, Chapters 16 and 17, *Tennessee Code Annotated*, any property determined to be blighted or deteriorated pursuant to this division, and shall have the power to hold, clear, manage or dispose of property so acquired for residential, commercial and related use, pursuant to the provisions of this division.
(Ord. No. 10787, § 1, 11-3-98)

Sec. 21-125. Certification of property as blighted or deteriorated-Notification of owner.

(a) The city council shall not institute eminent domain proceedings pursuant to this part unless the commission has certified that the property is blighted or deteriorated. A property which has been referred to the commission by an agency of the municipality as blighted or deteriorated may only be certified to the legislative body as blighted or deteriorated after the commission has determined that:

- (1) The owner of the property or designated agent has been sent an order by the appropriate agency of the municipality to eliminate the conditions which are in violation of local codes or law;
- (2) The property is vacant;
- (3) The property is blighted and deteriorated;

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(4) The commission has notified the property owner or designated agent that the property has been determined to be blighted or deteriorated and the time period for correction of such condition has expired and the property owner or agent has failed to comply with the notice; and

(5) The planning commission of the municipality has determined that the reuse of the property for residential, commercial and related use is in keeping with the comprehensive plan.

(b) The findings required by subsection (a) shall be in writing and included in the report to the legislative body.

(c) The commission shall notify the owner of the property or a designated agent that a determination of blight or deterioration has been made and that failure to eliminate the conditions causing the blight shall render the property subject to condemnation by the municipality under this part. Notice shall be mailed to the owner or designated agent by certified mail, return receipt requested. However, if the address of the owner or designated agent is unknown and cannot be ascertained by the commission in the exercise of reasonable diligence, copies of the notice shall be posted in a conspicuous place on the property affected. The written notice sent to the owner or the owner's agent shall describe the conditions that render the property blighted and deteriorated, and shall demand abatement of the conditions within ninety (90) days of the receipt of such notice.

(d) An extension of the ninety (90) day time period may be granted by the commission if the owner or designated agent demonstrates that such period is insufficient to correct the conditions cited in the notice.

(Ord. No. 10787, § 1, 11-3-98)

Sec. 21-126. Eminent domain proceedings-Findings required.

The city council may institute eminent domain proceedings pursuant to Title 29, Chapters 16 and 17, of *Tennessee Code Annotated*, against any property which has been certified as blighted or deteriorated by the commission if it finds that:

(1) Such property has deteriorated to such an extent as to constitute a serious and growing menace to the public health, safety and welfare;

(2) Such property is likely to continue to deteriorate unless corrected;

(3) The continued deterioration of such property may contribute to the blighting or deterioration of the area immediately surrounding the property; and

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(4) The owner of such property has failed to correct the deterioration of the property.
(Ord. No. 10787, § 1, 11-3-98)

Sec. 21-127. Conflicts of interest.

(a) No officer or employee of the municipality, or of the vacant property review commission, who in the course of such officer's or employee's duties is required to participate in the determination of property blight or deterioration or the issuance of notices on code violations which may lead to a determination of blight or deterioration, shall acquire any interest in any property declared to be blighted or deteriorated.

(b) If any such officer or employee owns or has financial interest, direct or indirect, in any property certified to be blighted or deteriorated, the officer or employee shall immediately disclose, in writing, such interest to the commission and to the city council, and such disclosure shall be entered in the minutes of the commission and of the city council.

(c) Failure to so disclose such interest shall constitute misconduct in office.

(d) No payment shall be made to any officer or employee for any property or interest therein acquired by the municipality from such officer or employee unless the amount of such payment is fixed by court order in eminent domain proceedings, or unless payment is unanimously approved by the city council.

(Ord. No. 10787, § 1, 11-3-98)