

## Title 13

### Chapter 8

## UNIFORM PROPERTY MAINTENANCE CODE

### PART 1 ADMINISTRATION

#### GENERAL

**8-1001 Title.** This Ordinance shall be known as the *Uniform Property Maintenance Code* of City of Dyersburg, hereinafter referred to as the “Code.”

**8-1002 Scope.** The provisions of this Code shall apply to all existing residential and nonresidential structures and all existing premises and constitute 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.

**8-1003 Intent.** This Code shall be construed to secure and ensure public health, safety and welfare in so far as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

**8-1004 Severability.** If a section, subsection, sentence, clause or phrase of this Code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code.

#### APPLICABILITY

**8-1005 General.** The provisions of this Code shall apply to all matters affecting or relating to structures and premises, as set forth in Section 12-1002. Where, in a specific case, different sections of this Code specify different requirements, the most restrictive shall govern.

**8-1006 Maintenance.** Equipment, systems, devices and safeguards required by this Code or a previous regulation or Code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this Code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner’s designated agent shall be responsible for the maintenance of buildings, structures and premises.

**8-1007 Application of other Codes.** Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of applicable Codes presently adopted by the City of Dyersburg. A listing of all other applicable codes may be obtained from the City Recorder. Nothing in this Code shall be construed to cancel, modify or set aside any provision of any other pertinent code or regulation, duly adopted by the City.

**8-1008 Existing remedies.** The provisions in this Code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe or unsanitary.

**8-1009 Workmanship.** Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this Code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

**8-1010 Historic buildings.** The provisions of this Code shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the Code Official to be safe and in the public interest of health, safety and welfare.

**8-1011 Referenced Codes and standards.** The Codes and standards referenced in this Code shall be those that have been adopted by the City of Dyersburg and are considered part of the requirements of this Code to the prescribed extent of each such reference. Where differences occur between provisions of this Code and the referenced standards, the provisions of this Code shall apply.

**8-1012 Requirements not covered by Code.** Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this Code, shall be determined by the Code Official.

#### **CODE ENFORCEMENT DEPARTMENT**

**8-1013 General.** The Code Enforcement Department shall be responsible for the enforcement of this Code and the executive official in charge thereof shall be known as the Code Official.

**8-1014 Code Official .** Omitted

**8-1015 Code Official and Deputies.** In accordance with the personnel hiring procedures of the City of Dyersburg, and subject to the approval of the Board of Mayor and Aldermen the City of Dyersburg shall employ a Code Official, who shall also have the authority to hire one or more deputy Code Officials, other related technical officers, inspectors and other employees.

**8-1016 Liability.** The Code Official, officer or employee charged with the enforcement of this Code, while acting in the course and scope of his/her duties shall not be held liable personally, and are hereby relieved from any and all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this Code shall be defended by the legal representative of the City of Dyersburg until the final termination of the proceedings. The Code Official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this Code; and any officer of the department of property maintenance inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

**8-1017 Fees.** The fees for activities and services performed by The City of Dyersburg in carrying out its responsibilities under this Code shall be as indicated in a duly adopted fee schedule as determined by the Board of Mayor and Aldermen of the City of Dyersburg. A copy of the City of Dyersburg's Fee Schedule is available at the Recorder's Office.

#### **DUTIES AND POWERS OF THE CODE OFFICIAL**

**8-1018 General.** The Code Official shall enforce the provisions of this Code. For the purposes of Tennessee Code Annotated 7-63-101, the Code Official and his duly appointed deputy Code Officials or inspectors are designated as a special police officer(s) of the municipality.

**8-1019 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 hereof as expressed in Section 8-1003 above; and to designate requirements applicable because of local climatic 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 accepted engineering methods involving public safety.

**8-1020 Inspections.** The Code Official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Code Official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

**8-1021 Right of entry.** (a) The Code Official is authorized to enter any structure or premises located in the City, at reasonable times, to conduct an inspection of the premises, subject to Constitutional restrictions regarding unlawful searches and seizures. If entry onto or upon the premises is not allowed by the owner/occupant, the Code Official is authorized to institute proper legal proceedings, on behalf of the City, in order to gain access upon and entry within any building or premises, for the limited purpose of conducting an inspection.

(b) It shall be unlawful to impede or otherwise interfere with the duties of the Code Official in carrying out a lawful inspection, once proper access to the building or premises has been obtained.

(c) To impede or otherwise interfere with the duties of the Code Official, includes, (a) the unwarranted securing or the active prevention of access to a portion of the structure or premises, which is reasonably required to be inspected by the Code Official, and (b) the making of "Credible Threats of Violence, toward the Code Official or any designated representative.

**8-1022 Identification.** The Code Official, deputy Code Official and all technicians and/or inspectors shall carry proper identification which shall be reasonably visible at all times when inspecting structures or premises in the performance of duties under this Code. Upon request by any owner or occupant of any property undergoing or about to undergo an inspection, the Code Official or any deputy, technician or inspector shall present his/her official identification.

**8-1023 Notices and orders.** The Code Official shall issue all necessary notices or orders to ensure compliance with this Code.

**8-1024 Department records.** The Code Official shall keep official records of all business and activities of the department specified in the provisions of this Code. Such records shall be retained in the official records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations.

## APPROVAL

**8-1025 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 a special individual reason makes the strict letter of this 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 Code Official's decision shall be in writing, and kept in the department files.

**8-1026 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 alternative 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.

**8-1027 Required 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 City of Dyersburg.

**8-1028 Test methods.** Test methods shall be as specified in this Code or by other recognized test standards. In the absence of recognized and accepted test methods, the Code Official shall be permitted to approve appropriate testing procedures performed by an approved agency.

**8-1029 Test reports.** Reports of tests shall be retained by the Code Official for the period required for retention of public records.

**8-1030 Material and equipment reuse.** Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved.

## VIOLATIONS

**8-1031 Unlawful acts.** It shall be unlawful for any person, firm or corporation to be in conflict with or in violation of any of the provisions of this Code.

**8-1032 Notice of violation** The Code Official shall serve a notice of violation or order in accordance with Sections 8-1037 through 8-1040

**8-1033 Omitted.**

**8-1034 Prosecution of violation. (a)** Any person, firm or corporation who fails to comply with a notice of violation or compliance order shall be issued a criminal summons to appear in City Court pursuant to and in accordance with Tennessee Code Annotated Section 7-63-101, entitled Citation or Complaint in Lieu of Arrest, as may be amended or modified, hereafter. Said summons shall be served at least five (5) days prior to the date noted on the citation to appear in City Court. The Code Official shall have the burden of proof that a violation has occurred, and that corrective action either has not been undertaken or has been inadequate to correct the violation.

**(b)** After a hearing, the Court will determine whether fines and costs will be assessed against the alleged violator, and may issue such orders that may be necessary in furtherance of the expressed intent of this Code. If the Court determines there is a violation of this Code, 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, and may enter into the property and undertake corrective action. Any corrective action taken by the City of Dyersburg on such premises shall be charged against violator and shall be a lien upon the real estate, collectible in the same manner as delinquent ad valorem taxes.

**8-1035 Violation penalties. (a)** Any person who violates 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 the general penalty clause of the City of Dyersburg and the Constitution of the State of Tennessee, including a \$50.00 fine for each violation. After the Court determines a violation either has or is occurring, the Court shall consider each day to be a separate punishable offense under this Code.

**(b)** The Court has the right to assess court costs and fines as governed by the City of Dyersburg and the State of Tennessee and to make such order(s) as are reasonable and necessary to remove, repair or correct the

violation(s). All charges and fees incurred to bring the property into compliance are the responsibility of the violating party and in addition to other means, may be enforced as a properly secured lien against the real property, and collected in the same manner as delinquent ad valorem taxes.

**8-1036 Abatement of violation.** The imposition of the penalties herein prescribed shall not preclude the institution of an appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or other utilization of a building, structure or premises.

## NOTICES AND ORDERS

**8-1037 Notice to person responsible.** Except as otherwise provided, whenever the Code Official determines that there has been a violation of this Code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 8-1038 through 8-1039 to the person responsible for the violation as specified in this Code. Notices for condemnation procedures shall comply with the procedure set forth in 8-1041 through 8-1058 or any subsequently adopted Code or procedure adopted in substitution thereof.

Exception for Notice to person responsible for any premises with overgrown grass, weeds, rank grass or other noxious growths. Whenever the Code Official has determined that the owner/occupant has allowed the premises to become overgrown with grass, weeds, rank grass or other noxious growths, Notice shall be required to be sent to the owner/occupant only one time during any growth season for each calendar year. Such one time notice shall be deemed to be sufficient, satisfactory and legal notice to the property owner/occupant for any further violations during the remainder of the growth season for that calendar year. For the purposes of this Code, the growth season is defined as that period of time between May 1 and September 30 of each calendar year.

**8-1038 Contents of Notice.** Such notice prescribed in Section 8-1036 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time as determined by the Code Official to make the repairs and improvements or to take other corrective action as may be reasonably required to bring the dwelling unit, structure or property into compliance with the provisions of this Code.
5. Include contact information and the right to address the violation(s) with the Code Official to review the matter
6. Include a statement of the right of the City to undertake corrective action, the right of the City to file a lien in accordance Section 8-1034 applicable state law for all charges for corrective actions.
7. Inform the violator of the right of the City to issue a criminal summons requiring the violator to appear in City Court where the City Court Judge may order that corrective action be undertaken and order the payment of all costs and fines as determined by the Court to be appropriate.

**8-1039 Method of service.** Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified mail return receipt requested, addressed to the last known address; or

3. Posted in a conspicuous place in, on or about the property or structure affected by such notice in reference to violation(s) of this Code

**8-1040 Transfer of ownership.** It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the Code Official and shall furnish to the Code Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.+

## **UNSAFE STRUCTURES--CONDEMNATION**

**8-1041 General.** When a structure or equipment is found by the Code Official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this Code.

**8-1042 Unsafe structures.** An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure is not secured, contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

**8-1043 Unsafe equipment.** Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electric wiring or electric 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.

**8-1044 Structure unfit for human occupancy.** A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

**8-1045 Unlawful structure.** An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

**8-1046 Closing of vacant structures.** If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the Code Official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the Code Official shall have the right, but not the duty, to cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

**8-1047 Notice.** Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 8-1038. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section 8-1037.

**8-1048 Placarding.** Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word

“Condemned” and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

**8-1049 Placard removal.** The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.

**8-1050 Prohibited occupancy.** Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

**8-1051 Hardships.** Where the literal applications of the requirements of this Code would appear to cause undue hardship on an owner, occupant or tenant, or when it is claimed that the true intent and meaning of this Code in the institution of Condemnation proceeds as set forth in Section 8-1053 through 8-1058 have been misconstrued or wrongly interpreted, the owner of such condemned building or structure or his duly authorized agent, may appeal the decision of the Code Official to the Sub-Standard Housing Board, as set forth herein.

**8-1052 Appointment of Sub-Standard Housing Board.** There is hereby created by the Board of Mayor and Aldermen of the City of Dyersburg, the Sub-Standard Housing Board, which shall consist of not less than three (3) members. Members shall be appointed by the Board of Mayor and Aldermen, for three (3) year terms, or until a successor is appointed. Any one or more members of the Sub-Standard Housing Board shall be subject to removal by the Board of Mayor and Aldermen at any time for cause, after duly published notice and public hearing, and a vacancy on the Sub-Standard Housing Board shall be filled by the Board of Mayor and Aldermen for the unexpired term. The members of the Sub-Standard Housing Board shall serve without compensation. As soon as practical after their appointment the members of the Sub-Standard Housing Board shall meet and elect a chairman, vice-chairman and secretary. Thereafter the Chairman, vice chairman and secretary shall be elected at the first meeting of the Sub-Standard Housing Board in the each calendar year.

**8-1053 Meetings.** The Sub-Standard Housing Board shall meet at regular intervals as determined by the Chairman, but in any event the Sub-Standard Housing Board shall meet within 10 days, after a notice of appeal of a condemnation order has been received by the Code Official. The date, time and place of the meeting to consider the appeal shall be determined by the Chairman. Reasonable notice of the meeting to consider the appeal shall be given to the Code Official, the party requesting the appeal hearing, all members of the Sub-Standard Housing Board and all other interested parties. All meetings shall be open to the public.

**8-1054 Records.** All minutes of the Sub-Standard Housing Board shall be public records and the Secretary of the Sub-Standard Housing Board shall keep all records and perform such additional duties as the Sub-Standard Housing Board may deem proper. Copies of all decisions and minutes of all meetings shall also be kept by the City Recorder and the Code Official, in their permanent files, which shall be available for public viewing and inspection in the same manner as other public records of the City of Dyersburg.

**8-1055 Duties.** The duties of the Sub-Standard Housing Board shall be as follows:

1. To consider and determine appeals whenever it is claimed that the true intent of the Code and the meaning of this Code or any of the regulations created hereunder have been misconstrued or wrongly interpreted.
2. To permit, in appropriate circumstances where the application of this Code in the allowance of the stated time for the performance of any action required hereunder would appear to cause undue hardship on an owner, one or more extensions of time, not to exceed 120 days each, from the date of the decision of the Board. Applications for additional extensions of time shall be heard in the same

manner as an initial appeal. Requests for additional time extensions shall be filed with the Code Official not less than 30 days prior to the expiration of the current time period or extension.

3. An appeal should not be considered where an appeal has been previously decided involving the same premises.

**8-1056 Appeal of Condemnation Order.** Any person or property owner receiving written notice from the Code Official of an order of condemnation of a structure or an order requiring Demolition, under this code may within 15 days from receipt of such notice of Condemnation or Demolition may request a hearing to appeal to the condemnation/demolition order before the Sub-Standard Housing Board. Such appeal shall state the location of the property, a summary of the alleged violation. The appellant must further state the variance or modification requested, the reasons therefore, and the hardship, conditions or alleged misinterpretation of this Code, upon which the appeal is being requested.

**8-1057 Decisions.** All decisions of the Sub-Standard Housing Board to vary the application of any provision of this Code, or to modify an Order of the Code Official regarding a Condemnation matter, shall specify in writing in what manner such variance or modification is made, the condition upon which it is made, and the reasons therefore. Decisions shall be in the form of findings of fact and conclusions of law. Every decision shall also indicate the vote of each member and shall bear the signature of each member. A copy of each decision shall be promptly filed with the City Recorder, and the Code Official and shall also be open to public inspection in the same manner as other public records. The secretary shall notify and forward a copy of the decision to the appellant

**8-1058 Violations and Penalties.** It is unlawful to violate the terms of a decision of the Sub-Standard Housing Board. Any person, firm, or corporation who is believed to have violated the terms of a lawful decision of the Sub-Standard Housing Board, or with any of the requirements of any decision thereof, or who shall have erected, constructed, altered, repaired, moved or demolished a building or structure in violation of this Code shall be issued a criminal summons to appear before the City Court of Dyersburg and shall be prosecuted as provided by this Code. Each person determined to be guilty by the City Court to be in violation of any decision Sub-Standard Housing Board, shall be guilty of a separate offense for each day and shall be subject to fines and costs in accordance with the general penalty clause of the City of Dyersburg and the Constitution of the State of Tennessee.

## EMERGENCY MEASURES

**8-1059 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.

**8-1060 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.

**8-1061 Closing streets.** When necessary for public safety, the Code Official shall temporarily close structures and close, and with the approval of the Mayor order the closure of sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.



**8-1062 Emergency repairs.** For the purposes of this section, the Code Official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

**8-1063 Costs 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.

**8-1064 Hearing.** Any person directly affected may thereafter within a period of 10 days petition for and be afforded a hearing before the Board of Mayor and Aldermen.

## **DEMOLITION**

**8-1065 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 repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, 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 a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.

**8-1066 Notices and orders.** All notices and orders shall comply with Section 8-1037 through 8-1039

**8-1067 Failure to comply.** If the owner of a premises fails to comply with a demolition order within the time prescribed, the Code Official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate to be ultimately collected in the same manner as delinquent property taxes.

**8-1068 Salvage materials.** When any structure has been ordered demolished and removed, the Board of Mayor and Aldermen has the right, but not a duty, to sell the salvage and valuable materials at the highest price obtainable by the purchasing agent. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

## **PART 2 DEFINITIONS**

### **GENERAL**

**8-201 Scope.** Unless otherwise expressly stated, the following terms shall, for the purposes of this Code, have the meanings shown in this chapter.

**8-202 Interchangeability.** Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

**8-203 Terms defined in other Codes.** Where terms are not defined in this Code and are defined in the Other duly adopted codes of the City of Dyersburg, such terms shall have the meanings ascribed to them as stated in those Codes.

**8-204 Terms not defined.** Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

**8-205 Parts.** Whenever the words “dwelling unit,” “dwelling,” “premises,” “building,” “rooming house,” “rooming unit” “housekeeping unit” or “story” are stated in this Code, they shall be construed as though they were followed by the words “or any part thereof.”

## **GENERAL DEFINITIONS**

**APPROVED.** Means approved in writing by the Code Official.

**BASEMENT.** Means that portion of a building which is partly or completely below grade.

**BATHROOM.** Means a room containing plumbing fixtures including a bathtub or shower.

**BEDROOM.** Means any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

**CARPORT.** Means an open-sided shelter for a designed for a parked car, attached to a house or other building on the Premises

**CODE OFFICIAL.** Means the individual employed by the City of Dyersburg who is charged with the responsibility for the administration and enforcement of this Code, or the Code Official's duly authorized representative.

**CONDEMN.** Means to determine that a structure is unfit for human occupancy.

**CREDIBLE THREAT OF VIOLENCE** means a knowing or willful statement or course of conduct which would cause a reasonable person to believe that such person is under threat of death or serious bodily injury, and which actually causes, a person to believe that such person is under threat of death or serious bodily injury.

**DWELLING UNIT.** Means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

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

**EXTERIOR PROPERTY.** The open space on the premises and on adjoining property under the control of owners or operators of such premises.

**EXTERMINATION.** The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

**GARAGE.** A building for parking or storing one or more motor vehicles.

**GARBAGE.** The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

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

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

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

**IMMINENT DANGER.** A condition which could cause serious or life-threatening injury or death at any time within the immediately foreseeable future.

**INFESTATION.** The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

**INOPERABLE MOTOR VEHICLE.** A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

**LABELED.** Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

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

**OCCUPANCY.** The purpose for which a building or portion thereof is utilized or occupied.

**OCCUPANT.** Any individual living or sleeping in a building, or having possession of a space within a building.

**OPENABLE AREA.** That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

**OPERATOR.** Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

**OWNER.** Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

**PERSON.** An individual, corporation, partnership or any other group acting as a unit.

**PREMISES.** A lot, plot or parcel of land, easement or public way, including any structures thereon.

**PORCH.** Means (i) a covered shelter at the entrance to a building, (ii) a raised platform with a roof that runs along side of a house, partly enclosed with low walls or fully enclosed with screens or windows.

**PUBLIC WAY.** Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

**ROOMING HOUSE.** A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

**ROOMING UNIT.** Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

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

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

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

**STRUCTURE.** That which is built or constructed or a portion thereof.

**TENANT.** A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

**TOILET ROOM.** A room containing a water closet or urinal but not a bathtub or shower.

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

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

**YARD.** An open space on the same lot with a structure.

## **PART 3 PROPERTY MAINTENANCE REQUIREMENTS**

### **GENERAL**

**8-3000 Scope.** The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

**8-3001 Responsibility.** The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this Code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

**8-3002 Vacant structures and land.** All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety. It shall be a violation of this Code to knowingly allow a vacant structure to remain un-secure for a period of more than 48 hours after proper notice.

**8-3003 Regulated Animals.** No owner, lessee, tenant, subtenant, or other occupant of any property, public or private, located within the corporate limits of the City of Dyersburg, Tennessee, shall keep, maintain, or cause to be kept any swine, sheep, mules, goats, chickens, ducks, geese, turkeys, or other domestic fowl or livestock.

**Exception:** Horses and cattle shall comply with applicable regulations adopted by the City of Dyersburg.

## **EXTERIOR PROPERTY AREAS**

**8-3004 Sanitation. (a)** It shall be the responsibility of the occupant and/or the owner of the property to ensure that all exterior property and premises including porches, carports and open garages, be maintained in a clean, safe and sanitary condition free from the accumulation of debris, rubbish, trash, litter, garbage, feces, stagnant water, abandoned building products, inoperative equipment or appliances, interior furniture, automotive parts, unlawful signage or any combination of the preceding elements so as to endanger the health, safety or welfare of other citizens or to encourage the infestation of rats, insects or other harmful animals.

**(b)** Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the health officer and the Code Official and dispose of such animal as the health officer shall direct.

**(c)** Refuse Storage Containers (Garbage Cans/Containers) shall be maintained and stored according to the requirements set forth in Title 17 of this Municipal Code entitle Refuse & Trash Disposal.

**8-3005 Grading and drainage.** All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon. Exception: Approved retention areas and reservoirs.

**8-3006 Sidewalks and driveways.** All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. All Motor vehicles shall be parked on approved all terrain parking surfaces such as asphalt, concrete, etc. and may not be parked on sidewalks or prohibited easements.

**8-3007 Weeds.** All premises and exterior property shall be maintained free from weeds or plant growth in excess of (9) nine inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 8-1034 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds or plant growth growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

**8-3008 Rodent harborage.** All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

**8-3009 Exhaust vents.** Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

**8-3010 Accessory structures.** All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair. Fencing shall be constructed of an approved listed fencing material and shall comply with applicable zoning requirements.

**8-3011 Motor vehicles.** Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any exterior premises, and no vehicle shall at any time be in a state of major

disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

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

**8-3012 Defacement of property.** 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. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

## **SWIMMING POOLS, SPAS AND HOT TUBS**

**8-3013 Swimming pools.** Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

**8-3014 Enclosures.** Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

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

## **EXTERIOR STRUCTURE**

**8-3015 General.** The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

**8-3016 Protective treatment.** All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

**8-3017 Premises identification.** Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). The address shall be in compliance with the Dyer County Naming and Addressing Policy, a copy of which is located in the City Recorder's records.

**8-3018 Structural members.** All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

**8-3019 Foundation walls.** All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

**8-3020 Exterior walls.** All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

**8-3021 Roofs and drainage.** The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roofwater shall not be discharged in a manner that creates a public nuisance.

**8-3022 Decorative features.** All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

**8-3023 Overhang extensions.** All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

**8-3024 Stairways, decks, porches and balconies.** Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

**8-3025 Chimneys and towers.** All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weathercoating materials, such as paint or similar surface treatment.

**8-3026 Handrails and guards.** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

**8-3027 Window, skylight and door frames.** Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

**8-3028 Glazing.** All glazing materials shall be maintained free from cracks and holes.

**8-3029 Open able windows.** Every window, other than a fixed window, shall be easily open able and capable of being held in position by window hardware.

**8-3030 Insect screens.** Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

**Exception:** Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

**8-3031 Doors.** All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 8-7005.

**8-3032 Basement hatchways.** Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

**8-3033 Guards for basement windows.** Every basement window that is open able shall be supplied with rodent shields, storm windows or other approved protection against the entry.

**8-3034 Building security.** Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

**8-3035 Doors.** Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily open able from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a lock throw of not less than 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

**8-3036 Windows.** Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.

**8-3037 Basement hatchways.** Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

### INTERIOR STRUCTURE

**8-3038 General.** The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

**8-3039 Structural members.** All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

**8-3040 Interior surfaces.** All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

**8-3041 Stairs and walking surfaces.** Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

**8-3042 Handrails and guards.** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

**8-3043 Interior doors.** Every 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.

### HANDRAILS AND GUARDRAILS

**8-3044 General.** Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface. Exception: Guards shall not be required where exempted by the adopted building Code.

### RUBBISH AND GARBAGE



**8-3045 Accumulation of rubbish or garbage.** All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

**8-3046 Disposal of rubbish.** Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

**8-3047 Rubbish storage facilities.** The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

**8-3048 Refrigerators.** Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises.

**8-3049 Disposal of garbage.** Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

**8-3050 Garbage facilities.** The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leak proof, covered, outside garbage container.

**8-3051 Containers.** The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leak proof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

#### EXTERMINATION

**8-3052 Infestation.** All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

**8-3053 Owner.** The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

**8-3054 Single occupant.** The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.

**8-3055 Multiple occupancy.** The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination.

**8-3056 Occupant.** The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

**Exception:** Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

#### CURB SIDE PICKUP

**8-3057: Curb side pickup:** Placement of trash and debris at curbside prior to or after the specified time is prohibited and shall be considered a violation of section **8-3004 Sanitation**. Off premises trash and debris shall not be placed curbside.

#### NON-CONFORMING USE OF PROPERTY

**8-3058 Non-Conforming use of property:** Any non-conforming use of specific zoned property is prohibited. Specific reference is made to the City Zoning Ordinances.

**Exception:** Uses that have been approved by the board of Zoning Appeals

## **PART 4 LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS**

### **GENERAL**

**8-4001 Scope.** The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

**8-4002 Responsibility.** The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.

**8-4003 Alternative devices.** In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the other building codes that shall be adopted from time to time, by the City, shall be permitted.

### **LIGHT**

**8-4004 Habitable spaces.** Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

**Exception:** Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m<sup>2</sup>). The exterior glazing area shall be based on the total floor area being served.

**8-4005 Common halls and stairways.** Every common hall and stairway in residential occupancies, other than in one- and two family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m<sup>2</sup>) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 foot candle (11 lux) at floors, landings and treads.

**8-4006 Other spaces.** All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

### **VENTILATION**

**8-4007 Habitable spaces.** Every habitable space shall have at least one open able window. The total open able area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 8.404.

**Exception:** Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m<sup>2</sup>). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

**8-4008. Bathrooms and toilet rooms.** Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 8-4007, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be re-circulated.

**8-4009 Cooking facilities.** Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the rooming unit or dormitory unit.

**Exceptions:**

1. Where specifically approved in writing by the Code Official.
2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

**8-4010 Process ventilation.** Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be re-circulated to any space.

**8-4011 Clothes dryer exhaust.** Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's instructions.

## OCCUPANCY LIMITATIONS

**8-4012 Privacy.** Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

**8-4013 Minimum room widths.** A habitable room, other than a kitchen, shall not be less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counter fronts and appliances or counter fronts and walls.

**8-4014 Minimum ceiling heights.** Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet (2134 mm).

**Exceptions:**

1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height.
2. Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches (2033 mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet (1524 mm) or more shall be included.

**8-4015 Bedroom and living room requirements.** Every bedroom and living room shall comply with the requirements of Sections 8-4016 through 8-4020.

**8-4016 Room area.** Every living room shall contain at least 120 square feet (11.2m<sup>2</sup>) and every bedroom shall contain at least 70 square feet (6.5 m<sup>2</sup>).

**8-4017 Access from bedrooms.** Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

**Exception:** Units that contain fewer than two bedrooms.

**8-4018 Water closet accessibility.** Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

**8-4019 Prohibited occupancy.** Kitchens and non-habitable spaces shall not be used for sleeping purposes.

**8-4020 Other requirements.** Bedrooms shall comply with the applicable provisions of this Code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Sections 8-501 through 8-5020; the heating facilities and electrical receptacle requirements of Sections 8-601 through 8-6021; and the smoke detector and emergency escape requirements of Section 8-701 through 8-7012.

**8-4021 Overcrowding.** The number of persons occupying a dwelling unit shall not create conditions that, in the opinion of the Code Official, endanger the life, health, safety or welfare of the occupants.

**8-4022 Efficiency unit.** Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet (20.4 m<sup>2</sup>). A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet (29.7m<sup>2</sup>). These required areas shall be exclusive of the areas required by Items 2 and 3.
2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this Code shall be provided.
3. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.
4. The maximum number of occupants shall be three.

**8-4023 Food preparation.** All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary

## **PART 5 PLUMBING FACILITIES AND FIXTURE REQUIREMENTS**

### **GENERAL**

**8-5001 Scope.** The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

**8-5002 Responsibility.** The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter.

### REQUIRED FACILITIES

**8-5003 Dwelling units.** Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

**8-5004 Rooming houses.** At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

**8-5005 Hotels.** Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.

**8-5006 Employees' facilities.** A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

**8-5007 Drinking facilities.** Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

### TOILET ROOMS

**8-5008 Privacy.** Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

**8-5009 Location.** Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

**8-5010 Location of employee toilet facilities.** Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

**Exception:** Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

**8-5011 Floor surface.** In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

### PLUMBING SYSTEMS AND FIXTURES

**8-5012 General.** All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

**8-5013 Fixture clearances.** Plumbing fixtures shall have adequate clearances for usage and cleaning.

**8-5014 Plumbing system hazards.** Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, back siphonage, improper installation, deterioration or damage or for similar reasons, the Code Official shall require the defects to be corrected to eliminate the hazard.

#### **WATER SYSTEM**

**8-5015 General.** Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the other building or plumbing codes duly adopted from time to time by the City.

**8-5016 Contamination.** The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

**8-5017 Supply.** The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

**8-5017 Water heating facilities.** Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110°F (43°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

#### **SANITARY DRAINAGE SYSTEM**

**8-5018 General.** All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

**8-5019 Maintenance.** Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

#### **STORM DRAINAGE**

**8-5020 General.** Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

## **PART 6 MECHANICAL AND ELECTRICAL REQUIREMENTS**

#### **GENERAL**

**8-6001 Scope.** The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

**8-6002 Responsibility.** The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter.

#### **HEATING FACILITIES**

**8-6003 Facilities required.** Heating facilities shall be provided in structures as required by this section.

**8-6004 Residential occupancies.** Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in the other electrical or plumbing codes duly adopted from time to time by the City. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

**Exception:** In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

**8-6005 Heat supply.** Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.

**Exceptions:**

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in the other electrical or plumbing codes duly adopted from time to time by the City .
2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

**8-6006 Occupiable work spaces.** Indoor occupiable work spaces shall be supplied with heat to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

**Exceptions:**

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

**8-6007 Room temperature measurement.** The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

## MECHANICAL EQUIPMENT

**8-6008 Mechanical appliances.** All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

**8-6009 Removal of combustion products.** All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

**Exception:** Fuel-burning equipment and appliances which are labeled for unvented operation.

**8-6010 Clearances.** All required clearances to combustible materials shall be maintained.

**8-6011 Safety controls.** All safety controls for fuel-burning equipment shall be maintained in effective operation.

**8-6012 Combustion air.** A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

**8-6013 Energy conservation devices.** Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping there from, shall not be installed unless labeled for such purpose and the installation is specifically approved.

### **ELECTRICAL FACILITIES**

**8-6014 Facilities required.** Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Sections 8-6016 through 8-6019.

**8-6015 Service.** The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the other electrical or building codes duly adopted from time to time by the City. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

**8-6016 Electrical system hazards.** Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the Code Official shall require the defects to be corrected to eliminate the hazard.

### **ELECTRICAL EQUIPMENT**

**8-6017 Installation.** All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

**8-6018 Receptacles.** Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

**8-6019 Luminaires.** Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric luminaire.

### **ELEVATORS, ESCALATORS AND DUMBWAITERS**

**8-6020 General.** Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certification of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, or the certificate shall be available for public inspection in the office of the building operator. The inspection and tests shall be performed at not less than the periodical intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.

**8-6021 Elevators.** In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

**Exception:** Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

### **DUCT SYSTEMS**

**8-6022 General.** Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

## **PART 7 FIRE SAFETY REQUIREMENTS**



## GENERAL

**8-7001 Scope.** The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

**8-7002 Responsibility.** The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

**8-7003 Fire Code Official.** Pursuant to Tennessee Code Annotated §7-63-101, the Board of Mayor and Aldermen shall appoint the Fire Chief, or his duly appointed representative, as a special police officer for the purpose of enforcing Part 7, Fire Safety Requirements, of this Code. The Fire Code Official shall have all the duties and powers of the duly appointed Code Official and as found in Sections 8-1018 through 8-1024 of this Code. Pursuant to the aforementioned sections, the Fire Code Official shall have the authority to issue citations in lieu of arrest for violations of this Code.

**8-7004 Fire Code Adopted.** Pursuant to authority granted by Tennessee Code Annotated §§6-54-501 through 6-54-506, and for the purpose of providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises, and to provide safety to fire fighters and emergency responders during emergency operations, the International Fire Code, the 2015 Edition, as recommended by the International Code Council, is hereby adopted by reference and included as a part of this code. Pursuant to the requirement of T.C.A. §6-54-202, one (1) copy of the International Fire Code has been filed with the City Recorder and is available for public use and inspection. Said International Fire Code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits.

**8-7005 Enforcement.** The International Fire Code herein adopted by reference shall be enforced by the Fire Code Official. He shall have the same powers as the State Fire Marshal.

**8-7006 Modifications.** The International Fire Code adopted in 8-7004 above is modified by deleting therefrom section 108, titled "Board of Appeals," in its entirety; Section 8-7009 below shall control appeals.

**8-7007 Gasoline Trucks.** No person shall operate or park any gasoline tank truck within the central business district or within any residential area at any time except for the purpose of, and while actively engaged in, the expeditious delivery of gasoline.

**8-7008 Variances.** The Fire Code Official may recommend to the Board of Mayor and Aldermen variances from the provisions of the International Fire Code upon application in writing by an property owner or lessee, or the duly authorized agent of either, when there are practical difficulties in the way of carrying out the strict letter of the Code, provided that the spirit of the Code shall be observed, public safety secured, and substantial justice done. The particulars of such variances when granted or allowed shall be contained in a resolution of the Board of Mayor and Aldermen.

**8-7009 Violations and Penalties.** It shall be unlawful for any person to violate any of the provisions of this chapter or the International Fire Code herein adopted, or fail to comply therewith, or violate or fail to comply with any order made thereunder; or build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been modified by the Board of Mayor and Aldermen or by a court of competent jurisdiction, within the time fixed herein. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this Code. Each day a violation is allowed to continue shall constitute a separate offense. The application of a penalty shall not be held to prevent the enforced removal of prohibited conditions. All notices and penalties shall be prescribed pursuant to Section 8-1031 through 8-1040 of this Code.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2017 .

**CITY OF DYERSBURG**

**ATTEST**

\_\_\_\_\_  
**Robert Jones, City Recorder**

\_\_\_\_\_  
**John Holden, Mayor**