

CHAPTER 9

UNSAFE BUILDING ABATEMENT CODE

SECTION

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12-901. Adopted. Pursuant to the authority granted by Tennessee Code Annotated, § 13-21-101, et seq., this chapter, to known as the Unsafe Building Abatement Code, for the purpose of insuring the safety of the citizens of Jackson from the structures which are unfit for human occupation or use, is hereby adopted. (1995 Code, § 12-801)

12-902. Definitions. The following terms whenever used or referred to in this chapter shall have the following respective meanings for the purposes of this chapter unless a different meaning clearly appears from the context:

(1) "Building" means any building, dwelling, or structure, or part thereof, used or intended to be used for human occupancy, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith;

(2) "City" means the City of Jackson, Tennessee;

(3) "Director" means the director of the department of building and housing codes of the city, or his authorized agent.

(4) "Owner" means the holder(s) of the legal title in fee simple and every mortgagee of record;

(5) "Party in interest" means any individual, association, corporation or others who have interest of record in a building and who are in possession thereof;

(6) "Public authority" means any officer who is in charge of any department of the city or the State of Tennessee relating to health, fire, building regulations, public safety, or other activities concerning the structures in the city and the public safety.

The use of the singular number in this chapter shall be deemed to include the plural and the plural the singular. The use of either gender shall apply to both genders. (1995 Code, § 12-802)

12-903. Enforcement. The person responsible for enforcement of this chapter shall be the director. (1995 Code, § 12-803)

12-904. Powers given the director. The director is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter including the following powers in addition to others herein granted:

(1) To investigate the conditions of buildings in the city in order to determine which are unsafe.

(2) To administer oaths, affirmations, examine witnesses and receive evidence.

(3) To enter upon premises for the purposes of making inspections provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession.

(4) To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this chapter.

(5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate. (1995 Code, § 12-804)

12-905. Conditions rendering a building unsafe. An unsafe building shall include any building that has any of the following conditions, such that the life, health, property or safety of its occupants or the general public are endangered:

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

(2) Any means of egress or portion thereof, such as but not limited to fire doors, closing devices and fire resistive ratings, is in disrepair or in a dilapidated or nonworking condition such that the means of egress could be rendered unsafe in case of fire or panic.

(3) The stress in any material, member or portion thereof due to all imposed loads including dead load exceeds the stresses allowed in the International Building Code for new buildings.

(4) The building has been damaged by fire, flood, earthquake, wind or other cause, to the extent that the structural integrity of the building is less than it was prior to the damage and is less than the minimum requirement established by the International Building Code for new buildings.

(5) The building has an exterior appendage or portion thereof not securely fastened, attached or anchored such that it is capable of resisting wind, seismic or similar loads as required by the International Building Code for new buildings.

(6) The building is manifestly unsafe or unsanitary for the purpose for which it is being used.

(7) The building as a result of decay, deterioration or dilapidation is likely to fully or partially collapse.

(8) The building has been constructed or maintained in violation of a specific requirement of the standard codes of the city or state or federal law.

(9) The building is in such a condition as to constitute a public nuisance.

(10) The building is unsafe, unsanitary or not provided with adequate egress, or constitutes a fire hazard, or is otherwise dangerous to human life, or in relation to existing use, constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment.

(11) The building is unfit for human occupation or use due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, 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 of Jackson. (1995 Code, § 12-805, modified)

12-906. Inspection; owner notification. (1) Inspection. The director shall inspect or cause to be inspected any building under the following circumstances:

(a) A public authority requests an inspection;

(b) A petition requesting an inspection if filed with the director signed by a minimum of five (5) residents of the City of Jackson;

(c) An inspection may be made by the director when he has reason to believe the structure is unfit or unsafe.

(2) Notification. If the director inspects a building and determines it to be unsafe as defined in this chapter, the director shall:

(a) Serve a certified letter of complaint on the owner and any party in interest stating the basis upon which the building has been determined unsafe. The letter of complaint shall contain notice of a time and date for a hearing before the director (or his designated agent), said date being not more than thirty (30) days, nor less than ten (10) days from the date the letter of complaint is served. Service shall be complete upon mailing.

(b) If the whereabouts of the owner is unknown and the same cannot be ascertained by the director in the exercise of reasonable diligence, the director shall make affidavit to that effect, and publish a notice of the complaint and hearing once each week for two (2) consecutive weeks in a newspaper printed and published in the city. A notice shall also be posted in a conspicuous place on the premises affected by the letter of complaint. (1995 Code, § 12-806)

12-907. Hearing. The hearing before the director shall give the owner and a party in interest the opportunity to respond to the letter of complaint as follows:

(1) The owner and a party 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 letter of complaint.

(2) The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the director. (1995 Code, § 12-807)

12-908. Condemnation. If after such notice and hearing, the director determines that the building is unsafe, he shall state in writing his findings of fact in support of such determination and shall serve a certified letter of condemnation to the owner, which shall contain an order to:

(1) Vacate and close and/or repair, alter or improve the building or structure in such a manner as to make it safe and fit for human occupation or demolish the structure.

(2) If the repair, alteration or improvement cost exceeds seventy-five percent (75%) of the taxable value of the property, the director may order the structure to be removed or demolished.

(3) The letter of condemnation shall contain a time limitation of not less than sixty (60) days to be determined by the director based on the condition of the building and the potential for rehabilitation.

(4) If the director finds a building to be unsafe and if after the director has ordered the building repaired, improved, demolished, vacated or closed and if the owner does not take such action, the director may post signs stating that "THIS BUILDING IS UNSAFE AND UNFIT FOR HUMAN USE. THE USE OR OCCUPATION OF THIS BUILDING FOR HUMAN OCCUPATION OR USE IS PROHIBITED AND UNLAWFUL." The director may take such action as he deems necessary to protect the public from the structural failure of any building or structure, including but not limited to, closing streets, walks, erecting barricades, etc.

(5) At any time after the initial inspection the director may cause the utilities (gas, water and electricity) to be disconnected, should they in his opinion pose a threat to the public safety. (1995 Code, § 12-808)

12-909. Condemnation appeal. The owner or any party in interest may appeal the decision of the director in accordance with the following:

(1) The decision of the director may be appealed to the City of Jackson code advisory/appeals board or its successor. The appeal shall be made within ten (10) days of the letter of condemnation and shall be made following the procedures in title 12, chapter 1 of this municipal code.

(2) If the board agrees with the director's finding, the building shall be repaired, altered, improved or demolished as provided in the letter of condemnation within not less than sixty (60) days after the board makes its

written findings, a copy of, which shall be served on the owner or party in interest. (1995 Code, § 12-809)

12-910. Repair, improvement or demolition by city. (1) If the owner fails to comply with the letter of condemnation, and after the time allowed for appeal expires, or if the board agrees with the director, the director may cause the building or structure to be repaired, altered, removed or demolished.

(2) The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition shall be determined by the director and shall be a lien against the real property in respect of which such cost was incurred. These costs shall be placed upon the tax rolls of the City of Jackson as a lien and shall be added to 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. Notice of such lien shall be filed in the Office of the Register of Madison County. If the building is removed or demolished by the director, he shall sell the materials of such structure and shall credit the proceeds of such sale against the costs of the removal of demolition and any balance remaining shall be deposited in the chancery court. (1995 Code, § 12-810)

12-911. Judicial review. Any person affected by an order issued by the director may file a bill in the Chancery Court for Madison County as provided in Tennessee Code Annotated, § 13-21-106. (1995 Code, § 12-811)

12-912. Immediate dangers to public. No provision of this chapter shall limit the director in taking any action authorized in other sections of this chapter to protect the public from immediate hazards or dangers posed by any building. (1995 Code, § 12-812)