

TITLE 12

BUILDING, UTILITY, ETC. CODES

CHAPTER

1. BUILDING CODE.
2. RESIDENTIAL CODE.
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CHAPTER 1

BUILDING CODE<sup>1</sup>

SECTION

- 12-101. Building code adopted.
- 12-102. Modifications.
- 12-103. Available in recorder's office.
- 12-104. Violations and penalty.

12-101. Building code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the construction, alteration, repair, use, occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the International Building Code,<sup>2</sup> 2012 edition, as prepared and adopted by the

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<sup>1</sup>Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

<sup>2</sup>Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

International Code Council, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the building code. (Ord. 1988-10, May 1988, as replaced by Ord. #1998-13, 1998, Ord. #2004-11, June 2004, Ord. #2008-12, Nov. 2008, and Ord. #2016-10, Oct. 2016)

12-102. Modifications. (1) Definitions. Whenever the building code refers to the "chief appointing authority" or the "chief administrator," it shall be deemed to be a reference to the city council. When the "building official" is named it shall, for the purposes of the building code, mean such person as the city council has appointed or designated to administer and enforce the provisions of the building code.

(2) Permit fees. The schedules of permit fees are as followed:

<u>Total Valuation</u>	<u>Fee</u>
\$1,000 and less	No fee, unless inspection required, in which case a \$15.00 fee for each inspection shall be charged.
\$1,000 to \$50,000	\$15.00 for the first \$1,000.00 plus \$5.00 for each additional thousand or fraction thereof, to and including \$50,000.00.
\$50,000 to \$100,000	\$260.00 for the first \$50,000.00 plus \$4.00 for each additional thousand or fraction thereof, to and including \$100,000.00.
\$100,000 to \$500,000	\$460.00 for the first \$100,000.00 plus \$3.00 for each additional thousand or fraction thereof, to and including \$500,000.00.
\$500,000 and up	\$1,660.00 for the first \$500,000.00 plus \$2.00 for each additional thousand or fraction thereof.

(3) Amendments. Amendments to the International Building Code (attachment B to Ord. #2016-10) are available in the office of the recorder. (1976 Code, § 4-102, as amended by Ord. # 1988-14, May 1988, and replaced by Ord. #2004-11, June 2004, Ord. #2008-12, Nov. 2008, and Ord. #2016-10, Oct. 2016)

12-103. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the building code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1976 Code, § 4-103, as replaced by Ord. #2008-12, Nov. 2008, and Ord. #2016-10, Oct. 2016)

12-104. Violations and penalty. Pursuant to Tennessee Code Annotated, § 7-63-101, the building inspector is authorized to issue ordinance summons for violations of this chapter on private property. The building inspector shall upon the complaint of any citizen, or acting on his own information, investigate complaints of violations on private property. If after such investigation the building inspector finds a violation on private property, he shall issue an ordinance summons. The ordinance summons shall be served upon the owner or owners of the property, or upon the person or persons apparently in lawful possession of the property, and shall give notice to the same to appear before the city court of the City of Loudon and answer the charges against him or them. If the offender refuses to sign the agreement to appear, the building inspector may:

- (1) Request the city judge to issue a summons, or
- (2) Request a police officer to witness the violation.

The police officer who witnesses the violation may issue the offender a citation in lieu of arrest as authorized by Tennessee Code Annotated, § 7-63-101 et seq., or if the offender refuses to sign the citation, may arrest the offender for failure to sign the citation in lieu of arrest.

The penalty for violating this section shall be a fine up to and including fifty dollars (\$50.00) and costs for each offense and/or the judge of the municipal court may punish a violation in the same manner as prescribed by any other city ordinance (Tennessee Code Annotated, § 6-54-306). Each day during which a violation continues to exist following the initial citation shall be considered a separate offense.

Failure of an offender to appear for trial in the city court after signing of the ordinance summons agreement shall cause the court having jurisdiction thereof to issue a warrant against the offender, as provided for in Tennessee Code Annotated, § 7-63-105. (1976 Code, § 4-104, and replaced by Ord. #2008-2, Nov. 2008, and Ord. #2016-10, Oct. 2016)

CHAPTER 2

RESIDENTIAL CODE

SECTION

- 12-201. Residential code adopted.
- 12-202. Modifications.
- 12-203. Available in recorder's office.
- 12-204. Violations and penalty.

12-201. Residential code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the construction, alteration, repair, use, occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the International Residential Code,<sup>1</sup> 2012 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code, and are hereinafter referred to as the residential code. (Ord. #1988-11, May 1988, as amended by Ord. #1998-14, Oct. 1998, and Ord. #2008-12, Nov. 2008, and replaced by Ord. #2016-10, Oct. 2016)

12-202. Modifications. (1) Definitions. Whenever the residential code refers to the "chief appointing authority" or the "chief administrator," it shall be deemed to be a reference to the city council. When the "building official" is named it shall, for the purposes of the building code, mean such person as the city council has appointed or designated to administer and enforce the provisions of the residential code.

(2) Permit fees. The schedules of permit fees are as followed:

<u>Total Valuation</u>	<u>Fee</u>
\$1,000 and less	No fee, unless inspection required, in which case a \$15.00 fee for each inspection shall be charged.
\$1,000 to \$50,000	\$15.00 for the first \$1,000.00 plus \$5.00 for each additional thousand or fraction thereof, to and including \$50,000.00.

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<sup>1</sup>Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

\$50,000 to \$100,000	\$260.00 for the first \$50,000.00 plus \$4.00 for each additional thousand or fraction thereof, to and including \$100,000.00.
\$100,000 to \$500,000	\$460.00 for the first \$100,000.00 plus \$3.00 for each additional thousand or fraction thereof, to and including \$500,000.00.
\$500,000 and up	\$1,660.00 for the first \$500,000.00 plus \$2.00 for each additional thousand or fraction thereof.

(3) Amendments. Amendments to the International Residential Code (attachment R to Ord. #2016-10) are available in the office of the recorder. (1976 Code, § 4-202, as replaced by Ord. #2016-10, Oct. 2016)

12-203. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502 one (1) copy of the residential code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1976 Code, § 4-203, as replaced by Ord. #2016-10, Oct. 2016)

12-204. Violations and penalty. The penalty for violating this section shall be a fine up to and including fifty dollars (\$50.00) and costs for each offense and/or the judge of the municipal court may punish a violation in the same manner as prescribed by any other city ordinance (Tennessee Code Annotated, § 6-54-306). Each day during which a violation continues to exist following the initial citation shall be considered a separate offense.

Failure of an offender to appear for trial in the city court after signing of the ordinance summons agreement shall cause the court having jurisdiction thereof to issue a warrant against the offender, as provided for in Tennessee Code Annotated, § 7-63-105. (1976 Code, § 4-204, as replaced by Ord. #2016-10, Oct. 2016)

CHAPTER 3

PLUMBING CODE<sup>1</sup>

SECTION

- 12-301. Plumbing code adopted.
- 12-302. Modifications.
- 12-303. Available in recorder's office.
- 12-304. Violations and penalty.
- 12-305. -- 12-306. Deleted.

12-301. Plumbing code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506 and for the purpose of regulating plumbing installations, including alterations, repairs, equipment, appliances, fixtures, fittings, and the appurtenances thereto, within or without the city, when such plumbing is or is to be connected with the city water or sewerage system, the International Plumbing Code,<sup>2</sup> 2012 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference and is hereinafter referred to as the plumbing code. (Ord. # 1988-12, May 1988, as amended by Ord. #1999-1, Feb. 1999, and replaced by Ord. #2016-10, Oct. 2016)

12-302. Modifications. (1) Definitions. Wherever the plumbing code refers to the "chief appointing authority," the "administrative authority," or the "governing authority," it shall be deemed to be a reference to the city council.

Wherever "city engineer," "engineering department," "plumbing official," or "inspector" is named or referred to, it shall mean the person appointed or designated by the city council to administer and enforce the provisions of the plumbing code.

(2) Permit fees. The schedules of permit fees are as followed:

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<sup>1</sup>Municipal code references

Cross connections: title 18.

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

<sup>2</sup>Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

<u>Total Valuation</u>	<u>Fee</u>
\$1,000 and less	No fee, unless inspection required, in which case a \$15.00 fee for each inspection shall be charged.
\$1,000 to \$50,000	\$15.00 for the first \$1,000.00 plus \$5.00 for each additional thousand or fraction thereof, to and including \$50,000.00.
\$50,000 to \$100,000	\$260.00 for the first \$50,000.00 plus \$4.00 for each additional thousand or fraction thereof, to and including \$100,000.00.
\$100,000 to \$500,000	\$460.00 for the first \$100,000.00 plus \$3.00 for each additional thousand or fraction thereof, to and including \$500,000.00.
\$500,000 and up	\$1,660.00 for the first \$500,000.00 plus \$2.00 for each additional thousand or fraction thereof.

(3) Amendments. Amendments to the International Plumbing Code (attachment P to Ord. #2016-10) are available in the office of the recorder. (1976 Code, § 4-302, as replaced by Ord. #2016-10, Oct. 2016)

12-303. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502 one (1) copy of the plumbing code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1976 Code, § 4-303, as replaced by Ord. #2016-10, Oct. 2016)

12-304. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the plumbing code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to fifty dollars (\$50.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (1976 Code, § 4-304, as replaced by Ord. #2016-10, Oct. 2016)

12-305. -- 12-306. [Deleted.] (as deleted by Ord. #2016-10, Oct. 2016)

## CHAPTER 4

MECHANICAL CODE<sup>1</sup>

## SECTION

- 12-401. Mechanical code adopted.  
 12-402. Modifications.  
 12-403. Available in recorder's office.  
 12-404. Violations and penalty.  
 12-405. -- 12-412. Deleted.

12-401. Mechanical code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of providing minimum requirements for safe mechanical installation, alterations or repairs to new equipment, replacement of equipment, appliances, fixtures, fittings, and the appurtenances thereto, so as to safeguard life, health, and public welfare and the protection of property, the International Mechanical Code,<sup>2</sup> 2012 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as part of this code, and is hereinafter referred to as the mechanical code. (1976 Code, § 4-401, as replaced by Ord. #2016-10, Oct. 2016)

12-402. Modifications. The following modification to the above listed code is hereby adopted:

(1) Definitions. Whenever reference is made to the duties of a certain official named therein, that the designated official of the City of Loudon who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of the codes.

(2) Permit fees. The schedule of permit fees are as followed:

<u>Total Valuation</u>	<u>Fee</u>
\$1,000 and less	No fee, unless inspection required, in which case a \$15.00 fee for each inspection shall be charged.

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<sup>1</sup>Municipal code reference

Fire protection, fireworks and explosives: title 7.

<sup>2</sup>Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.



\$1,000 to \$50,000	\$15.00 for the first \$1,000.00 plus \$5.00 for each additional thousand or fraction thereof, to and including \$50,000.00.
\$50,000 to \$100,000	\$260.00 for the first \$50,000.00 plus \$4.00 for each additional thousand or fraction thereof, to and including \$100,000.00.
\$100,000 to \$500,000	\$460.00 for the first \$100,000.00 plus \$3.00 for each additional thousand or fraction thereof, to and including \$500,000.00.
\$500,000 and up	\$1,660.00 for the first \$500,000.00 plus \$2.00 for each additional thousand or fraction thereof.

(3) Amendments. Amendments to the International Mechanical Code (attachment Mto Ord. #2016-10) are available in the office of the recorder. (Ord. # 1988-13, May 1988, as amended by Ord. #1998-15, Oct. 1998, and Ord. #2008-12, Nov. 2008, and replaced by Ord. #2016-10, Oct. 2016)

12-403. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the mechanical code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1976 Code, § 4-403, as replaced by Ord. #2016-10, Oct. 2016)

12-404. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the mechanical code as herein adopted by reference and modified. 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. (1976 Code, § 4-404, as replaced by Ord. #2016-10, Oct. 2016)

12-405. -- 12-412. [Deleted.] (as deleted by Ord. #2016-10, Oct. 2016)

CHAPTER 5

ELECTRICAL CODE

SECTION

- 12-501. Electrical code adopted.
- 12-502. Available in recorder's office.
- 12-503. Permit required for doing electrical work.
- 12-504. Enforcement.
- 12-505. Fees.
- 12-506. Violations and penalty.
- 12-507. -- 12-525. Deleted.

12-501. Electrical code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506 and for the purpose of providing practical minimum standards for the safeguarding of persons and of buildings and their contents from hazards arising from the use of electricity for light, heat, power, radio, signaling, or for other purposes, the National Electrical Code,<sup>1</sup> 2008 edition, as prepared by the National Fire Protection Association, and/or any subsequent revisions of the National Electrical Code as approved and adopted by the State of Tennessee pursuant to the authority granted by Tennessee Code Annotated, §§ 68-17-113, 68-17-143, and 68-17-150 is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the electrical code. (1976 Code, § 4-501, as replaced by Ord. #2016-10, Oct. 2016)

12-502. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the electrical code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1976 Code, § 4-502, as replaced by Ord. #2016-10, Oct. 2016)

12-503. Permit required for doing electrical work. No electrical work shall be done within the city until a permit therefor has been issued by the city. The term "electrical work" shall not be deemed to include minor repairs that do not involve the installation of new wire, conduits, machinery, apparatus, or other electrical devices generally requiring the services of an electrician. (1976 Code, § 4-503, as replaced by Ord. #2016-10, Oct. 2016)

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<sup>1</sup>Copies of this code may be purchased from the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210.

12-504. Enforcement. The electrical inspector shall be such person as the city council shall appoint or designate. It shall be his duty to enforce compliance with this chapter and the electrical code as herein adopted by reference. He is authorized and directed to make such inspections of electrical equipment and wiring, etc., as are necessary to insure compliance with the applicable regulations, and may enter any premises or building at any reasonable time for the purpose of discharging his duties. He is authorized to refuse or discontinue electrical service to any person or place not complying with this chapter and/or the electrical code. (1976 Code, § 4-504, as replaced by Ord. #2016-10, Oct. 2016)

12-505. Fees. The electrical inspector shall collect the same fees as are authorized in Tennessee Code Annotated, § 68-17-143 for electrical inspections by deputy inspectors of the state fire marshal. (1976 Code, § 4-505, as replaced by Ord. #2016-10, Oct. 2016)

12-506. Violations and penalty. It shall be unlawful for any person to do or authorize any electrical work or to use any electricity in such manner or under such circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the electrical code. The violation of any section of this chapter shall be punishable by a penalty of up to fifty dollars (\$50.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (1976 Code, § 4-506, as replaced by Ord. #2016-10, Oct. 2016)

12-507. -- 12-525. [Deleted.] (as deleted by Ord. #2016-10, Oct. 2016)

CHAPTER 6

FUEL GAS CODE

SECTION

- 12-601. Title and definitions.
- 12-602. Purpose and scope.
- 12-603. Amendments.
- 12-604. Use of existing piping and appliances.
- 12-605. Bond and license.
- 12-606. Gas inspector and assistants.
- 12-607. Powers and duties of inspector.
- 12-608. Permits.
- 12-609. Inspections.
- 12-610. Certificates.
- 12-611. Fees.
- 12-612. Violations and penalty.

12-601. Title and definitions. This chapter and the code herein adopted by reference shall be known as the gas code of the city. The following definitions are provided for the purpose of interpretation and administration of the gas code.

(1) "Inspector" means the person appointed as inspector, and shall include each assistant inspector, if any, from time to time acting as such under this chapter by appointment of the city manager.

(2) "Person" means any individual, partnership, firm, corporation, or any other organized group of individuals.

(3) "Gas company" means any person distributing gas within the corporate limits or authorized and proposing to so engage.

(4) "Certificate of approval" means a document or tag issued and/or attached by the inspector to the inspected material, piping, or appliance installation, filled out, together with date, address of the premises, and signed by the inspector.

(5) "Certain appliances" means conversion burners, floor furnaces, central heating plants, vented wall furnaces, water heaters, and boilers. (1976 Code, § 4-601, as replaced by Ord. #2016-10, Oct. 2016)

12-602. Purpose and scope. The purpose of the gas code is to provide minimum standards, provisions, and requirements for safe installation of consumer's gas piping and gas appliances. All gas piping and gas appliances installed, replaced, maintained, or repaired within the corporate limits shall conform to the requirements of this chapter and to the International Fuel Gas

Code,<sup>1</sup> 2012 edition, which is hereby incorporated by reference along with the fuel gas code amendments (attachment G to Ord. #2016-10, which is available in the office of the recorder), and made a part of this chapter as if fully set forth herein. One (1) copy of the fuel gas code shall be kept on file in the office of the city recorder for the use and inspection of the public. (1976 Code, § 4-602, as replaced by Ord. #2016-10, Oct. 2016)

12-603. Amendments. Amendments to the International Fuel Gas Code (attachment G to Ord. #2016-10) are available in the office of the recorder. (1976 Code, § 4-603, as replaced by Ord. #2016-10, Oct. 2016)

12-604. Use of existing piping and appliances. Notwithstanding any provision in the gas code to the contrary, consumer's piping installed prior to the adoption of the gas code or piping installed to supply other than natural gas may be converted to natural gas if the inspector finds, upon inspection and proper tests, that such piping will render reasonably satisfactory gas service to the consumer and will not in any way endanger life or property; otherwise, such piping shall be altered or replaced, in whole or in part, to conform with the requirements of the gas code. (1976 Code, § 4-604, as replaced by Ord. #2016-10, Oct. 2016)

12-605. Bond and license. (1) No person shall engage in or work at the installation, extension, or alteration of consumer's gas piping or certain gas appliances, until such person shall have secured a license as hereinafter provided, and shall have executed and delivered to the city recorder a good and sufficient bond in the penal sum of ten thousand dollars (\$10,000.00), with corporate surety, conditioned for the faithful performance of all such work, entered upon or contracted for, in strict accordance and compliance with the provisions of the gas code. The bond herein required shall expire on the first day of January next following its approval by the city recorder, and thereafter on the first day of January of each year a new bond, in form and substance as herein required, shall be given by such person to cover all such work as shall be done during such year.

(2) Upon approval of said bond, the person desiring to do such work shall secure from the city recorder a nontransferable license which shall run until the first day of January next succeeding its issuance, unless sooner revoked. The person obtaining a license shall pay any applicable license fees to the city recorder.

(3) Nothing herein contained shall be construed as prohibiting an individual from installing or repairing his own appliances or installing,

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<sup>1</sup>Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

extending, replacing, altering, or repairing consumer's piping on his own premises, or as requiring a license or a bond from an individual doing such work on his own premises; provided, however, all such work must be done in conformity with all other provisions of the gas code, including those relating to permits, inspections, and fees. (1976 Code, § 4-605, as replaced by Ord. #2016-10, Oct. 2016)

12-606. Gas inspector and assistants. To provide for the administration and enforcement of the gas code, the office of gas inspector is hereby created. The inspector, and such assistants as may be necessary in the proper performance of the duties of the office, shall be appointed or designated by the city council. (1976 Code, § 4-606, as replaced by Ord. #2016-10, Oct. 2016)

12-607. Powers and duties of inspector. (1) The inspector is authorized and directed to enforce all of the provisions of the gas code. Upon presentation of proper credentials, he may enter any building or premises at reasonable times for the purpose of making inspections or preventing violations of the gas code.

(2) The inspector is authorized to disconnect any gas piping or fixture or appliance for which a certificate of approval is required but has not been issued with respect to same, or which, upon inspection, shall be found defective or in such condition as to endanger life or property. In all cases where such a disconnection is made, a notice shall be attached to the piping, fixture, or appliance disconnected by the inspector, which notice shall state that the same has been disconnected by the inspector, together with the reason or reasons therefor, and it shall be unlawful for any person to remove said notice or reconnect said gas piping or fixture or appliance without authorization by the inspector, and such gas piping or fixture or appliance shall not be put in service or used until the inspector has attached his certificate of approval in lieu of his prior disconnection notice.

(3) It shall be the duty of the inspector to confer from time to time with representatives of the local health department, the local fire department, and the gas company, and otherwise obtain from proper sources all helpful information and advice, presenting same to the appropriate officials from time to time for their consideration. (1976 Code, § 4-607, as replaced by Ord. #2016-10, Oct. 2016)

12-608. Permits. (1) No person shall install a gas conversion burner, floor furnace, central heating plant, vented wall furnace, water heater, boiler, consumer's gas piping, or convert existing piping to utilize natural gas without first obtaining a permit to do such work from the city recorder; however, permits will not be required for setting or connecting other gas appliances, or for the repair of leaks in house piping.

(2) When only temporary use of gas is desired, the recorder may issue a permit for such use, for a period of not to exceed sixty (60) days, provided the

consumer's gas piping to be used is given a test equal to that required for a final piping inspection.

(3) Except when work in a public street or other public way is involved the gas company shall not be required to obtain permits to set meters, or to extend, relocate, remove, or repair its service lines, mains, or other facilities, or for work having to do with its own gas system. (1976 Code, § 4-608, as replaced by Ord. #2016-10, Oct. 2016)

12-609. Inspections. (1) A rough piping inspection shall be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been attached thereto.

(2) A final piping inspection shall be made after all piping authorized by the permit has been installed and after all portions thereof which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been attached thereto. This inspection shall include a pressure test, at which time the piping shall stand an air pressure equal to not less than the pressure of a column of mercury six inches (6") in height, and the piping shall hold this air pressure for a period of at least ten (10) minutes without any perceptible drop. A mercury column gauge shall be used for the test. All tools, apparatus, labor, and assistance necessary for the test shall be furnished by the installer of such piping. (1976 Code, § 4-609, as replaced by Ord. #2016-10, Oct. 2016)

12-610. Certificates. The inspector shall issue a certificate of approval at the completion of the work for which a permit for consumer piping has been issued if after inspection it is found that such work complies with the provisions of the gas code. A duplicate of each certificate issued covering consumer's gas piping shall be delivered to the gas company and used as its authority to render gas service. (1976 Code, § 4-610, as replaced by Ord. #2016-10, Oct. 2016)

12-611. Fees. (1) The permit fee schedule (as adopted by ordinance) is available in the recorder's office. (1976 Code, § 4-611, as replaced by Ord. #2016-10, Oct. 2016)

12-612. Violations and penalty. Any person who shall violate or fail to comply with any of the provisions of the gas code shall be subject to a penalty of up to fifty dollars (\$50.00) for each offense, or the license of such person may be revoked, or both fine and revocation of license may be imposed. (1976 Code, § 4-612, as replaced by Ord. #2016-10, Oct. 2016)

CHAPTER 7

ENERGY CONSERVATION CODE

RESERVED FOR FUTURE USE



CHAPTER 8

ADA STANDARDS FOR ACCESSIBLE DESIGN

SECTION

12-801. Accessibility code adopted.

12-802. Available in administrator's office.

12-803. Violations and penalty.

12-801. Accessibility code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of making all public buildings accessible to and functional for persons who are physically handicapped, the 2010 ADA Standards for Accessible Design, Tennessee Code Annotated, §§ 68-120-201-204(a)(1), is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the accessibility code. (as added by Ord. #2008-12, Nov. 2008, and replaced by Ord. #2016-10, Oct. 2016)

12-802. Available in administrator's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502 one (1) copy of the accessibility code has been placed on file in the administrator's office and shall be kept there for the use and inspection of the public. (as added by Ord. #2008-12, Nov. 2008, and replaced by Ord. #2016-10, Oct. 2016)

12-803. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the accessibility code as herein adopted by reference. The violation of any section of this chapter shall be punishable by a penalty of up to fifty dollars (\$50.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (as added by Ord. #2008-12, Nov. 2008, and replaced by Ord. #2016-10, Oct. 2016)

CHAPTER 9

HOUSING CODE

SECTION

- 12-901. Scope and application.
- 12-902. Definitions.
- 12-903. Minimum standards for lighting.
- 12-904. Minimum standards for ventilation.
- 12-905. Minimum standards for heating.
- 12-906. Minimum standards for basic equipment and facilities.
- 12-907. Basements and cellars.
- 12-908. Space requirements.
- 12-909. Egress.
- 12-910. Infestation.
- 12-911. Responsibilities of the occupant.
- 12-912. Responsibilities of the owner.
- 12-913. Conditions of structure.
- 12-914. Minimum standards for rooming houses.
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12-901. Scope and application. Every building used in whole or in part as a dwelling unit or as two (2) or more dwelling units shall conform to the requirements of this housing code irrespective of the class to which such buildings may otherwise belong, and irrespective of when such buildings may have been constructed, altered or repaired. No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit for the purpose of living, sleeping, cooking, or eating therein which does not comply with the requirements of §§ 12-903 through 12-913. (as added by Ord. #2008-12, Nov. 2008, and replaced by Ord. #2016-10, Oct. 2016)

12-902. Definitions. The following definitions shall apply to the interpretation and enforcement of this housing code:

(1) "Approved" shall mean constructed, installed and maintained in accordance with the provisions of this housing code and other pertinent ordinances of the City of Loudon and with rules and regulations adopted pursuant thereto.

(2) "Basement" shall mean a portion of a building located partly underground, but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.

(3) "Board of housing appeals" shall mean the board established by § 12-919 of this code.

(4) "Collar" shall mean a portion of a building located partly or wholly underground, and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

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

(6) "Dwelling unit" shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

(7) "Extermination" shall mean the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods approved by the inspector.

(8) "Garbage" shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

(9) "Habitable room" shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers, communicating corridors, closets or storage spaces.

(10) "Household" shall mean all persons who occupy a dwelling unit. A person living alone or any group of persons sharing a dwelling unit is a household.

(11) "Infestation" shall mean the presence within or around a dwelling of any insects, rodents, or other pests.

(12) "Inspector" shall mean the person designated by the city manager to carry out the duties of inspector as stated in §§ 12-915 through 12-919.

(13) "Multiple dwelling" shall mean any dwelling containing more than two (2) dwelling units.

(14) "Occupant" shall mean any person, over one (1) year of age, living, sleeping, cooking, or eating in or having actual possession of, a dwelling unit or rooming unit.

(15) "Ordinary minimum winter conditions" shall mean a temperature of zero degrees Fahrenheit (0°F).

(16) "Owner" is deemed to mean and include a holder of any legal or equitable estate in the premises, whether alone or jointly with others, and whether in possession or not.

(17) "Parties in interest" shall mean all individuals, associations, partnerships, corporations, and others who have any interest in a dwelling and any who are in possession or control thereof as agent of the owner, or as executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the owner. Any such person thus representing the owner or owners shall be bound to comply with the provisions of this housing code and of the rules and regulations adopted pursuant hereto, to the same extent as if he were the owner, and upon failure to comply therewith shall be subject to the same penalties hereinafter set out in § 12-922.

(18) "Plumbing" shall mean and include all of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer, or gas lines.

(19) "Premises" shall mean a platted lot or part thereof or unplatted lot or parcel of land or plot of land either occupied or unoccupied by any dwelling or non-dwelling structure.

(20) "Public hall" shall mean any hall, corridor or passageway not within the exclusive control of one (1) family.

(21) "Rooming unit" shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping but not for cooking or eating purposes.

(22) "Rooming house" shall mean any dwelling, or that part of dwelling containing one (1) or more rooming units, in which space is let by the occupant to three (3) or more persons who are not husband or wife, son or daughter, mother or father, sister or brother of the occupant.

(23) "Rubbish" shall mean all waste materials except garbage. The term shall include the residue from the burning of wood, coal, coke, and other combustible material; paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, and dust.

(24) "Single unit dwelling" shall mean a dwelling occupied by one (1) family alone.

(25) "Supplied" shall mean paid for, furnished, or provided by, or under the control of, the owner or operator, their agents and/or representatives.

(26) "Water closet" shall mean a toilet, with a bowl and trap made in one (1) piece, which is connected to the city water and sewer system or other approved water supply and sewer system.

(27) "Workmanlike state of maintenance and repair" shall mean in such a state as to comply with all codes and ordinances pertaining to construction of buildings and installation of utilities.

(28) "Meaning of certain words." Whenever the words "dwelling," "dwelling unit," "rooming house," "rooming unit," or "premises" are used in this housing code, they shall be construed as though they were followed by the words "or any part thereof." (as added by Ord. #2008-12, Nov. 2008, and replaced by Ord. #2016-10, Oct. 2016)

12-903. Minimum standards for lighting. (1) Where there is electric service available from power lines which are not more than three hundred feet (300') away from a dwelling, every habitable room in such dwelling shall contain at least two (2) separate wall type electric outlets, or one (1) such outlet and one (1) supplied ceiling type electric light fixture, and every bathroom, laundry room, furnace room and public hall shall contain at least one (1) ceiling or wall type electric light fixture. Every such outlet and fixture shall be in working condition and installed in accordance with the requirements of the electric code.

(2) Every habitable room shall have at least one (1) window or skylight facing directly to the outside or other means of lighting which is approved as adequate by the inspector. The minimum total window area for every habitable room shall be ten percent (10%) of the total floor area of such room; if the only window in a room is the skylight type, the minimum total window area shall be fifteen percent (15%) of the total floor area of such room, except where other means of artificial lighting are approved.

(3) Every public hall and stairway in every multiple dwelling containing five (5) or more dwelling units shall be adequately lighted at all times. Every public hall and stairway in a structure containing not more than four (4) dwelling units may be supplied with conveniently located light switches controlling an adequate lighting system which may be turned on when needed instead of full-time lighting.

(4) Bathrooms shall conform to the lighting requirements for habitable rooms. (as added by Ord. #2008-12, Nov. 2008, and replaced by Ord. #2016-10, Oct. 2016)

12-904. Minimum standards for ventilation. (1) Every habitable room shall have at least one (1) window or skylight opening directly to the outdoors which can easily be opened, or such other device as will adequately ventilate the room. The minimum total openable window area in every habitable room shall be equal to one-half (1/2) of the minimum total window area required in § 12-903(1), except where there is supplied some other device affording adequate ventilation and approved by the inspector.

(2) Every bathroom shall have ventilation equal to four (4) square feet or such other device as will adequately ventilate the room and which is approved by the inspector. (as added by Ord. #2016-10, Oct. 2016)

12-905. Minimum standards for heating. Every dwelling shall have heating facilities which are properly installed, maintained in a safe and good working condition and are capable of safely and adequately heating all habitable rooms and bathrooms in every dwelling unit located therein to a temperature of at least seventy degrees Fahrenheit (70°F) at a distance of three feet (3') above floor level when the outside temperature is zero degrees Fahrenheit (0°F). (as added by Ord. #2016-10, Oct. 2016)

12-906. Minimum standards for basic equipment and facilities. (1) Water supply. There shall be a potable supply of running water piped into each dwelling unit.

(2) Sewerage. In every dwelling, plumbing fixtures shall be properly installed, properly connected to the water supply and sewer systems and maintained in good working order.

(3) Sanitary equipment. Every dwelling unit shall contain a sink, tub, or shower, lavatory and water closet.

(4) Sink. Every dwelling unit shall contain a kitchen sink therein which is properly connected to the hot water supply and sewer system.

(5) Tub or shower and lavatory. Every dwelling unit shall contain therein, in a room affording privacy, a tub or shower and a lavatory properly connected to the hot water supply and sewer systems. This tub or shower and lavatory may be shared by two (2) dwelling units if:

(a) The habitable area of each of such dwelling units shall equal not more than two hundred fifty (250) square feet of floor area; and if

(b) The fixtures are placed in a room used for toilet purposes only and such room is accessible without passing through the other dwelling unit or outside the dwelling; and if

(c) A person is designated to clean and does clean the room every twenty-four (24) hours.

(6) Water closets. Every dwelling unit shall have a flush type water closet located therein in a room affording privacy and properly connected to the water supply and sewer system. This water closet may be shared by two (2) dwelling units if (a), (b) and (c) above are satisfied.

(7) Hopper type water closets, water closets outside the dwelling and privies are hereby declared to be public nuisances and shall be eliminated upon notice after failure to maintain in a sanitary condition, but in any case not later than twelve (12) months after the effective date of this chapter.

(8) Water heating facilities. Every dwelling shall have water heating facilities properly connected to the water piping system, and such facilities shall have a capacity to supply a sufficient quantity of water to each fixture connected at a minimum temperature of one hundred twenty degrees Fahrenheit (120°F). (as added by Ord. #2016-10, Oct. 2016)

12-907. Basements and cellars. (1) No cellar space shall be used as a habitable room.

(2) Basement space may be used as a habitable room if:

(a) The windows are sufficiently above the lot's ground level so as to allow the room to meet the requirements for habitable rooms as to light and ventilation; and if

(b) The floors below grade level of the lot are impervious to water and free from dampness at all times; and if

(c) The clear inner height is at least six feet eight inches (6' 8"), and no pipes or beams are below six feet (6') from floor level. (as added by Ord. #2016-10, Oct. 2016)

12-908. Space requirements. The number of persons occupying any dwelling unit shall be limited by the following requirements:

(1) Sleeping rooms. Every sleeping room for one (1) occupant shall have at least seventy (70) square feet of floor space, or if occupied by more than one (1) person, at least fifty (50) square feet per occupant.

(2) Size of dwelling unit. The total of all habitable rooms in dwelling unit shall be such as to provide at least one hundred fifty (150) square feet of floor space for the first occupant and one hundred (100) square feet of floor space per each additional occupant.

(3) Minimum height of habitable rooms. Every habitable room shall be not less than seven feet (7') in height from the floor to the ceiling throughout one-half (1/2) of the area of such room. Any portion of a room having a ceiling height of less than five feet (5') shall not be considered in computing the total floor area for such room.

(4) Minimum size of habitable rooms. No habitable room shall contain less than seventy (70) square feet of floor area, nor shall the least horizontal dimension of such room be less than seven feet (7'). (as added by Ord. #2016-10, Oct. 2016)

12-909. Egress. (1) Every dwelling unit shall have a safe, unobstructed means of egress to a safe and open space at ground level. All structures of three (3) or more stories with a dwelling unit occupying the third or higher story shall be provided with two (2) separate usable, unobstructed means of egress for each dwelling unit located above the second story. The exit facilities from such dwelling units shall lead to a public thoroughfare either directly or through a court or yard, and passage to such exits shall not lead through any other dwelling unit or through a space that might reasonably be locked by anyone who is not a member of the household. An escape hatch or scuttle to a flat roof for escape through adjoining buildings may be considered as a usable means of egress for the dwelling unit occupying the top floor.

(2) Dual egress will not be required of structures that are of fully fireproof construction. (as added by Ord. #2016-10, Oct. 2016)

12-910. Infestation. (1) During that portion of each year extending from May 1st through September 30th and as protection against mosquitoes, flies and other insects, every door opening directly from a dwelling unit to outdoor space shall be equipped with screens and a self-closing device; and every window or other device with openings to outdoor space used or intended to be used for ventilation shall likewise be equipped with screens or other insect deterrents.

(2) Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents, shall be permanently equipped with screens or such other device as will effectively prevent their entrance.

(3) During the summer months, there shall be no standing pools of water which might provide a breeding place for mosquitoes.

(4) Dwellings should be free from rodents and other vermin at all times; responsibility for extermination rests with the occupant or owner as set forth in §§ 12-911(5) and 12-912(4). (as added by Ord. #2016-10, Oct. 2016)

12-911. Responsibilities of the occupant. The responsibilities of the occupant are as follows:

(1) To keep the dwelling and premises he controls and occupies in a clean and sanitary condition.

(2) To dispose of rubbish and garbage in a clean and sanitary manner as prescribed by city regulation.

(3) To hang and remove screens provided by the owner except where the owner has agreed to supply such services.

(4) To keep plumbing fixtures therein in a clean and sanitary condition and to exercise reasonable care in the proper use and operation thereof.

(5) To exterminate in the following cases:

(a) The occupant of a single dwelling is responsible for the extermination of any insects, rodents or other pests therein or on the premises.

(b) The occupant of a dwelling unit in a multiple-unit structure is responsible for the extermination of any insects, rodents, or other pests if his unit is the only unit infested.

Notwithstanding the foregoing provisions of this section, whenever infestation is caused by the failure of the owner to maintain the dwelling in a ratproof or reasonably insectproof condition, the occupant is not responsible for the extermination of any insects, rodents, or other pests therein. (as added by Ord. #2016-10, Oct. 2016)

12-912. Responsibilities of the owner. The responsibilities of the owner are as follows:

(1) To let no dwelling to anyone for occupancy unless it meets the minimum standards set forth in §§ 12-903 through 12-913.



(2) To have the dwelling in a clean, sanitary, habitable condition, free from infestation before renting; to paint walls and ceilings and to clean, repair and exterminate if needed to meet aforesated requirements before offering for rent.

(3) To provide screens to be hung.

(4) To exterminate in the following cases:

(a) When infestation exists in two (2) or more units of a multiple-unit structure.

(b) When infestation exists in shared or public areas of a multiple-unit structure.

(c) When infestation exists in a single unit of a multiple-unit structure or in a single-unit structure when infestation is due to failure of the owner to maintain the dwelling in a ratproof and reasonably insectproof condition. (as added by Ord. #2016-10, Oct. 2016)

12-913. Conditions of structure. (1) All dwelling structures shall be watertight, weatherproof, rodent and insectproof and in good repair.

(2) Every foundation, exterior wall and roof shall be reasonably watertight, weathertight and rodentproof, shall adequately support the building at all times, and shall be kept in a workmanlike state of maintenance and repair.

(3) Every interior partition, wall, floor and ceiling shall be reasonably tight, capable of affording privacy and shall be maintained in a workmanlike state of repair and in a clean and sanitary condition.

(4) All rainwater shall be so drained and conveyed from every roof, and the lot shall be so graded and drained as not to cause dampness in the walls, ceilings, floor or basement of any dwelling.

(5) Every window, exterior door and basement hatchway shall be reasonably weathertight, watertight and rodentproof, and shall be maintained in sound condition and repair.

(6) Every inside and outside stairway, every porch and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and they shall be maintained in sound condition and repair.

(7) Every supplied plumbing fixture and water and waste pipe shall be properly installed and maintained in a sanitary working condition, free from defects, leaks and obstructions.

(8) Every toilet, bathroom and kitchen floor shall be constructed and maintained so as to be reasonably impervious to water, and such floor shall be kept in a clean and sanitary condition.

(9) Every supplied facility, piece of equipment or utility which is required under this housing code shall be so constructed and installed that it will function safely and effectively, and shall be maintained in good working condition. (as added by Ord. #2016-10, Oct. 2016)

12-914. Minimum standards for rooming houses. No person shall operate a rooming house or let to another for occupancy any room unless such rooming house or room complies with the following requirements:

(1) Every rooming house and room shall be in compliance with the minimum standards set forth in §§ 12-903, 12-904, 12-905 and 12-908 as to light, ventilation, heating and space requirements.

(2) Every rooming house shall be equipped with at least one (1) flush water closet, one (1) lavatory and one (1) tub or shower for each eight (8) persons or fraction thereof within the rooming house, including members of the family if they are to share the use of the facilities. In rooming houses in which rooms are let only to males, flush urinals may be substituted for not more than one-half (1/2) of the required number of water closets. All such facilities shall be properly connected to the water supply and sewer system.

(3) Every flush water closet, flush urinal, lavatory, tub or shower required above shall be located within the rooming house in a room, or rooms, which:

(a) Affords privacy.

(b) Is accessible by a common hall without going outside the rooming house.

(c) Is accessible from a common hall without going through the sleeping quarters of others.

(d) Is not more than one (1) story removed from the room of an occupant intended to share the facilities.

(4) Where bedding, bed linen or towels are supplied, the operator shall maintain the bedding in a clean and sanitary manner, shall furnish clean bed linen and towels at least once each week and prior to the letting of any room to an occupant. (as added by Ord. #2016-10, Oct. 2016)

12-915. Duties of the inspector. The inspector or his duly authorized representative is hereby authorized, upon showing proper identification, to enter, examine, and survey at any reasonable time all dwellings, dwelling units, rooming units, and their premises located within the city. The occupant of every dwelling, dwelling unit, rooming unit, or the person in charge thereof, shall give the inspector or his representative free access to such dwellings, dwelling units, rooming units, and their premises at all reasonable times for the purposes of such inspection, examination and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access to any part of such dwelling or dwelling unit, or its premises, at all reasonable times for the purposes of making such repairs or alterations as are necessary to effect compliance with the provisions of this code or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this code. (as added by Ord. #2016-10, Oct. 2016)

12-916. Rules and regulations. The inspector is hereby authorized to make and adopt such written rules and regulations as may be necessary for the proper enforcement of the provisions of this housing code provided that such rules and regulations shall not be in conflict with the provisions hereof. The inspector shall file a certified copy of all rules and regulations which he may adopt in the office of the city recorder. Such rules and regulations shall have the same force and effect as the provisions of this code and the penalty for a violation thereof shall be the same as the penalty for a violation of the provisions of this code. (as added by Ord. #2016-10, Oct. 2016)

12-917. Emergency powers. The inspector is hereby granted certain emergency powers. Whenever the inspector finds that a condition exists which requires immediate action to protect the public health or safety, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this housing code, such order shall be effective immediately. Any person on whom such an order is directed shall comply therewith immediately, but upon a petition shall be afforded a hearing by the board of housing appeals as soon as possible. After such hearing, depending upon the findings as to whether the provisions of this code have been complied with, the board shall continue such order in effect, or modify it, or revoke it. (as added by Ord. #2016-10, Oct. 2016)

12-918. Service of notices and orders. (1) Whenever at least five (5) residents of the city charge that any dwelling is unfit for human habitation, or whenever the inspector determines that there has been a violation, or that there are reasonable grounds to believe that there has been a violation of any provision of this housing code or of any rule or regulation adopted pursuant hereto, he shall give notice to the person or persons responsible therefor. Such notice shall:

- (a) Be put in writing.
- (b) Include a description of the real estate sufficient for identification.
- (c) Include a statement of the reason or reasons for the notice being issued.
- (d) Inform the violator of his right to petition for a hearing before the board of housing appeals, and specify that this petition must be received within twenty (20) days after the notice was served.
- (e) Be served upon the owner, or the occupant, as the case may require, provided, that such notice shall be deemed to be properly served upon such violator if a copy thereof is delivered to him personally or by registered mail, but if the whereabouts of such person is unknown and the same cannot be ascertained by the inspector in the exercise of reasonable diligence, and the inspector shall make an affidavit to that

effect, then the serving of such notice or order may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the municipality, or in the absence of such newspaper, in one printed and published in the county and circulating in the municipality in which the dwelling is located. A copy of such complaint or order shall be posted in a conspicuous place on premises affected by the notice or order. A copy of such notice or order shall also be filed for record in the register's office of the county in which the dwelling is located, and such filing of notice or order shall have the same force and effect as other lis pendens notices provided by law.

(2) Such notice may include an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter and with rules and regulations adopted pursuant hereto. (as added by Ord. #2016-10, Oct. 2016)

12-919. Board of housing appeals. (1) There is hereby created and established a board of housing appeals, hereinafter referred to as the board, which shall consist of the inspector and five (5) members appointed by the mayor and approved by a majority vote of the city council. All appointed members shall be registered voters of the city and they shall not receive any remuneration for their services. Two (2) members shall be appointed initially for two (2) year terms, and three (3) for three (3) year terms, and they may be reappointed at the expiration of their terms. All future appointments shall be for two (2) year terms. The appointed members shall not be candidates for public office at the time of their appointment and if later they become such they must retire from the board. A vacancy shall be filled by the mayor for the unexpired term of the member whose term becomes vacant. The members shall be removable for cause by the appointing authority upon written charges and after a public hearing.

(2) The board shall meet within ten (10) days after its appointment and shall elect a chairman from among its membership. The elected member shall be chairman until the expiration of his term. A vice-chairman shall also be elected. His duties are to assume the responsibility of the chairman in the latter's absence. The duties of the chairman are to preside over the hearings and to question the petitioners. The chairman may vote on all matters. The rules of evidence prevailing in courts of law and equity shall not be controlling on hearings. The inspector shall serve as the permanent secretary of the board, but he shall not vote on any matter. The board shall adopt such rules and regulations as it may deem necessary to carry into effect the provisions of this chapter.

(3) The inspector shall call meetings and shall notify board members. The board shall hear appeals in open meetings. The presence of three (3) members shall constitute a quorum and the concurring vote of three (3) members shall be necessary to reverse or modify any order or notice of the

inspector. The proceedings of such hearings, including the findings and decisions of the board shall be summarized, reduced to writing, and entered as a matter of public record in the office of the city recorder.

(4) Any person affected by any notice which has been issued in connection with the enforcement of any provision of this chapter, or of any rule or regulation adopted pursuant hereto, may request and shall be granted a hearing on the matter before the board; provided that such person shall file in the office of the city recorder a written petition requesting such hearing and setting forth a statement of the grounds therefor within twenty (20) days after the date the notice was served. Within ten (10) days after receipt of the petition the inspector shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show cause why such notice should be modified or withdrawn. The hearing before the board shall be commenced not later than thirty (30) days after the date on which the petition was filed; provided that, upon written application of the petitioner to the board, the date of the hearing may be postponed beyond the thirty (30) day period if the petitioner shows good and sufficient reason why it should be postponed. Any notice served automatically becomes an order if a written petition for hearing is not filed in the office of the city clerk within twenty (20) days after the notice is served. (as added by Ord. #2016-10, Oct. 2016)

12-920. Hearings. After such hearings, the board shall sustain, modify, or withdraw the notice, depending upon its findings as to whether the provisions of this chapter and of the rules and regulations adopted pursuant hereto have been complied with. The board may also modify any notice so as to authorize a variance from the provisions of this housing code when, because of special conditions, a literal enforcement of the provisions hereof will result in practical difficulty or unnecessary hardship; provided, that the spirit of this housing code will be observed, public health and welfare secured, and substantial justice done. The board may also extend the time specified for compliance if the case warrants. If the board sustains or modifies such notice, it shall be deemed to be an order and the violator shall comply with the decisions of such order within the aforespecified length of time. (as added by Ord. #2016-10, Oct. 2016)

12-921. Appeal to court. Any person or persons, jointly or severally, aggrieved by the decision of the board, or any taxpayer, or any officer, department, board or bureau of the municipality, may seek relief therefrom in any court of competent jurisdiction as provided by the laws of the state. (as added by Ord. #2016-10, Oct. 2016)

12-922. Violations. If a person upon whom a notice has been served does not

- (1) Within the specified period after the notice was served, commence compliance with the directives thereof, or
- (2) Within the specified time, petition the board, or
- (3) After the board's hearing, does not comply with the decision thereof, such person shall be guilty of a misdemeanor. (as added by Ord. #2016-10, Oct. 2016)

12-923. Separation of clauses; partial invalidity. If any section, subsection, sentence, clause or phrase of this housing code or any rule or regulation which may be adopted pursuant hereto, is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portion of this code shall not be affected thereby, it being the intent in adopting this code that no portion thereof or provisions or regulations contained therein shall become inoperative or fail by reason of the unconstitutionality or invalidity of any other portion or provision or regulation. (as added by Ord. #2016-10, Oct. 2016)

12-924. Conflict with other provisions. In any case where a provision of this housing code is found to be in conflict with any other provision in this code of ordinances, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. (as added by Ord. #2016-10, Oct. 2016)

12-925. Effective date. This housing code shall be effective from and after the effective date of the Loudon Municipal Code, 1965 (June 16, 1965). (as added by Ord. #2016-10, Oct. 2016)

CHAPTER 10

DANGEROUS BUILDINGS

SECTION

- 12-1001. Dangerous buildings defined.
- 12-1002. Standards for repair, vacation, or demolition.
- 12-1003. Dangerous buildings--nuisances.
- 12-1004. Duties of building inspector.
- 12-1005. Duties of city council.
- 12-1006. Violations--penalty for disregarding notices or orders.
- 12-1007. Duties of the city attorney.
- 12-1008. Emergency cases.
- 12-1009. Where owner absent from the city.
- 12-1010. Administrative liability.
- 12-1011. Duties of fire department.
- 12-1012. Duties of police department.

12-1001. Dangerous buildings defined. All buildings or structures which have any or all of the following defects shall be deemed to be "dangerous buildings:"

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

(2) Those which, exclusive of the foundation, show thirty-three percent (33%) or more of damage or deterioration of the supporting member or members, or fifty percent (50%) of damage or deterioration of the non-supporting enclosing or outside walls or covering.

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

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

(5) Those which have become or are so dilapidated, decayed, unsafe, insanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease so as to work injury to the health, morals, safety or general welfare of those living therein.

(6) Those having light, air, and sanitation facilities which are inadequate to protect the health, morals, safety, or general welfare of human beings who live or may live therein.

(7) Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes, or other means of communication.

(8) Those which have parts thereof which are so attached that they may fall and injure members of the public or property.

(9) Those which because of their condition are unsafe, insanitary, or dangerous to the health, morals, safety or general welfare of the people of this city.

(10) Those buildings existing in violation of any provision of the building code of this city, or any provisions of the fire prevention code, or other ordinances of this city. (as added by Ord. #2008-12, Nov. 2008, and replaced by Ord. #2016-10, Oct. 2016)

12-1002. Standards for repair, vacation, or demolition. The following standards shall be followed in substance by the building inspector and the city council in ordering repair, vacation, or demolition:

(1) If the "dangerous building" can reasonably be repaired so that it will no longer exist in violation of the terms of this chapter it shall be ordered repaired.

(2) If the "dangerous building" is in such condition as to make it dangerous to the health, morals, safety, or general welfare of its occupants it shall be ordered to be vacated.

(3) In any case where a "dangerous building" is fifty percent (50%) damaged or decayed, or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this chapter it shall be demolished. In all cases where a "dangerous building" is a fire hazard existing or erected in violation of the terms of this chapter or any ordinance of the city or statute of the State of Tennessee, it shall be demolished. (as added by Ord. #2008-12, Nov. 2008, and replaced by Ord. #2016-10, Oct. 2016)

12-1003. Dangerous buildings--nuisances. All "dangerous buildings" within the terms of § 12-1001 of this code are hereby declared to be public nuisances, and shall be repaired, vacated, or demolished as hereinbefore and hereinafter provided. (as added by Ord. #2008-12, Nov. 2008, and replaced by Ord. #2016-10, Oct. 2016)

12-1004. Duties of building inspector. The building inspector shall:

(1) Inspect or cause to be inspected semi-annually, all public buildings, schools, halls, churches, theaters, hotels, tenements, commercial, manufacturing, or loft buildings for the purpose of determining whether any conditions exist which render such places a "dangerous building" within the terms of § 12-1001 of this code.



(2) Inspect any building, wall or structure about which a complaint is filed by any person to the effect that a building, wall or structure is or may be existing in violation of this chapter.

(3) Inspect any building, wall or structure reported (as hereinafter provided for) by the fire or police departments of this city as probably existing in violation of the terms of this chapter.

(4) Inspect annually buildings in all sections of this city, to determine whether they are "dangerous buildings" within the terms of § 12-1001.

(5) Notify in writing the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of the County of Loudon, of any building found by him to be a "dangerous building" within the standards set forth in § 12-1001 of this code, that:

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

(b) The occupant or lessee must vacate said building or may have it repaired in accordance with the notice and remain in possession;

(c) The mortgagee, agent or other persons having an interest in said building as shown by the land records of the Recorder of Deeds of the County of Loudon may at his own risk repair, vacate, or demolish said building or have such work or act done; provided, that any person notified under this subsection to repair, vacate, or demolish any building shall be given such reasonable time, not exceeding thirty (30) days, as may be necessary to do, or have done, the work or act required by the notice provided for herein.

(6) Set forth in the notice provided for in subsection (5) hereof, a description of the building, or structure deemed unsafe, a statement of the particulars which make the building or structure a "dangerous building" and an order requiring the same to be put in such condition as to comply with the terms of this chapter within such length of time, not exceeding thirty (30) days, as is reasonable.

(7) Report to the city council any non-compliance with the "notice" provided for in subsections (5) and (6) hereof.

(8) Appear at all hearings conducted by the city council, and testify as to the condition of "dangerous buildings."

(9) Place a notice on all "dangerous buildings" reading as follows:

"This building has been found to be a dangerous building by the building inspector. This notice is to remain on this building until it is repaired, vacated, or demolished in accordance with the notice which has been given the owner, occupant, lessee, mortgagee, or agent of this building, and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of the County of Loudon. It is unlawful to remove this notice until such notice is complied

with." (as added by Ord. #2008-12, Nov. 2008, and replaced by Ord. #2016-10, Oct. 2016)

12-1005. Duties of city council. The city council shall:

(1) Upon receipt of a report of the building inspector as provided for in § 12-1004(7), give written notice to the owner, occupant, mortgagee, lessee, agent, and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of the County of Loudon to appear before it on the date specified in the notice to show cause why the building or structure reported to be a "dangerous building" should not be repaired, vacated, or demolished in accordance with the statement of particulars set forth in the building inspector's notice provided for herein in § 12-1004(6).

(2) Hold a hearing and hear such testimony as the building inspector or the owner, occupant, mortgagee, lessee, or any other person having an interest in said building as shown by the land records of the Recorder of Deeds of the County of Loudon shall offer relative to the "dangerous building."

(3) Make written findings of fact from the testimony offered pursuant to subsection (2) as to whether or not the building in question is a "dangerous building" within the terms of § 12-1001.

(4) Issue an order based upon findings of fact made pursuant to subsection (3) commanding the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of the County of Loudon to repair, vacate, or demolish any building found to be a "dangerous building" within the terms of this chapter and provided that any person so notified, except the owners, shall have the privilege of either vacating or repairing said "dangerous building;" or any person not the owner of said "dangerous building" but having an interest in said building as shown by the land records of the Recorder of Deeds of the County of Loudon may demolish said "dangerous building" at his own risk to prevent the acquiring of a lien against the land upon which said "dangerous building" stands by the city as provided in subsection (5).

(5) If the owner, occupant, mortgagee, or lessee fails to comply with the order provided for in subsection (4) within ten (10) days, the city council shall cause such building or structure to be repaired, vacated, or demolished as the facts may warrant, under the standards hereinbefore provided for in § 12-1002, and shall with the assistance of the city attorney cause the costs of such repair, vacation, or demolition to be charged against the land on which the building existed as a municipal lien or cause such costs to be added to the tax duplicate as an assessment, or to be levied as a special tax against the land upon which the building stands or did stand, or to be recovered in a suit at law against the owner; provided, that in cases where such procedure is desirable and any delay thereby caused will not be dangerous to the health, morals, safety, or general welfare of the people of this city. The city council shall notify the city attorney

to take legal action to force the owner to make all necessary repairs or demolish the building.

(6) Report to the city attorney the names of all persons not complying with the order provided for in § 12-1005(4). (as added by Ord. #2016-10, Oct. 2016)

12-1006. Violations--penalty for disregarding notices or orders. The owner of any "dangerous building" who shall fail to comply with any notice or order to repair, vacate or demolish said building given by any person authorized by this chapter to give such notice or order shall be guilty of a misdemeanor and upon conviction thereof shall be fined under the general penalty clause for this code.

The occupant or lessee in possession who fails to comply with any notice to vacate and who fails to repair said building in accordance with any notice given as provided for in this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be fined under the general penalty clause for this code.

Any person removing the notice provided for in § 12-1004(9) shall be guilty of a misdemeanor and upon conviction shall be fined under the general penalty clause for this code. (as added by Ord. #2016-10, Oct. 2016)

12-1007. Duties of the city attorney. The city attorney shall:

(1) Prosecute all persons failing to comply with the terms of the notices provided for herein in § 12-1004(5) and (6) and the order provided for in § 12-1005(4).

(2) Appear at all hearings before the city council in regard to "dangerous buildings."

(3) Bring suit to collect all municipal liens, assessments, or costs incurred by the city council in repairing or causing to be vacated or demolished "dangerous buildings."

(4) Take such other legal action as is necessary to carry out the terms and provisions of this chapter. (as added by Ord. #2016-10, Oct. 2016)

12-1008. Emergency cases. In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless a "dangerous building" as defined herein is immediately repaired, vacated, or demolished, the building inspector shall report such facts to the city council and it shall cause the immediate repair, vacation, or demolition of such "dangerous building." The costs of such emergency repair, vacation, or demolition of such "dangerous building" shall be collected in the same manner as provided in § 12-1005(5). (as added by Ord. #2016-10, Oct. 2016)

12-1009. Where owner absent from the city. In cases, except emergency cases, where the owner, occupant, lessee, or mortgagee is absent from the city all notices or orders provided for herein shall be sent by registered mail to the

owner, occupant, mortgagee, lessee and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds for the County of Loudon to the last known address of each, and a copy of such notice shall be posted in a conspicuous place on the "dangerous building" to which it relates. Such mailing and posting shall be deemed adequate service. (as added by Ord. #2016-10, Oct. 2016)

12-1010. Administrative liability. No officer, agent, or employee of the City of Loudon shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this chapter. Any suit brought against any officer, agent, or employee of the City of Loudon as a result of any act required or permitted in the discharge of his duties under this chapter shall be defended by the city attorney until the final determination of the proceedings therein. (as added by Ord. #2016-10, Oct. 2016)

12-1011. Duties of fire department. The employees of the fire department shall make a report in writing to the building inspector of all buildings or structures which are, may be, or are suspected to be "dangerous buildings" within the terms of this chapter. Such reports must be delivered to the building inspector within twenty-four (24) hours of the discovery of such buildings by any employee of the fire department. (as added by Ord. #2016-10, Oct. 2016)

12-1012. Duties of police department. All employees of the police department shall make a report in writing to the building inspector of any buildings or structures which are, may be, or are suspected to be "dangerous buildings" within the terms of this chapter. Such reports must be delivered to the building inspector within twenty-four (24) hours of the discovery of such buildings by any employee of the police department. (as added by Ord. #2016-10, Oct. 2016)

CHAPTER 11

FAIR HOUSING ACTIVITY

SECTION

- 12-1101. Definitions.
- 12-1102. Purposes of law, construction; effect.
- 12-1103. Unlawful housing practices.
- 12-1104. Blockbusting.
- 12-1105. Exemptions from housing provisions.
- 12-1106. Provisions for enforcement.
- 12-1107. Establishment of procedures for conciliation.
- 12-1108. Findings of hearing board; nature of affirmative action.
- 12-1109. Investigations, powers, records.
- 12-1110. Conspiracy to violate this chapter unlawful.

12-1101. Definitions. Except where the context clearly indicates otherwise, the following terms as used in this chapter shall have the following meanings:

(1) "Hearing board" means that body of citizens duly appointed by the city council to hear, make determinations, and issue findings in all cases of discriminatory practices in housing resulting from conciliation failure.

(2) "Conciliation agreement" means a written agreement or statement setting forth the terms of the agreement mutually signed and subscribed to by both complainant(s) and respondent(s) and witnessed by a duly authorized enforcing agent.

(3) "Conciliation failure" means any failure to obtain a conciliation agreement between the parties to the discrimination charge or a breach thereof.

(4) "Discrimination" means any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, or any other act or practice of differentiation or preference in the treatment of a person or persons because of race, color, religion, national origin or sex, familial status, disability or the aiding, abetting, inciting, coercing or compelling thereof.

(5) "Real property" includes buildings, structures, real estate, lands, tenements, leaseholds, cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest in the above.

(6) "Housing accommodations" includes improved and unimproved property and means a building, structure, lot or part thereof which is used or occupied, or is intended, arranged or designed to be used or occupied as a home or residence of one (1) or more individuals.

(7) "Real estate operator" means any individual or combination of individuals, labor unions, joint apprenticeship committees, partnerships, associations, corporations, legal representatives, mutual companies, joint stock companies, trust, unincorporated organizations, trustees in bankruptcy,

receivers or other legal or commercial entity, the city or county or any of its agencies or any owner of real property that is engaged in the business of selling, purchasing, exchanging, renting or leasing real estate, or the improvements thereof, including options, or that derives income, in whole or in part, from the sale, purchase, exchange, rental or lease of real estate; or an individual employed by or acting on behalf of any of these.

(8) "Real estate broker" or "real estate salesman" means an individual whether licensed or not who, on behalf of others, for a fee, commission, salary or other valuable consideration, or who with the intention or expectation of receiving or collecting the same, lists, sells, purchases, exchanges, rents or leases real estate, or the improvements thereon, including options, or who negotiates or attempts to negotiate on behalf of others such an activity; or who advertises or holds themselves out as engaged in such activities; or who negotiates or attempts to negotiate on behalf of others a loan secured by mortgage or other encumbrances upon a transfer of real estate, or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he undertakes to promote the sale, purchase, exchange, rental or lease of real estate through its listing in a publication issued primarily for such purpose, or an individual employed by or acting on behalf of any of these.

(9) "To rent" includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises owned by the occupant. (as added by Ord. #2016-10, Oct. 2016)

12-1102. Purposes of law, construction; effect. The general purposes of this chapter are:

(1) To provide for execution within the City of Loudon of the policies embodied in Title VIII of the Federal Civil Rights Act of 1968 as amended.

(2) To safeguard all individuals within the city from discrimination in housing opportunities because of race, color, religion, national origin, familial status, disability or sex; thereby to protect their interest in personal dignity and freedom from humiliation; to secure the city against domestic strife and unrest which would menace its democratic institutions; to preserve the public health and general welfare; and to further the interests, rights, and privileges of individuals within the city.

Nothing contained in this chapter shall be deemed to repeal any other law of this city relating to discrimination because of race, color, religion, national origin, familial status, disability or sex. (as added by Ord. #2016-10, Oct. 2016)

12-1103. Unlawful housing practices. It is an unlawful practice for a real estate owner or operator or for a real estate broker, real estate salesman, or any other individual employed by or acting on behalf of any of these:

(1) To refuse to sell, exchange, rent or lease or otherwise deny to or

withhold real property from an individual because of his or her race, color, religion, national origin, familial status, disability or sex;

(2) To discriminate against an individual because of his or her race, color, religion, national origin, familial status, disability or sex;

(3) To refuse to receive or transmit a bona fide offer to purchase, rent or lease real property from an individual because of his or her race, color, religion, national origin, familial status, disability or sex;

(4) To refuse to negotiate for the sale, rental, or lease of real property to an individual because of his or her race, color, religion, national origin, familial status, disability or sex;

(5) To represent to an individual that real property is not available for inspection, sale, rental or lease when in fact it is so available, or to refuse to permit an individual to inspect real property because of his or her race, color, religion, national origin, familial status, disability or sex;

(6) To print, circulate, post, or mail or cause to be printed, circulated, posted or mailed an advertisement or sign, or to use a form of application for the purchase, rental, or lease of real property, or to make a record of inquiry in connection with the prospective purchase, rental, or lease of real property, which indicates, directly or indirectly, a limitation, specification or discrimination as to race, color, religion, national origin, familial status, disability or sex or an intent to make such a limitation, specification, or discrimination;

(7) To offer, solicit, accept, use or retain a listing of real property for sale, rental, or lease with the understanding that an individual may be discriminated against in the sale, rental, or lease of that real property or in the furnishing of facilities or services in connection therewith because of race, color, religion, national origin, familial status, disability or sex; or

(8) To otherwise deny to or withhold real property from any individual because of race, color, religion, national origin, familial status, disability or sex. (as added by Ord. #2016-10, Oct. 2016)

12-1104. Blockbusting. It is an unlawful practice for a real estate owner or operator, a real estate broker, a real estate salesman, a financial institution, an employee of any of these, or any other person, for the purpose of inducing a real estate transaction from which he may benefit financially:

(1) To represent that a change has occurred or will or may occur in the composition with respect to race, color, religion, familial status, disability, sex or national origin of the owners or occupants in the block, neighborhood, or areas in which the real property is located; or

(2) To represent that this change will or may result in the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools in the block, neighborhood, or area in which the real property is located. (as added by Ord. #2016-10, Oct. 2016)

12-1105. Exemptions from housing provisions. Nothing in § 12-1103 shall apply:

(1) To the rental of housing accommodations in a building which contains housing accommodations for not more than four (4) families living independently of each other, if the owner or member of his family resides in one of the housing accommodations;

(2) To the rental of one (1) room or one (1) rooming unit in a housing accommodation by an individual if he or a member of his family resides therein;

(3) To a landlord who refuses to rent to an unmarried male-female couple.

A religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such a religion is restricted on account of race, color, sex, familial status, disability or national origin. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members. (as added by Ord. #2016-10, Oct. 2016)

12-1106. Provisions for enforcement. (1) The city may sue in a civil act through the chancery court for appropriate remedies to enforce the provisions of this chapter, including temporary restraining orders and mandatory and prohibitory injunctions.

(2) In addition to appropriate civil and/or equitable remedies for enforcement of this chapter, a violation of this chapter shall be subject to the general penalty clause under this municipal code. (as added by Ord. #2016-10, Oct. 2016)

12-1107. Establishment of procedures for conciliation. (1) The city's agent to investigate, make determinations of probable cause, and seek to conciliate apparent violations of this chapter shall be the city manager. Conciliation efforts may be initiated by any person(s) said to be subject to discrimination as defined in this chapter.

(2) The city's agent shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this chapter and his suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement.

(3) The city council hereby establishes a hearing board which shall adopt formal rules and procedures to hear complaints and make appropriate



findings. Such procedures shall be made known to all parties of a given charge of discrimination. The Loudon Housing Board of Appeals shall sit as the hearing board. Hearings by the board shall commence whenever the agent acting on behalf of the city decides a conciliation failure has occurred and the respondent agrees to participate in the hearing board proceedings. Hearings open to the public may be initiated by the responding party at any time during the conciliation process. (as added by Ord. #2016-10, Oct. 2016)

12-1108. Findings of hearing board; nature of affirmative action. (1) If the hearing board determines that the respondent has not engaged in an unlawful practice, the board shall state its findings of fact and conclusions of law and shall issue an order dismissing the complaint. A copy of the order shall be delivered to the complainant, the respondent, the city attorney, and such other public officers and persons as the board deems proper.

(2) If the hearing board determines that the respondent has engaged in an unlawful practice, it shall state its findings of fact and conclusions of law and shall negotiate such affirmative action as in its judgment will carry out the purposes of this chapter. A copy of the findings shall be delivered to the respondent, the complainant, the city attorney and such other public officials, officers and persons as the board deems proper.

(3) Affirmative action negotiated under this section may include, but not be limited to:

(a) Extension to all individuals of the full and equal enjoyment of the advantages, facilities, privileges, and services of the respondent;

(b) Reporting as to the manner of compliance;

(c) Posting notices in conspicuous places in the respondent's place of business in a form prescribed by the hearing board.

(d) Sale, exchange, lease, rental, assignment, or sublease of real property to an individual;

(e) Payment to the complainant of damages for injury caused by an unlawful practice including compensation for humiliation and embarrassment, and expenses incurred by the complainant in obtaining alternative housing accommodation and for other costs actually incurred by the complainant as a direct result of such unlawful practice.

(4) The provisions for conciliation and affirmative action shall not preclude or in any way impair the enforcement provisions of this chapter. (as added by Ord. #2016-10, Oct. 2016)

12-1109. Investigations, powers, records. (1) In connection with an investigation of a complaint filed under this chapter, the enforcing agent(s) at any reasonable time may request voluntary access to premises, records and documents relevant to the complaint and may request the right to examine, photograph, and copy evidence.

(2) Every person subject to this chapter shall make, keep and preserve records relevant to the determination of whether unlawful practices have been or are being committed, such records being maintained and preserved in a manner and to the extent required under the Civil Rights Act of 1968 and any regulations promulgated thereunder.

(3) A person who believes that the application to it of a regulation or order issued under this section would result in undue hardship may apply to the hearing board for an exemption from the application of the regulational order. If the board finds that the application of the regulation or order to the person in question would impose an undue hardship, it may grant appropriate relief. (as added by Ord. #2016-10, Oct. 2016)

12-1110. Conspiracy to violate this chapter unlawful. It shall be an unlawful practice for a person, or for two or more persons to conspire:

(1) To retaliate or discriminate in any manner against a person because he or she has opposed a practice declared unlawful by this chapter, or because he or she has made a charge, filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding, or hearing under this chapter; or

(2) To aid, abet, incite, compel or coerce a person to engage in any of the acts or practices declared unlawful by this chapter; or

(3) To obstruct or prevent a person from complying with the provisions of this chapter or any order issued thereunder; or

(4) To resist, prevent, impede, or interfere with the enforcing agent(s), hearing board, or any of its members or representatives in the lawful performance of duty under this chapter. (as added by Ord. #2016-10, Oct. 2016)