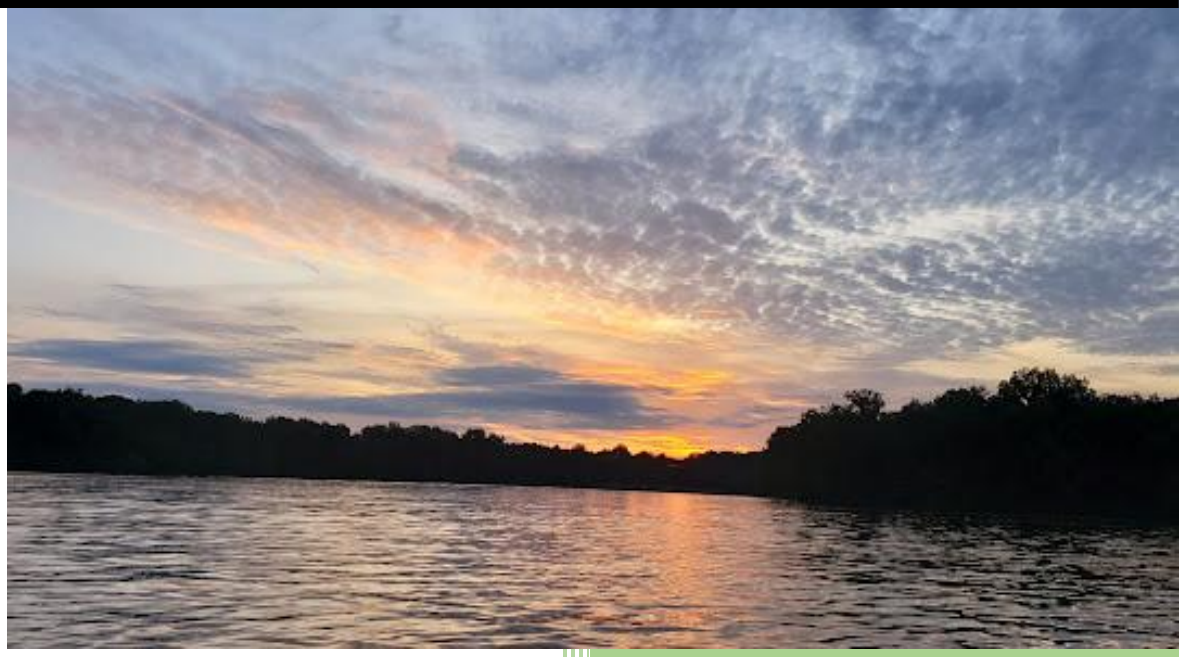
RESOLUTION NO. 2609-20

Regulations Governing the Health and Safety Standards of Residential and Nonresidential Properties of Sumner County, Tennessee



1st Revision Adopted by Resolution of the Sumner County Commission on January 21st 1991.
2nd Revision Adopted by Resolution of the Sumner County Commission on September 18, 2003.
3rd Revision Adopted by Resolution of the Sumner County Commission on January 28, 2008.
4th Revision Adopted by Resolution of the Sumner County Commission on April 20, 2011.
5th Proposed Revision in 2026.

TABLE OF CONTENTS

Chapter 1: General……..…….2

Chapter 2: Definitions……..……..…2

Chapter 3: Regulation and Enforcement…….……..…8

Chapter 4: Violations……..……..9

Chapter 5: General Building Exterior Requirement…….……12

Chapter 6: Prescriptive and Performance Requirements…….....…..13

Chapter 7: Pools, Hot Tubs & Spa Requirements……..16

Chapter 8: Intermodal Shipping Containers……..17

Chapter 9: Process of Code Violation Initiation……..…19

Chapter 10: Notice of Violation……..20

Chapter 11: Appointment of the Board of Construction
Appeals / Hearing Board……..……...21

Chapter 12: Compliance and Appeals ……..……...21

Chapter 13: Hearing Board Authority ……..……....23

Chapter 14: Violations that Warrant Adjudication…….…….24

Chapter 15: Exceptions Regarding Motor Vehicles ……...25

Chapter 16: Rules and Record Keeping…….…..26

Chapter 17: Effective Date ……..…...26

Chapter 18: Severability and Conflict with Other Resolutions……....27

CHAPTER 1

General

Title. These Regulations shall be known as the Health and Safety Standards of Sumner County, also referred to as “the Property Maintenance Code”.

Scope. The provisions of this standard shall apply primarily to the **exterior** condition of residential and nonresidential structures and the blight located on the premises. The Health & Safety Standards shall constitute the minimum sanitation requirements for land, structures, facilities and vehicles by addressing unsanitary or unsightly conditions regardless of whether the condition was caused naturally or man-made.

These provisions, as well as the International Existing Building Code, International Fire Code, International Mechanical Code, International Fuel Gas Code, International Plumbing Code and International Building Codes, shall apply to the **interior** of all residential and commercial structures whenever the Building Official or his/her representative deems a violation to be life threatening.

Intent - The primary intent of these regulations is to protect the public from unsafe conditions and the spread of diseases caused by unsanitary conditions. The secondary intent is to protect the property value of nearby properties.

CHAPTER 2

Definitions

Definitions: Except where definitions are specifically included in various sections of this Resolution, words in the text of this Health and Safety Standard shall be interpreted in accordance with the provisions set forth in this section. Where words have not been defined, the currently adopted International Building Codes (IBC), Zoning Regulation definitions, or the Webster Dictionary shall prevail.

Accessory Structure: A structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. Examples of an accessory structure include but are not limited to the following; accessory dwelling

units (ADUs), barns, garages, carports, sheds, greenhouses, gazebos, pools, pool houses, pavilions, and storage buildings.

Accumulation of debris, rubbish, trash, litter, or garbage: A state in which a significant quantity of solid waste products, decomposing matter, or personal property that has been discarded, damaged or which has little or no economic value or practical use and is located on said property such that one or more of the following conditions results:

(a) Any accumulation of putrescible or non-putrescible matter that may contribute to the infestation of the property by insects, rodents, marsupials or other wildlife or any debris, rubbish, trash, litter or garbage that has the potential of spreading to adjacent properties by the natural action of wind or water.
(b) Any accumulation producing offensive odors that affect the reasonable enjoyment of adjacent properties thereby depresses the value of adjacent properties.
(c) This code includes the accumulation of one or more unlicensed, junk or dismantled motor vehicles as defined in detail in these definitions.

Exception: This definition does not address the brief, temporary storage of debris, trash, litter or garbage for regularly scheduled waste disposal, transfer or pick up.

Acceptable Alternative: A proposed option that is satisfactory in meeting this specific Health and Safety Standard and keeps the intent of the requirements of the standard intact.

Agricultural: Farms (See FARMS) that involve the production for sale of plants and animals useful to man, including but not limited to: forages and sod crops, grains and seed crops, dairy animals and dairy products, poultry and poultry products, livestock including beef cattle, sheep, swine, horses, ponies, mules or goats or any mutations or hybrids thereof, includes the breeding and grazing of any or all of such animals, bees and apiary products, horticulture, trees and forest products, fruits of all kinds including grapes, nuts and berries, vegetables, nursery, floral, ornamental, and greenhouse products (wholesale nurseries), or lands devoted to a soil conservation or forestry management program.

Approved: means approved by the Building & Codes Director.

Blight: The term used to describe a residence, dwelling or property most commonly found unsafe for the health and safety of the occupants of said building. These structures and premises exhibit evidence of, but are not limited to, rot, decay, dilapidation, compromised structural integrity, uncleanliness, dead trees and other unsightly natural growth of vegetation and the like.

Board of Construction Appeals (BOCA): Also known as the **Hearing Board,** a quasi-judicial board that hears and decides appeals of orders, decisions or determinations made by the *Building Official* relative to the application and interpretation of building codes, adequate facilities taxes and the health and safety standards adopted by the county government.

Brief: For the purpose of these standards, the term brief is a measurement of time no longer than 30 calendar days.

Building: A structure permanently affixed to the ground, with a roof, and intended for the shelter or enclosure of persons or property. Where roofed structures are separated from each other by party walls, having no openings for passage, each portion so separated shall be considered a separate building.

Building and Codes Department: The department charged with implementing the adopted Building Codes of Sumner County and with implementing and enforcing, the requirements of the Health and Safety Standard as provided herein.

Building and Codes Director: The individual, employed by the County, to directly oversee and manage the Building and Codes Department including the Health and Safety Standards.

Building Permit: A written permit issued by the Building and Codes Department that is required before the commencement of most construction, reconstruction, or alteration of buildings, swimming pools or other structures.

Certificate of Zoning Compliance: The authorization of the Planning and Engineering Department affirming the use and conditions of the premises that comply with the zoning regulations that are applicable to the property.

Condemned: The specific state of a building, house, or other structure, which has been found to be unsafe for human occupancy.

Dilapidated building or structure: A structure that is unfit for human occupation or use due to conditions in or around such structure. Such structures are dangerous or injurious to the health and safety of the occupants of the structure, the occupants of neighboring structures, and to the health and safety of other residents of the county. Such conditions may include, but are not limited to, defects within the structure that increase the hazard of fire, accidents or other calamities. These structures exhibit disrepair, structural defects, wildlife infestation, as well as all other unsanitary conditions, and are no longer able to adequately fulfill the purposes for which they were originally constructed.

Dwelling: A house, apartment or other place of residence.

Farm: A parcel of land equal to or exceeding 5 acres in size and used for residential and agricultural purposes.

Hazardous Occupancy: Is the use of a building or any part thereof, which involves the manufacturing of highly flammable materials, the storage of flammable materials, the use of combustible materials, the handling of explosive materials or materials that constitute a high-risk fire hazard, which readily support combustion.

Health and Safety Hearing Board: Individuals appointed by the Sumner County Mayor called together for the purposes of implementing these standards and may also be referred to as the Board of Construction Appeals.

Imminent Danger: A condition that exist which exposes an individual to an environment that presents the threat of death or serious physical harm. These conditions include, but are not limited to, the loss of, or the loss of use of a body part. It also includes health hazards presented by the exposure to toxic substances or other health hazards that will shorten the life of an individual or substantially reduces the mental or physical efficiency of said exposed individual. The reasonable expectation of exposure to imminent danger is that injuries will occur within a short time of exposure to said condition.

Intermodal Shipping Container: A six-sided steel unit originally constructed as a general cargo container used for the transport of goods and material. For regulatory purposes, the term is not to include semi-tractor trailers or Portable On-Demand Storage (PODS).

Junkyard: Any land or structure used for the storage and sale of waste paper, rags, scrap metal, discarded materials and the like. A junkyard is also defined as the collection of salvaged, dismantled and the storage of four or more unlicensed or inoperative vehicles for sale.

Landowner: Includes the holder of legal title to real property as well as holders of any equitable interest; such as trust beneficiaries, contract purchases, option holders, lessees under leases having an unexpired term of at least ten years, and the like.

Whenever a statement of ownership is required by the Resolution, full disclosure of all legal and equitable interests in the property is required.

Landscaping: The area within the boundaries of a given lot that consists of planting materials, including but not limited to; trees, shrubs, ground covers, grass, flowers, decorative rock, bark, mulch, and other similar materials.

Mobile Home: A manufactured home, which has been attached to a single chassis, designed to be occupied as a single living unit.

Neglect and Overgrowth of Vegetation: A documented condition of property where trees, vines, grass, underbrush or other vegetation have been allowed to grow in such a manner as to endanger the health and safety or welfare of occupants of the property, or other persons of the county. This condition also encourages the infestation of vermin, marsupials, wildlife or other harmful animals and insects.

Nuisance: Something (as an act, object, or practice) that invades or interferes with another's rights or interests (as the use or enjoyment of property) by being offensive, annoying, dangerous, obstructive, or unhealthful.

Owner: Owner of personal property found on any landowner's property that constitutes a code violation.

Permanent Basis: A term used in the Health and Safety Standard describing the occupation of a travel trailer, motor home, or camper on a full-time basis. The time frame of 45 (forty-five) consecutive days is considered a "permanent basis". This is not considered recreational use and may be confirmed by a permanent utility connection and or being attached to a permanent foundation.

Permanently: A term used in the Health and Safety Standard, to describe the affixed state of the address identification method, as determined by the Property Maintenance Inspector as notated on page 8.

Portable On-Demand Storage (PODS): Large, weather–resistant steel and aluminum containers delivered directly to your location for moving or temporary storage. Temporary storage units have a maximum of 60 days on-site, with a one-time extension for an additional 60 days with the permission of the Planning Director.

Property Maintenance Inspector: The employee of the Building and Codes Department who is responsible for monitoring and implementing the Sumner County Health and Safety Standards throughout Sumner County. He or she is also referred to as "the inspector".

Reasonable Level: This term refers to the reasonable and rational expectations of care and maintenance, implemented and satisfied by the adherence to these resolutions. A "reasonable level" shall be determined by the property inspector once the property, structure or condition of said properties, has been inspected and reviewed for compliance with these Health and Safety Standards for compliance.

Real Property: The definition of real property used in these regulations refers to land and anything growing on, affixed to, or built upon land.

Residence: A building or part of a building, containing one (1) or more dwelling units or rooming units, including single-family or two-family dwelling, multiple dwellings, boarding or rooming houses. However, residences do not include:

(a) Transient accommodations such as hotels, motels, or similar establishments.

(b) Dormitories, fraternity or sorority houses, monasteries, or convents, or similar establishments containing group living or sleeping accommodations.

(c) Nurses' residences, sanitariums, nursing homes, convalescent homes, rest homes, or other sleeping or living accommodations in community facility buildings or portions of buildings used for community facilities.

(d) In a mixed building, that part of the building used for nonresidential uses.

Semi-tractor trailers: Trailers whose manufactured design is solely for the transportation of loads and goods. Semi-trailers, whose manufactured design is for the transportation of loads and goods, shall not be considered shipping containers.

Significant Quantity: Significant quantity will be based on the observed and documented expressed opinion of the property maintenance inspector and supported by the measurable amount of that which has been deemed to be in code violation.

Singlewide Mobile Homes: A manufactured home, whose measurements range between 8-12 feet in width, have a chassis and are constructed for the sole purpose of residency.

Stagnant water: Water that is not being properly circulated, filtered, drained, treated, covered or otherwise maintained in a sanitary condition, including water in a non-operational, abandoned, partially filled or neglected pool, hot tub, spa or related water feature.

Store: To keep or accumulate (something) in a location for preservation, for future use or future disposal or relocation.

Structure: Any erected or constructed material or combination of materials that requires a location on the ground, including but not limited to buildings, signs, towers, smokestacks, and overhead transmission lines. A building or construction intended for human occupation or use for residential, commercial, industrial or storage purposes. The term includes, but is not limited to; houses, garages, commercial and industrial buildings, shops, storage buildings, barns and or sheds. The term is not applicable to the regulations of buildings used for agricultural purposes as prescribed in Tennessee Code Annotated, Sections 5-1-122 and 5-1-115.

Structurally Dangerous: A building or structure that has collapsed, has partially collapsed, has moved off its foundation or lacks the necessary support of the ground. There exists a significant risk of collapsed detachment or dislodging of any portion, member, appurtenance or ornamentation of the building or structure under permanent, routine or frequent loads; under actual loads already in effect; or under snow, wind, rain, flood, earthquake or environmental loads when such loads are imminent.

Travel Trailers, Motorhomes and Campers: Are vehicles intended for recreational use and are designed to be drawn by an automobile. They are equipped and designed to support their usage like unto a dwelling during the time of recreational use and travel.

Unlicensed, Junk or Dismantled Motor Vehicles: Is an abandoned or unlicensed motorized or non-motorized vehicle; including cars, trucks, tractor trailers, buses, motorcycles, campers, travel trailers, semi-trailers as well as any machine propelled by power other than human power, designed to travel along the ground by the use of wheels, treads, self-laying tracks, runners, slides or skids; which if applicable, fail to have a current, lawfully affixed license plate, nor have the required state mandated current registration

documentation from the Tennessee Department of Motor Vehicles. This definition also includes vehicles for which the condition is wrecked, dismantled, partially dismantled, inoperative, abandoned, discarded, missing essential parts of the vehicle's drivetrain, including but not limited to the engine, transmission, fuel support systems, transaxle, axle, drive shaft, differentials. This term also applies to vehicles with extensive exterior body damage, missing exterior body parts including but not limited to; fenders, doors, engine hood, bumpers, windshield, wheels or tires and the like.

This shall not include any motor vehicle in "operable" condition specifically adapted or designed for operation on drag strips or racetracks per the appropriate sanctioned rules and regulations, or any vehicle retained by the owner for antique collection purposes that have a lawfully affixed antique license plate. This shall not include farm tractors and farm equipment.

Vacant Structure: Is a building that has been abandoned, unoccupied, or empty for two consecutive years.

Water Craft: Includes all boats, motorized and non-motorized water vessels that are designed to travel on water.

CHAPTER 3

REGULATION AND ENFORCEMENT

The purpose of this section of the resolution is to document the Sumner County Health and Safety Standard violations and to establish the minimum requirements that will provide a reasonable level of safety, health and property protection for the general welfare of the Sumner County residents. These regulations control the exterior deterioration and blight of existing residential and nonresidential structures including pools and spas. The prescribed standard of this resolution primarily applies to, but is not necessarily limited to, the exterior of the home, accessory structures and the condition and overall upkeep of all real property. In the event of an emergency, the Building Official shall not be required to provide a written notice prior to requiring the premises to be vacated. An **IMMINENT DANGER PLACARD** or similar placard shall be immediately posted on the premises stating the reason for concern.

The Health and Safety Standard shall be applied in accordance with the procedures and provision of the International Building Code, International Existing Building Code, International Energy Conservation Code, NFPA National Electrical Code, International Fire Code, International Fuel and Gas Code, International Residential Code, International Plumbing Code as adopted by Sumner County, Tennessee, where applicable.

It is the obligation of the owner(s) of property to maintain such property so as not to endanger the health, safety, or welfare of county residents and/or so as not to violate the terms of these Standards. If said property fails to comply with the above-stated regulations, the property owner(s) as well as the tenant(s) shall be responsible and liable regardless of whether such condition was caused by a tenant, leaseholder or other persons.

CHAPTER 4

VIOLATIONS

1. It shall be a violation for not having a 911 address permanently attached and visible from the public right-of-way. All parcels designated with a legal 911 address, both residential and commercial/industrial buildings, must exhibit an approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road frontage of the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall not be less than 4 inches (102mm) in height with a stroke width of not less than 0.5 inch (12.7mm). Where required by the Building or Fire Code Official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road, and the building address cannot be viewed from the public way, a monument, pole or other sign of means shall be used to identify the structure. Address identifications shall be maintained.

2. It shall be a violation of these regulations for any owner of property to create, maintain or permit to be maintained on a property; the obvious neglect and overgrowth of vegetation, fallen trees and or the accumulation of debris; that endanger the health, safety or welfare of other persons. It shall also be considered a violation on any parcel, developed or vacant, to allow grass, weeds, vines or underbrush to exceed (15) inches in height. Farms shall be considered exempt; however, any common property line(s) that adjoin any residential property(s) must have a 5 (five feet) interior mowed buffer from said property lines subject to topography considerations and excluding standing forests.

3. It shall be a violation of these regulations for any owner of property to create, maintain or permit to be maintained on a property, a dilapidated building or structure whether

vacant or not, that endangers the health, safety, or welfare of other persons. This includes buildings and structures damaged by fire, water or wind. Exterior repairs, additions or alterations to a structure or changes of occupancy, shall be done in accordance with the Sumner County Zoning Resolution and the International Building Codes as adopted by Sumner County, Tennessee.

4. It shall be a violation to occupy or use as a residence, a structure or building that has been erected, altered contrary to law or occupied by more persons than permitted by law. Abandoned, vacant or unsafe structures shall be considered in violation of the Health and Safety Standards and may be condemned if found unfit and unsafe for human occupancy. An unsafe structure is one that is found dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing the minimum safeguards to protect or warn the occupants in the event of a fire or because such structure contains unsafe and faulty equipment. Structures will be considered in violation if the building exhibits damage, decay, is in a notable state of dilapidation, has been found to be structurally unsafe or presents such faulty construction or conditions that partial or complete collapse is possible.

5. It shall be a violation to allow a building or structure to be left vacant in such a state of neglect or disrepair, that it presents an attractive nuisance to children or other persons who may unknowingly enter into the building inadvertently exposing themselves to the possibility of imminent danger. Structures that are considered in violation of this provision often exhibit one or more of the following conditions; they have been unoccupied or abandoned for an unspecified length of time, doors and windows are often left open or are altogether missing due to vandalism or neglect, various items may be found lying about the property or may be visible from the outside of the home due to the owner failing to secure the structure, or to maintain the property. It is also a violation of these resolutions to allow a building or structure to become in such a state of neglect that it becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing an unlawful act or present a nuisance.

6. It shall be a violation to use a semi-trailer (whose manufactured design is for the transportation of loads or goods) as a storage container. This code violation does not apply to semi- tractor trailers that are considered road worthy.

7. It shall be a violation of this code to park, store, leave, or permit the same of any abandoned, unlicensed, junk or dismantled motor vehicle (as described in the definition portion of these regulations) on any lot or parcel or any public right of way for a period in excess of two 2 weeks. This code violation includes dismantled parts, scrap metal and other discarded components of motor vehicles. Personal vehicles for sale must be owned by the individual and on the property that the vehicle owner holds residence. It shall also be considered unlawful if the owner fails to comply with the Order of Removal Notice sent by the Building and Codes Department within 20 days of the notification's receipt.

   This term shall not include items on the premises of an establishment constituting an automobile graveyard within the meaning of T.C.A. § 54-20-201, et seq., and operating in compliance with the requirements of that part or establishments having facilities for processing scrap metal.

8. It shall be a violation of these regulations and considered a safety violation, to occupy a travel trailer, motorhome, or camper on a permanent basis. The definition of occupying a travel trailer, motorhome, or camper on a permanent basis shall be sufficiently established. Any travel trailer, motorhome or camper, which either has been occupied for 45 consecutive days or has a permanent deck, permanent electrical connections, permanent water line connections, permanent septic systems, or foundation skirting affixed to the travel trailer, motorhome or camper; such conditions will effectively define the travel trailer, motorhome or camper as being occupied on a "permanent basis".

9. All boats, motorized water vessels, etc. that are parked, or allowed to be parked on a property that is not zoned for a public business, must have a current registration. Failure to have a current registration will be a violation of these regulations.

10. It shall be a violation if the residential property owner fails to keep all visible open areas of the property under his or her control, clean and void of an accumulation of debris, trash, litter or garbage. This code violation also includes any of the following items; abandoned or disabled household items, such as but not limited to refrigerator, freezers, washers, dryers, water heaters, air-conditioning units, heaters and any other types of industrial machinery discarded and left about the property.

11. It is unlawful to tamper with signs, tags, or seals posted, or affixed by the Building Official, or by his/her representative, and shall not be mutilated, destroyed or tampered with, or removed without the authorization of the Building Official.

12. It shall be a violation to place a shipping container on a residential or a non-residential property without all requirements such as location and size being compliant with the zoning resolution and all applicable IRC and IBC code requirements.

13. Non-compliance with any provision of these Health and Safety Standards not otherwise specified in this chapter shall be a Health and Safety Standard violation.

CHAPTER 5

General Building Exterior Requirement

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

Unsafe Conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings.
***The items below include but are not limited to "unsafe conditions".*

1. The nominal strength of any structural member is exceeded by normal loads, the load effects or the required strength.
2. The *anchorage* of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects.
3. Structures or components thereof that have reached their limit state.
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight.
5. Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects.
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.

7. Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.
8. Roofing or roofing components that have defects that permit rain intrusion, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of *deterioration*, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects.
9. Flooring or flooring components with defects that affect serviceability or flooring components that show signs of *deterioration* or fatigue, are not properly *anchored*, or are incapable of supporting all nominal loads and resisting all load effects.
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.
12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including *guards* and handrails, are not structurally sound, not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.
13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly *anchored*, or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.

For Protective Treatment and Maintenance; see section 304.2 of the currently adopted International Property Maintenance Code (IPMC) under the heading *Protective Treatment.*

CHAPTER 6

Prescriptive and Performance Requirements

1. Exterior repairs, additions or alterations to a structure, or changes to the occupancy capacity, shall be performed in accordance with the procedures and provision of the International Building Code, International Existing Building Code, International Energy Conservation Code, International Fuel and Gas Code, International Residential Code,

International Plumbing Code and NFPA National Electrical Code as adopted by Sumner County, Tennessee. Repairs, maintenance work, alteration or installations that are caused directly or indirectly by the enforcement of this code, shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's instructions. Requirements necessary for the strength, stability, or proper operation of an existing fixture, structure, or equipment, or for the public safety, health and general welfare, not specifically covered by this resolution, shall be determined by the Building Official. The provisions of this resolution shall not be deemed to nullify any provisions of local, state, or federal law.

2. The provisions of this Standard are not intended to prevent the installation of any materials or to prohibit any design or method of construction that are prescribed in the adopted building codes. The Building Official shall have the authority to approve an alternate material, design or method of repairs. The Building Official shall first find that the proposed design is satisfactory and complies with the intent of the provision of this Standard, and that the materials, method or work offered is, for the purposes intended, shall not be less than the equivalent of that prescribed in the Health & Safety Standards in quality, strength, effectiveness, fire resistance, durability and safety. Compliance with the specific performance- based provisions of the International Codes shall be an alternative to the specific requirements of this Standard.

3. Used material and equipment, utilized for the construction of a structure, must comply with the standards that are required of new material and equipment. Any used materials and equipment being considered, must be approved by the codes department prior to use or installation. Supporting documents and data may be requested by the Building Codes Department and must be obtained and reviewed before the authorization of the use of said materials and equipment.

4. Should any building and or structure suffer damages due to fire, the owner or person in control shall remove all refuse, debris, charred and partially burned lumber and material from the premises within 60 (sixty days) after the Fire Department and or Insurer of the property, have completed their scene investigation. If the building or structure is to be repaired, the applicable Building or Accessory Structure Permit must be obtained from the Sumner County Building Department before repairs commence. After the appropriate permits have been obtained for the fire damage repairs, said work shall commence within 60 (sixty days) after the completion of the scene investigation by the Fire Department and or Insurer.

5. If a structure is vacated and deemed unfit for human habitation but is not in danger of structural collapse, the Building Official is authorized to post a placard of condemnation on the premises and may order the structure closed up and secured so as not to be an attractive nuisance. If the owner or owners fail to close up and secure the premises within the time specified, the Building Official may cause the premises to be closed, and secured through any available public agency, or by contract, or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located. A lien shall then be placed upon such real estate and shall be collected by any other legal resource.

6. The Building Official may authorize the disconnection of utility services to a building, structure, or other systems regulated by this code, in an emergency, when necessary to eliminate an immediate hazard to life, or property where such a utility connection has been made without proper permits or approval. The Building Official may exercise his or her authority and notify the serving utility company of proposed stoppage of services due to noted violation. Whenever possible, the owner or owner's authorized agent and occupant of the building, structure or service system, shall be notified of the decision to disconnect this service, prior to taking such action. If not notified prior to the disconnection, the owner and owner's authorized agent or occupant of the building, structure or service shall be notified in writing as soon as practical thereafter.

7. When in the opinion of the Building Official there is imminent danger of failure, or collapse of a building or structure that endangers life, or when any structure or part of a structure that endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants, or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Building Official shall cause to be posted at each entrance to such structure a notice reading as follows: **"UNSAFE STRUCTURE** or **IMMINENT DANGER OCCUPANCY OR ENTRY PROHIBITED"**. It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

8. When in the opinion of the Building Official, there seems to be imminent danger to the public or occupants of a building, he or she shall order the necessary work to be

performed to mitigate the threat, regardless whether the legal procedure herein described has been instituted; and shall cause such other action to be taken as the Building Official deems necessary to meet such an emergency. The Building Official may employ the necessary labor and materials to perform the required work as expeditiously as possible. The cost of such emergency repairs shall be paid by the jurisdiction. The legal counsel of this jurisdiction shall institute appropriate action against the owner of the premises or owner's authorized agent where the unsafe structure is or was located for the recovery of such cost. The financial recovery will be in the form of a property lien or by any other means approved of by the Sumner County Legal Department.

9. In cases of public safety emergencies, the Building Official is authorized to temporarily close structures, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

CHAPTER 7

Pools, Hot Tubs & Spa Requirements

Per the adopted codes of September 21st 2015, all private swimming pools, hot tubs and spas containing more than 24 inches of water shall be completely surrounded by a fence or barrier not less than 48 inches in height about the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self- closing and self-latching. Where the self- latching device is less than 54 inches above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position 6 inches from the gatepost. An existing pool enclosure shall not be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier. Swimming pools, spas or hot tubs with a safety cover that comply with the ASTM F1346 shall be exempt from the provision. Pools and spas and all related mechanical, electrical and plumbing systems both existing and new, and parts thereof, shall be maintained in property operating condition in accordance with the original design in a safe and sanitary condition. Devices or safeguards that are required by existing Swimming Pool and Spa Codes shall be maintained in compliance with the edition of the Swimming Pool and Spa Code under which they were installed. Additions, alterations, renovations or repairs to any pool, spa or related systems shall conform to that required for a new system

without requiring the existing systems to comply with the requirements of the current Swimming Pool and Spa code. Additions, alterations or repairs shall not cause the existing systems to become unsafe or unsanitary.

It shall be a violation for swimming pools and spas that are **not** in compliance with the currently adopted International Swimming Pool and Spa Codes (ISPSC). All swimming pools and spas shall comply with *Katie's Beth Law,* which can be found in the T.C.A Section 68-14-801 through 807.

Stagnant Water Prohibited

All swimming pools, hot tubs, spas and related water features located on residential or non-residential property shall be maintained to prevent stagnant, standing, untreated, polluted or unsanitary water. No owner, occupant, tenant or person in control of property shall allow any swimming pool, hot tub, spa or related water feature to contain water that is stagnant, discolored, foul-smelling, visibly contaminated, accumulation debris, producing algae or creating conditions favorable for mosquitoes, insects, vermin, bacteria or other conditions injurious to public health, safety or welfare.

Failure to abate stagnant water shall constitute a violation of this chapter and may be enforced as an unsafe or unsanitary condition, public health nuisance or other violation authorized by this standard and applicable law.

This section shall not apply to farm ponds, retention ponds, detention ponds, stormwater management facilities or natural ponds.

CHAPTER 8

Intermodal Shipping Containers Guidelines for Residential Storage Units:

*Intermodal shipping containers shall **ONLY** be used as accessory buildings and shall not be used for Residential dwellings. *

No shipping container exceeding 200 sq. ft. shall be placed on sight without first obtaining a Zoning letter of compliance from the Planning & Engineering Department along with a building permit from the Building & Codes Department.

Shipping containers utilized for residential storage must first obtain a Certificate of Completion before storage.

According to IBC 104.9.1/IRC 104.9.1 Used materials and equipment. Used materials, equipment and devices shall not be reused unless approved by the building official.

Intermodal Shipping Containers utilized for Residential Storage Units:

Intermodal Shipping Containers may be utilized for accessory structures storage units provided that the owner adheres to all applicable Zoning Regulations, Building Codes and the following.

i. Containers exceeding 200 feet shall require building permits.
ii. Storage containers may be placed on level ground supported by a crushed stone or gravel base.
iii. Exterior wall cladding shall be required when placed in residential zones, exterior cladding may consist of any product approved in *Section R703 Exterior Coverings of the International Residential Code.*
iv. The front façade of the shipping container shall be cladded using the same materials as the rear and sides or painted and free from rust and corrosion.
v. Elevated shipping container crawl spaces shall be skirted with any product approved in *Section R703 Exterior Coverings of the International Residential Code*.
vi. If elevated, crawl space height shall be a minimum of 24 inches from highest adjacent grade and anchored according to applicable code sections or best engineer practices.
vii. If elevated, crawl space access shall comply with the adopted International Residential Code.
viii. Shipping Containers intended for residential storage shall have 180 days from the issuance of the building permit to final inspection approval. If the property owner fails to receive the use & occupancy certification within 180 days the Building Official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be in writing and justifiable cause demonstrated.
ix. Underground Shipping Container used for storage shall have all components except for the front door, emergency egress, ventilation and pertinent utilities below finish grade.
x. Issuance of a Certificate of Completion.

IT IS STRONGLY ADVISED TO REVIEW ANY APPLICABLE NEIGHBORHOOD RESTRICTIONS PRIOR TO APPLYING FOR A ZONING LETTER OF COMPLIANCE OR BUILDING PERMIT

Chapter 9

Process of Code Violation Initiation

Whenever a complaint is filed with the Property Maintenance Inspector, which meets all or part of the conditions below, he or she will investigate the allegation in efforts to document and support the validity of the code violation(s) reported.

The Property Maintenance Inspector shall begin his or her inspection procedures, after being made aware of a code violation, by any of the following methods or conditions listed below.

a) At least three (3) owners or occupants of property, that are within one hundred (100) yards of the boundary of the property in question, shall submit a signed formal complaint form in writing which details the alleged violation(s) of these regulations. The Property Maintenance Inspector may also begin process after receiving a call in complaint which has specific details and location concerning said alleged violation.

b) The Property Maintenance Inspector on his or her own can visibly observe a code violation from a public road.

c) The adjoining property owner gives permission for the Property Maintenance Inspector to observe the alleged code violation from their property for which an alleged code violation has been reported.

d) The Inspector is authorized to receive complaints via phone providing that the caller provides their name and address in addition to the name and address where the alleged violation is occurring.

Confidentiality of the complainant shall not be guaranteed as a result of the Tennessee Public Records act.

CHAPTER 10

Notice of Violation

(1.) The inspector shall provide a written notice to the property owner of the violation(s) of these regulations by personal service (hand delivered), or by the United States Postal Service, or by the United States Postal Service Certified Mail with a Return Receipt Requested, addressed to the last known address of the owner(s) of record. The notice of violation shall state that the owner of the property is entitled to a hearing. The notice of violation shall be written in plain language and shall also include, but not be limited to the following elements.

(2.) A summary of the requirements of these regulations shall be stated along with a brief statement of the violations noted by the inspector including the date the violations where noted.

(3.) A brief statement of the authority granted to counties under T.C.A. § 5-1-115 and an explanation of the consequences and penalty of failing to remedy the violations of the regulations shall be included.

(4.) The person, office address, and telephone number of the department or person giving notice shall be provided.

(5.) The time frame which the alleged violator must remedy the violation. (Note: the allotted time frame for compliance is 14 days, however, the inspector is authorized to extend the timeline due to the severity of the violation.

(6.) The code violation notice shall provide the address or contact information to the notified party on how he or she may request the desire for a hearing or waiver of hearing, and agreement to remedy the violation.

If the whereabouts of the owner(s) of record is unknown, and the same cannot be ascertained by the Building Department in the exercise of due diligence, or if for any reason, notice by Certified Mail Return Receipt Request cannot be obtained, the Building Department, after making an affidavit to that effect, may then serve notice of violation upon such person(s) by publishing the same notice once each week for two (2) consecutive weeks in two (2) newspapers of local circulation. A copy of the Notice of Violation shall also be posted in a conspicuous place on the premises affected by the notice or order. A copy of the Notice of Violation shall be filed for record in the county register's office and such filing of the Notice of Violation or Order shall have the same force and effects as other notices provided by law.

This notice shall be in accordance with all of the following: it shall be in writing, it shall include a description of the real estate sufficient for identification, include a statement of the code violation or violations and why the notice has been issued. It shall include a correction order stipulating the designated time frame to make repairs and or improvements to bring the property, dwelling unit or structure into compliance with the health and safety standards. The notice shall inform the property owner or the owner's authorized agent, the right to appeal. In conclusion, the code violation notice shall also include the counties' right to file a lien if warranted by such code violation.

CHAPTER 11

Appointment of the Board of Construction Appeals / Hearing Board

The Sumner County Health and Safety Standards Board (now referred to as "The Board of Construction Appeals") shall consist of six (6) board members appointed by the County Executive/Mayor subject to confirmation by the County Legislative Body.

All member terms shall be coextensive with the terms of the Board of Construction and Appeals.

Any compensation or authorization for reimbursement of expenses for the members of the Hearing Board shall be established by the County Legislative Body. In addition to its responsibilities in hearing grievances pursuant to Chapter 11 of these regulations, the Hearing Board shall also be charged with the responsibility of recruiting or coordinating efforts of community organizations, neighbors, religious institutions, and other agencies to provide assistance to persons who are not financially or physically able to comply on their own with the requirements of these regulations.

CHAPTER 12

Compliance and Appeals

(a.) Upon receipt of the Notice of Violation as provided herein above, the property owner shall proceed forthwith to take appropriate measures to comply with these regulations, or to request a hearing before the Hearing Board established in Section 1 of these regulations. Pursuant to T.C.A. § 5-1-115 a request for hearing shall be made within fourteen (14) days following receipt of said notice of

violation. If the property owner does not request a hearing, he or she shall take appropriate action to remedy the violation within fourteen (14) days, unless otherwise noted on code violation letter. If the owner of record has been identified as a carrier engaged in the transportation of property or is employed in utility transmitting communications, electricity, gas liquids, steam, sewage or other materials, the owner shall then have twenty (20) days to remedy the violation, excluding Saturdays, Sundays and legal holidays.

(b.) If the property owner requests a hearing within the fourteen (14) day time period, the Hearing Board shall, within a reasonable time following the receipt of the request for hearing, hold a hearing on the issue of the appropriateness of the requirements imposed on the property owner, and the issue of cost of remedying the condition. The time period established herein for remedying violations shall be stayed pending review by the Hearing Board. Failure to make the request for a hearing within the fourteen (14) days allowed by this regulation shall without exception, constitute a waiver of right to a hearing before the Health and Safety Board.

(c.) The hearing shall be conducted as an initial hearing with the burden of proof resting solely upon the Building Official, or representative, to demonstrate that a preponderance of evidence has been gathered and submitted which supports the alleged violation.

Immediately following the hearing, the Hearing Board may:

(1.) Dismiss the notice of violation and such notice shall become ineffective;

(2.) May confirm the notice of violation;

(3.) May modify the notice of violation;

(4.) Grant a continuance at the request of either party if the Hearing Board considers the continuance appropriate.

The affirmative vote of four (4) Hearing Board Members shall constitute action by the Hearing Board.

(d.) Any person aggrieved by an act of the Hearing Board under the provision of these regulations may seek judicial review of same under Tennessee Code Annotated, Title **27,** Chapter 8, and Part 1.

CHAPTER 13

Hearing Board Authority

(a.) If the owner fails to comply with the notice within fourteen (14) days of receipt and all other attempts at code violation resolutions have been exhausted, subject to stay pending review and any modifications made pursuant to review as provided for above, the Hearing Board may cause such property to be closed, vacated, repaired, altered, or demolished as necessary to remedy the code violation condition. The Hearing Board is authorized to contract with private entities to perform the work or request such work to be performed by a department or agency of the county. In contracting such services from a private entity, the Hearing Board shall comply with all applicable purchasing procedures of the county. The costs of such actions shall be assessed against the owner of the property. Upon performance of said code enforcement, the actual cost of such repairs, alterations, improvements or vacating and closing, removal, demolition of said structures, the county shall by formal notice, file with the office of the register deeds a lien in favor of the county against the real property on which such costs was incurred, second only to liens of the state and county for taxes, any lien of the county for special assessments, and any valid lien, right or interest in such property duly recorded or duly perfected by filing prior to the filing of such notice. The notice of lien shall identify the owner of record of the real property, contain the property address, describe the property sufficiently to identify it and recite the amount of the obligation secured by the lien. These costs shall be collected by the county trustee at the same time and in the same manner as property taxes are collected.

(b.) Owner(s), individually and/or jointly, of property found to be in violation of these Regulations may be subject to a civil penalty of not more than fifty dollars ($50.00) for each offense. Each and every day during which such violation exists or continues after notice has been provided to the property owner, and the time for appeal or compliance has expired, shall be deemed a separate offense.

(c.) Pursuant to T.C.A. §§ 5-1-121 and 5-1-123, such penalties may be assessed by the General Sessions Court of Sumner County in exercise of its powers to enforce these regulations. Action to pursue such penalties in the General Sessions Court shall be instituted at the request of the Property Maintenance Inspector or Hearing Board by the County Attorney or other legal counsel designated by the County Legislative Body.

CHAPTER 14

Violations that Warrant Adjudication

1. If a written notice has been sent to the owner or the owners' authorized agent, regarding a compliance order, and the time period has expired without the code violations being resolved, the inspector shall post on the premises a placard denoting the specific violation. The following examples of placards include but are not limited to; *unsafe, danger, or condemned.* A statement of the penalties provided for occupying the premises, operating the equipment or removing the placard shall also be included. Such notices shall be posted in a conspicuous place in or about the structure affected by such notice. If the notice pertains to unsafe equipment, a placard shall be placed on the "condemned" equipment. Unsafe equipment includes any boiler, heating and cooling equipment, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure that is in such disrepair or condition that such equipment is a hazard to life, health, property, or safety of the public or occupants of the premises or structure.

2. The Building Official, at the direction of the County Attorney, shall have the authority to seek a court order against the owner or, the owners' authorized agent of any premises, which has been abandoned or deemed vacant to demolish the structure after the inspection of the premises supports a state of deterioration, dilapidation and has become in such disrepair as to be dangerous, unsafe, insanitary and in otherwise unfit for human habitation or occupancy.

3. If the owner of a premises or the owner's authorized agent fails to comply with a court order to demolish said structure within the time prescribed, the Building Official is authorized to cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons. The cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

4. Where a structure has been demolished and removed, the governing body, or other designated officer under said contract, or arrangement aforesaid shall have the right to sell the salvage and valuable materials. The net proceeds of such sale, after deduction of expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, to the person who is entitled thereto, subject to any order of the court. If such a surplus does not remain to be turned over, the report will account for said finding by

documenting all expenses and recovery cost to perform the demolition and cleanup of said structure.

5. If a structure has been found in a state of disrepair where the cessation of normal construction has not taken place for a period of two or more years, the County Attorney, at the request of the Building & Codes Director, may seek a court order against the owner or the owner's authorized agent to demolish or remove such structure.

CHAPTER 15

Exceptions Regarding Motor Vehicles

(a). The county shall only undertake to remove motor vehicles in accordance with the provisions of T.C.A. §§ 55-16-101, *et seq*. *(Whenever a motor vehicle has been stored, parked or left in a garage, trailer park, or any type of storage or parking lot for a period of more than thirty (30) consecutive days, the owner of the garage, trailer park or lot shall report in writing the make, motor number, vehicle identification number, and serial number of the motor vehicle to the department of revenue, and in accordance with the limitations of T.C.A. § 55-5-122 It is unlawful for any person, or the person's agent, to move or cause to be moved, any motor vehicle located on private property, from the property, if the owner of the motor vehicle has acquired any interest in the private property by virtue of a lease or any contract, without the express consent of the owner of the motor vehicle; or upon request by the owner or tenant of the property on which the vehicle is located; or unless the person so moving the motor vehicle has acquired an interest in the vehicle by operation of law, a security interest agreement, or is acting pursuant to an order of a court of competent jurisdiction, including a municipal court..*

The owner of unlicensed or dismantled motor vehicles, which are found to be in violation of this code as well as the Tennessee Code Annotated provisions above shall subject to removal and civil penalties.

(b.) This regulation shall not apply to any business operated pursuant to the Tennessee Solid Waste Disposal Act, Tennessee Code Annotated, Section 68-221-1101, *et seq*.

CHAPTER 16

Rules and Record Keeping

(a). In addition to these regulations, the Hearing Board may promulgate- (make known to the public) any additional rules and regulations necessary for the administration and enforcement of these regulations subject to approval by the County Legislative Body.

(b). The Building and Codes Department shall serve as the record keeper for the Hearing Board and shall maintain all minutes and records of the Hearing Board. The Building and Codes Department shall also keep a record of the following information regarding petitions, inspections and enforcement actions:

(1). All health & safety complaints filed with the building & codes office.

(2). The address of any property found to be in violation of this regulation.

(3). A copy of all notices delivered to property owners found to be in violation of these regulations and any expenses associated therewith.

(4). All waivers of hearing and agreements to remedy violations.

(5). All requests for hearing received.

(6). Orders and decisions issued by the Hearing Board.

(7). Copies of all requests for judicial review and final decision of the judicial review

(c). Records will be retained by the Building and Codes Department for 5 years.

CHAPTER 17

Effective Date

After passage of this resolution, the county clerk shall cause this Health and Safety Standard to be published in a newspaper of general circulation within the

county. This regulation shall become effective sixty (60) days after its passage, the public welfare requiring it.

CHAPTER 18

Severability and Conflict with Other Resolutions

(a.) If a section, subsection, sentence, clause or phrase of this code is for any reason held to be unlawful, such decision shall not affect the validity of the remaining portion of this code.

(b.) All previous Health & Safety Standards, which are in conflict with these Health & Safety Standards, are hereby repealed.