

CHAPTER 5

RESIDENTIAL RENTAL DWELLING UNIT INSPECTIONS

SECTION

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13-501. Purpose. The purpose of this chapter is to promote the public health, safety and welfare of the citizens of Oak Ridge by providing for the establishment of residential rental inspection districts and providing for inspection of residential rental dwelling units that are deteriorated or are in the process of deteriorating for compliance with applicable housing, building, plumbing, electrical, fire, health, and related codes. (as added by Ord. #1-07, Jan. 2007)

13-502. Authority. This chapter is adopted pursuant to the authority granted to the city under public chapter 949 of the Public Acts of 2006, as codified in Tennessee Code Annotated, §§ 13-21-301 through 13-21-314. (as added by Ord. #1-07, Jan. 2007)

13-503. Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, unless the context clearly indicates a different meaning:

- (1) "City." City means the City of Oak Ridge, Tennessee.
- (2) "Deteriorated." Deteriorated means any structure or vacant or unimproved lot or parcel in a predominately built-up neighborhood:
 - (a) Which, because of physical condition or use, is regarded as a public nuisance at common law or has been declared a public nuisance in accordance with local housing, building, plumbing, electrical, fire, health, or related codes;
 - (b) Which, because of physical condition, use, or occupancy is considered an attractive nuisance;

(c) Which, because it is dilapidated, unsanitary, unsafe, vermin-infested, or other condition, has been designated by the appropriate agency, department, or board as unfit for human habitation or use;

(d) Which is a fire hazard, or is otherwise dangerous to the safety of persons or property;

(e) From which the utilities, plumbing, heating, sewerage, or other facilities have been disconnected, destroyed, removed, or rendered ineffective so that the property is unfit for human habitation or use;

(f) Which, by reason of neglect or lack of maintenance, has become a place for accumulation of trash and debris, or a haven for rodents or other vermin;

(g) Which has been tax delinquent for a period of at least three (3) years; or

(h) Which has not been rehabilitated within the time constraints placed upon the owner or party in interest by the city.

(3) "Director." Director means the director of the community development department or the director's designee.

(4) "Dwelling." Dwelling means any building or structure, or part thereof, used and occupied for human occupation or use or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

(5) "Dwelling unit." Dwelling unit means a building or structure or part thereof that is used for a home or residence by one (1) or more persons who maintain a household. Dwelling units include, but are not limited to, single family houses, multiple family houses, apartments, condominiums, and townhouses. Dwelling units specifically do not include hospitals, nursing homes, or retirement homes.

(6) "Owner." Owner means the holder of the title to real property and every mortgagee of record.

(7) "Parties in interest." Parties in interest means all individuals, associations, corporations, and others who have interests of record in a structure and any who are in possession thereof.

(8) "Residential rental dwelling unit." Residential rental dwelling unit means a dwelling unit that is leased or rented to one (1) or more tenants. However, a dwelling unit occupied in part by the owner thereof shall not be construed to be a residential rental dwelling unit unless otherwise provided by the zoning ordinance.

(9) "Structure." Structure means any dwelling or place of public accommodation or vacant building or structure suitable as a dwelling or place of public accommodation. (as added by Ord. #1-07, Jan. 2007)

13-504. Residential rental inspection districts. (1) The provisions of this chapter shall apply to residential rental dwelling units located within a

residential rental inspection district. Residential rental inspection districts are those geographic areas designated by city council, by ordinance, that are found to meet the following criteria:

(a) There is a need to protect the public health, safety and welfare of the occupants of dwelling units inside the geographic area;

(b) The residential rental dwelling units within the geographic area are either deteriorated or in the process of deteriorating or the residential rental dwelling units are in the need of inspection by the city to prevent deterioration, taking into account the number, age and condition of residential rental dwelling units inside the geographic area; and

(c) The inspection of residential rental dwelling units inside the geographic area is necessary to maintain the health, safety and welfare of tenants and other residents living in the geographic area.

Nothing in this subsection shall be construed to authorize a city-wide residential rental inspection district and the boundaries of the residential rental inspection district shall be limited to such areas that meet the criteria set forth in this subsection.

(2) The city hereby declares the following geographic area(s) to be residential rental inspection districts based upon the findings outlined above in § 13-504(1):

(a) Highland View Redevelopment Area. The geographic area of this district is bordered by West Outer Drive to the north, Pennsylvania/North Tulane Avenue to the east, Illinois Avenue to the west, and Providence Road/Oak Ridge Turnpike to the south. A map of this area is contained in the "Highland View Redevelopment and Urban Renewal Plan," dated May 2004, as prepared by Knoxville's Community Development Corporation and as approved by city council through resolution No. 5-74-04, and is labeled as Exhibit A.

(b) (Intentionally left blank)

(3) Any residential rental inspection district established pursuant to the authority of this chapter shall exist for a period not to exceed ten (10) years from the date of adoption of the ordinance creating such residential rental inspection district. Nothing contained herein shall preclude the re-establishment of any residential rental inspection district by ordinance as authorized by this chapter. (as added by Ord. #1-07, Jan. 2007)

13-505. Notice requirements. (1) City's notice to owners and parties in interest. The director shall make reasonable efforts to notify owners and parties in interest of residential rental dwelling units located within the designated residential rental inspection districts of the provisions of this chapter within a reasonable time after such area is designated as a residential rental inspection district. Such notice shall include, at a minimum, summary of the provisions of this chapter. Notice sent by regular first class mail to the last

known address of the owner or party in interest shall be deemed compliance with this subsection.

(2) Notice to the city. All owners and parties in interest of dwelling units located within a residential rental inspection district shall notify the director, in writing, of whether their property is a residential rental dwelling unit. The city may develop a form for such purposes. There shall be no registration fee or a fee of any kind associated with the written notification. The director shall not require that the written notification from the owner or party in interest of a dwelling unit subject to this chapter be provided to the director in less than sixty (60) days after the adoption of an ordinance establishing a residential rental inspection district. However, there shall be no penalty for the failure of an owner or party in interest of a residential rental dwelling unit to comply with the provisions of this subsection, unless and until the director provides actual or written notice to the property owner or party in interest. Notice sent by regular first class mail to the last known address of the owner or party in interest shall be deemed compliance with this subsection. (as added by Ord. #1-07, Jan. 2007)

13-506. Inspection program. (1) Initial inspections. Upon establishment of a residential rental inspection district in accordance with this chapter, the director may, in conjunction with the written notifications as provided for in this chapter, proceed to inspect dwelling units that are either deteriorated or in the process of deteriorating located in the designated residential rental inspection district. The director is authorized to inspect residential rental dwelling units that are either deteriorated or in the process of deteriorating to determine if the dwelling units are being used as a residential rental property and to determine if the dwelling units are in compliance with applicable housing, building, plumbing, electrical, fire, health or related codes.

(2) Periodic inspections. Except as provided in § 13-506(3), following the initial inspection of a residential rental dwelling unit found to be deteriorated or in the process of deteriorating, the director may inspect periodically any residential rental dwelling unit that is deteriorated or in the process of deteriorating that is not otherwise exempted by this chapter.

(3) Follow-up inspections. Following the initial or periodic inspection of a residential rental dwelling unit found to be deteriorated or in the process of deteriorating and which is subject to this chapter, the director has the authority to require the owner or party in interest of such dwelling unit to submit to such follow-up inspections of the dwelling unit as the director deems necessary, until such time as the dwelling unit is brought into compliance with the provisions of all applicable housing, building, plumbing, electrical, fire, health or related codes. (as added by Ord. #1-07, Jan. 2007)

13-507. Exemptions. Following the initial or periodic inspection of a residential rental dwelling unit found to be deteriorated or in the process of

deteriorating, and provided that there are no violations of applicable codes and ordinances, or such violations are remedied in a timely manner, the director shall provide to the owner or party in interest of such residential rental dwelling unit an exemption from this chapter for a minimum of four (4) years. For the purposes of this section, timely manner shall be construed to mean less than ninety (90) days after the owner has been given notice of violation. If a residential rental dwelling unit has been issued a certificate of occupancy within the last four (4) years, an exemption shall be granted for a minimum period of four (4) years from the date of the issuance of the certificate of occupancy by the city. If the residential rental dwelling unit becomes in violation of housing, building, plumbing, electrical, fire, health or related codes during the exemption period, the director may revoke the exemption granted by this section. (as added by Ord. #1-07, Jan. 2007)

13-508. Powers of the director. The director is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the following powers to:

(1) Investigate conditions in the city in order to determine which residential rental dwelling units therein are deteriorated or in the process of deteriorating.

(2) Administer oaths, affirmations, examine witnesses, issue subpoenas and receive evidence.

(3) Enter upon the premises for the purpose of making examinations and inspections; provided, the director may enter inside the dwelling unit only with the consent of the person in possession, or with a validly issued search warrant or administrative inspection warrant, or in the event of an emergency presenting an immediate threat to the health, safety, and welfare of the persons in possession. Such entry shall comply in all respects with the Fourth Amendment of the United States Constitution as well as Article I, Section 7, of the Tennessee Constitution. Such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession.

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

(5) Delegate any of such functions and powers under this chapter to such officers and agents as the director may designate. (as added by Ord. #1-07, Jan. 2007)

13-509. No fee schedule. No fee schedule shall be established to administer the provisions of this chapter. In addition, no fee shall be charged to an owner or party in interest for an inspection of a dwelling unit subject to this chapter who has submitted a written notification to the director as to the identity of such unit owner or party in interest as provided in § 13-505(2), nor shall a fee be charged for a subsequent inspection of a residential dwelling unit that has received an exemption from the residential inspection ordinance for a

minimum of four (4) years pursuant to § 13-507. (as added by Ord. #1-07, Jan. 2007)

13-510. Appeals. An owner or party in interest may appeal any order of the city issued pursuant to this chapter to the board of building and housing code appeals. The owner or party in interest may request and shall be granted a hearing before the board, provided, that such person shall file in the office of the director a written petition completed pursuant to the rules, regulations and requirements of the board, within twenty (20) days after the date on which the order was served upon the owner or party in interest. (as added by Ord. #1-07, Jan. 2007)

13-511. Powers supplemental. Nothing in this chapter shall be construed to abrogate or impair the powers of the courts or of any department of the city to enforce any provisions of its charter or its ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by any other law. (as added by Ord. #1-07, Jan. 2007)

13-512. Failure to comply - penalty. An owner or party in interest, upon willful failure or refusal to comply with the notice or inspection requirements authorized by this chapter, shall be subject to a penalty of fifty dollars (\$50.00) per day for each day of violation. (as added by Ord. #1-07, Jan. 2007)