

Ordinance # 14

HOUSING ORDINANCE
MOUNT CARMEL, TENNESSEE

Prepared by
MOUNT CARMEL REGIONAL PLANNING COMMISSION

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AN ORDINANCE TO MAINTAIN THE HEALTH AND CLEANLINESS OF THE TOWN AND TO INSURE GOOD SANITARY CONDITIONS IN PRIVATE PREMISES IN THE TOWN BY ESTABLISHING MINIMUM HOUSING STANDARDS FOR HABITABLE BUILDINGS WITHIN THE JURISDICTION OF THE TOWN. ADOPTED IN PURSUANCE OF AUTHORITY GRANTED BY CHAPTER 12, SECTION 13-1201 THROUGH SECTION 13-1209 OF THE TENNESSEE CODE ANNOTATED.

This Ordinance shall be known as the Housing Ordinance of the Town of Mount Carmel, Tennessee.

WHEREAS, there are, or may be, in the Town of Mount Carmel, Tennessee buildings or structures used and maintained for human habitation which are dilapidated, unsafe, dangerous, unsanitary and which constitute a menace and detriment to the health, morals, safety, property values and general welfare of the people of this town; and

WHEREAS, it has now become common knowledge that these conditions can be relieved, prevented, and often eliminated through a planned and properly enforced housing ordinance, resulting thereby in better living conditions and over-all promotion of the general health and welfare of all citizens;

NOW, therefore, be it enacted by the Town of Mount Carmel, Tennessee as follows:

SECTION 1: SCOPE AND APPLICATION

- 1.1. Every building used in whole or in part as a dwelling unit or as two or more dwelling units shall conform to the requirements of this 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.
- 1.2. 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 Sections 3.1 through 13.9.
- 1.3. If any dwelling unit fails to meet one or more of the minimum standards specifically stated in Sections 3 through 14 of this ordinance, that dwelling unit shall be considered as unfit for human habitation in accordance with Sections 13-1202, T. C. A. and subject to the enforcement sections of this ordinance.

SECTION 2: DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this code:

- 2.1. Approved shall mean constructed, installed and maintained in accordance with the provisions of this code and other pertinent ordinances of the Town of Mount Carmel, Tennessee and with rules and regulations adopted pursuant thereof.
- 2.2. Basement shall mean a portion of a building located partly or wholly underground.
- 2.3. 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.
- 2.4. 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.
- 2.5. Enforcing Officer shall mean the officer or officers who are authorized by this ordinance to exercise the powers prescribed herein.
- 2.6. 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.
- 2.7. Garbage shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.
- 2.8. 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.
- 2.9. 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).
- 2.10. Infestation shall mean the presences, within or around a dwelling, of any insects, rodents, or other pests.
- 2.11. Inspector shall mean the person designated by the Board of Aldermen as the Enforcing Officer.
- 2.12. Multiple Dwelling shall mean any dwelling containing more than two dwelling units.

(Words Underlined are defined in Section 2)

- 2.13. Occupant shall mean any person, over 1 year of age, living, sleeping, cooking, or eating in, or having actual possession of, a dwelling unit or rooming unit.
- 2.14. 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.
- 2.15. Parties in Interest shall mean all individuals, associations, partnerships, corporations, and others who have interest in a dwelling and any who are in possession or control thereof--as agent of the owner, as executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the owner.
- 2.16. 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.
- 2.17. 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.
- 2.18. Public Authority shall mean the Housing Authority of the Town of Mount Carmel or any officer who is in charge of any department or branch of the government of the municipality or state relating to health, fire, building regulations, or other activities concerning dwellings in the municipality.
- 2.19. Public Hall shall mean any hall, corridor or passageway not within the exclusive control of one family.
- 2.20. 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.
- 2.21. Rooming House shall mean any dwelling, or that part of any dwelling containing one or more rooming units, in which space is let by the occupant to three or more persons who are not husband or wife, son or daughter, mother or father, sister or brother of the occupant.

(Words underlined or defined in Section 2.)

- 2.22. Rubbish shall mean all waste materials, except garbage; and 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.
- 2.23. Sewer System shall mean the sewer system operated by the Town of Mount Carmel.
- 2.24. Single Unit Dwelling shall mean a dwelling occupied by one family alone.
- 2.25. Supplied shall mean paid for, furnished, or provided by, or under the control of, the owner or operator, their agents and/or representatives.
- 2.26. Water Closet shall mean a toilet, with a bowl and trap made in one piece, which is connected to the city water and sewer system or other approved water supply and sewer system.
- 2.27. Workmanlike State of Maintenance and Repair shall mean in such a state so as to comply with all codes and ordinances pertaining to construction of buildings and installation of utilities.
- 2.28. Meaning of Certain Words. Whenever the words "dwelling," "dwelling units," "rooming house," "rooming unit," "premises," are used in this ordinance, they shall be construed as though they were followed by the words "or any part thereof."

SECTION 3: MINIMUM STANDARDS FOR LIGHTING

- 3.1. Where there is electric service connected to the dwellings, every habitable room in such dwelling shall contain at least two separate wall type electric outlets or one such outlet and one supplied ceiling type electric light fixture. Every such outlet and fixture shall be in working condition and installed in accordance with the requirements of the Mount Carmel Electric Code.
- 3.2. Every habitable room shall have at least one 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 10 per cent 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 15 per cent of total floor area of such room, except where other means of artificial lighting are approved.

(Words underlined are defined in Section 2.)

- 3.3. Every public hall and stairway in every multiple dwelling shall be adequately lighted at all times either by windows, skylights, or other adequate lighting system. Every public hall and stairway in a structure containing not more than four 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.
- 3.4. Every bathroom, laundry room, furnace room and public hall shall contain at least one 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 Mount Carmel Electric Code.

SECTION 4: MINIMUM STANDARDS FOR VENTILATION

- 4.1. Every habitable room shall have at least one window or skylight opening directly to the outdoors which can easily be opened, or such other device as will adequately ventilate room. The minimum total openable window area in every habitable room shall be equal to one-half of the minimum total window area required in Section 3.2, except where there is supplied some other device affording adequate ventilation and approved by the Inspector.
- 4.2. Every bathroom shall have ventilation equal to four square feet or such other device as will adequately ventilate the room which is approved by the Inspector.

SECTION 5: MINIMUM STANDARDS FOR HEATING

- 5.1. Every dwelling with a central heating plant shall have heating facilities which are properly installed, are maintained in safe and good working conditions 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 70°F at a distance of three feet above floor level, then the outside temperature is 0°F.
- 5.2. All gas-burning room heaters shall be vented to the outside air by a smoke-pipe or flue. Rubber tube or armoured rubber tube connections on all gas heating fixtures are prohibited.

(Words underlined are defined in Section 2.)

SECTION 6: MINIMUM STANDARDS FOR BASIC EQUIPMENT AND FACILITIES

- 6.1. Water supply: The owner shall provide a supply of running water safe for drinking piped into each dwelling unit.
- 6.2. Sewerage: In every dwelling, plumbing fixtures shall be properly installed and connected to the water supply and sewer systems in accordance with the Mount Carmel Plumbing Code and shall be maintained in good working order.
- 6.3. Sanitary Equipment: Every dwelling unit shall contain a sink, lavatory and water closet.
- 6.4. Sink: Every dwelling unit shall contain a kitchen sink, therein properly connected to the water supply and sewer system.
- 6.5. Lavatory: Every dwelling unit shall contain therein, in a room affording privacy, a lavatory, properly connected to the water supply and sewer systems. This lavatory may be shared by two dwelling units if:
 - a. the habitable area of each of such dwelling units shall equal not more than 250 square feet of floor area; and
 - b. the fixtures are placed in a room used for toilet purposes only, and that such room be accessible without passing through the other dwelling unit, or outside the dwelling;
 - c. and if such facilities are kept in a sanitary condition.
- 6.6. 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 dwelling units if a, b above are satisfied.
- 6.7. 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 24 months after the effective date of this ordinance.
- 6.8. Every dwelling unit shall have at least one receptacle for the temporary deposit of garbage and at least one for rubbish which shall be made of non-absorbent material, water tight and shall be covered with a tight, closely fitting lid and cover and two outside handles, and shall not exceed 25 gallons capacity.

(Words underlined are defined in Section 2.)

SECTION 7: BASEMENTS

7.1. 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 requirements of habitable rooms as to light and ventilation (Section 3.2 and Section 4); and if
- b. the floors and walls below grade level of the lots are impervious to water and free from dampness at all times; and if
- c. the clear inner height is at least 6 feet 8 inches, and no pipes or beams are below 6 feet from floor level.

SECTION 8: SPACE REQUIREMENTS

The number of persons occupying any dwelling unit shall be limited by the following requirements (provided that adequate standards dwelling units are available for any persons displaced by enforcement of these requirements):

- 8.1. Sleeping Rooms: Every sleeping room for one occupant shall have at least 70 square feet of floor space, or if occupied by more than one person, at least 50 square feet per occupant.
- 8.2. Size of Dwelling Unit: The total of all habitable rooms in dwelling unit shall be such as to provide at least 150 square feet of floor space for first occupant and 100 square feet of floor space per additional occupant.
- 8.3. Minimum Height of Habitable Rooms: Every habitable room shall be not less than 7 feet in height from the floor to the ceiling throughout one-half of area of such room. Any portion of room having a ceiling height of less than 5 feet shall not be considered in computing the total floor area for such room.
- 8.4. No habitable room shall contain less than 70 square feet of floor area, nor shall the least horizontal dimension of such room be less than 7 feet.

SECTION 9: EGRESS

- 9.1. Every dwelling unit shall have a safe, unobstructed means of egress to a safe and open space at ground level. All structures of three or more stores with a dwelling unit occupying the third or higher story shall be provided with two separate usable, unobstructed means of egress for each dwelling unit located above the second story. The exit facilities from such dwelling unit

(Words underlined are found in Section 2.)

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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.

- 9.2. Dual egress will not be required of structures that are of fully fireproof construction.

SECTION 10: INFESTATION

- 10.1. 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.
- 10.2. Every basement 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.
- 10.3. During the summer months, there shall be no standing pools of water which might provide a breeding place for mosquitoes.
- 10.4. Dwelling should be free from rodents and other vermin at all times; responsibility for extermination rests with occupant or owner as set forth in Section 11.5 and 12.4.

SECTION 11: RESPONSIBILITIES OF OCCUPANT

The responsibilities of the occupant are as follows:

- 11.1. To keep dwelling and premises he controls and occupies in a clean and sanitary condition.
- 11.2. To dispose of rubbish and garbage in a clean and sanitary manner as prescribed by city regulations.
- 11.3. To hang and remove screens provided by the owner except where owner has agreed to supply such services.
- 11.4. To keep plumbing fixtures therein in a clean and sanitary condition and to exercise reasonable care in the proper use and operation thereof.

(Words underlined are defined in Section 2.)

- 11.5. To exterminate in the following cases:
- a. occupant of single unit dwelling is responsible for extermination of any insects, rodents, or other pests therein or on premises.
 - b. occupant of a dwelling unit in a multiple dwelling structure is responsible for 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 and reasonably insect-proof condition, the occupant is not responsible for extermination of any insects, rodents, or other pests therein.

SECTION 12: RESPONSIBILITIES OF THE OWNER

The responsibilities of the owner are as follows:

- 12.1. To let no dwelling to anyone for occupancy unless it meets minimum standards set forth in Sections 3.1 through 13.9.
- 12.2. To have dwelling in clean, sanitary, habitable condition, to free from infestation before renting, repair and exterminate if needed to meet aforesated requirements before offering for rent.
- 12.3. To provide screens to be hung.
- 12.4. To exterminate in the following cases:
 - a. when infestation exists in two or more units of multiple dwelling structure.
 - b. when infestation exists in shared or public areas of multiple dwelling structure.
 - c. when infestation exists in single dwelling unit of multiple dwelling structure or in single unit dwelling structure when infestation is due to failure of the owner to maintain the dwelling in a ratproof and reasonably insect proof condition.
- 12.5. To provide a supply of running water safe for drinking, into each dwelling unit.

SECTION 13. CONDITIONS OF STRUCTURE

- 13.1. All dwelling structures shall be reasonably watertight, weatherproof, rodent and insectproof and in good repair.
- 13.2. Every foundation, exterior wall and roof shall be reasonably watertight, weathertight and rodentproof, shall adequately support the building at all times, and shall be in a workman-like state of maintenance and repair.

(Words underlined are defined in Section 2.)

- 13.3. Every interior partition, wall, floor and ceiling shall be reasonably tight, capable of affording privacy and maintained in a workmanlike state of maintenance and repair and in a clean and sanitary condition.
- 13.4. 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, floors or basement of dwelling.
- 13.5. Every window, exterior door and basement hatchway shall be reasonably weathertight, watertight and rodentproof; and shall be maintained in sound condition and repair.
- 13.6. 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 it shall be maintained in sound condition and repair.
- 13.7. 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.
- 13.8. Every supplied facility piece of equipment or utility which is required under this ordinance shall be so constructed and installed that it will function safely and effectively, and shall be maintained in good working condition.

SECTION 14: MINIMUM STANDARDS FOR ROOMING HOUSES

No person shall operate a rooming house or shall let to another for occupancy any room unless such rooming house or room complies with the following requirements:

- 14.1. Every rooming house and room shall be in compliance with the minimum standards set forth in Section 3, 4, 5 and 8 as to light, ventilation, heating and space requirements.
- 14.2. Every rooming house shall be equipped with at least one flush water closet and lavatory for each eight 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 of the required number of water closets. All such facilities shall be properly connected to the water supply and sewer systems.

(Words underlined are defined in Section 2.)

- 14.3. 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 sleeping quarters of others.
 - d. is not more than one story removed from the room of an occupant intended to share the facilities.
- 14.4. 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.

ADMINISTRATION AND ENFORCEMENT

SECTION 15: ENFORCING OFFICER

- 15.1. The Building Inspector of the Town of Mount Carmel shall administer and enforce this ordinance. (Ref. 13-1203 TCA).
- 15.2. Powers of Enforcing Officer. The enforcing officer shall have such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this ordinance, including the following powers in addition to others herein granted:
- (a) To investigate the dwelling conditions in the municipality in order to determine which dwellings therein are unfit for human habitation;
 - (b) To administer oaths, affirmations, examine witnesses and receive evidence;
 - (c) To enter upon premises for the purpose of making examinations, provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession;
 - (d) To delegate any of his functions and powers under ordinance to such officers and agents as he may designate. Any such officers and agents shall be thoroughly qualified by training or experience for the job assigned and shall be approved by the Mayor. (Ref. 13-1207 TCA).
- 15.3. The enforcing officer may extend the time periods for providing necessary equipment or making repairs or replacements if in his opinion, the enforcement of the provisions of this ordinance will cause undue hardship upon the person involved.

(Words underlined are defined in Section 2.)

SECTION 16: ENFORCEMENT PROVISIONS

- 16.1. When a petition is filed with the enforcing officer by a public authority or by at least five (5) residents of the municipality charging that any dwelling is unfit for human habitation, or whenever it appears to the enforcing officer (on his own motion) that any dwelling is unfit for human habitation, the enforcing officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest of such dwelling a complaint stating the charges in that respect and containing a notice that a hearing will be held before the enforcing officer (or his designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the serving of said complaint, that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law and equity shall not be controlling in hearings before the enforcing officer. (Ref. 13-1203 (b) TCA)
- 16.2. If, after such notice and hearing, the enforcing officer determines that the dwelling under consideration is unfit for human habitation, he shall state in writing his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order, (1) if the repair, alteration or improvement of the said dwelling can be made at a reasonable cost, not in excess of 500 per cent of the assessed valuation for tax purposes of the dwelling involved, requiring the owner, within the time specified in the order, to repair, alter, or improve such dwelling to render it fit for human habitation; or (2) if the repair, alteration or improvement of the said dwelling cannot be made at a reasonable cost not in excess of 500 per cent of the assessed valuation for tax purposes of the dwelling involved, requiring the owner, within the time specified in the order, to remove or demolish such dwelling provided that adequate standard dwelling units are available for any persons displaced by enforcement of these requirements (Ref. 13-1203 (c) TCA).
- 16.3. If the owner fails to comply with an order to repair, alter, or improve or to vacate and close the dwelling, the enforcing officer may cause such dwelling to be repaired, altered, or improved, or to be vacated and closed; and the enforcing officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." (Ref. 13-1203 (d) TCA).

(Words underlined are defined in Section 2.)

- 16.4. If the owner fails to comply with an order to remove or demolish the dwelling, the enforcing officer may cause such dwelling to be removed or demolished. (Ref. 13-1203 (e) TCA).
- 16.5. The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the enforcing officers shall be a lien against the real property upon which such cost is incurred. If the dwelling is removed or demolished by the enforcing officer, he shall sell the materials of such dwelling and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the Chancery Court by the enforcing officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the person found to be entitled thereto by final order or decree of such court, provided however, that nothing in this ordinance shall be construed to impair or limit in any way the power of the municipality to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (Ref. 13-1203 (f) TCA).

SECTION 17: SERVICES OF COMPLAINTS OR ORDERS

- 17.1. Complaints or orders issued by the enforcing officer pursuant to the provisions of this ordinance shall be served upon persons wither personally or by registered mail, but if the whereabouts of such person is unknown and the same cannot be ascertained by the enforcing officer in the exercise of reasonable diligence, and the enforcing officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper of general circulation within the municipality. A copy of such complaint or other shall be posted in a conspicuous place on premises affected by the complaint or order. A copy of such complaint 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 the complaint or order shall have the same force and effect as other lis pendens notices provided by law.

SECTION 18: ENJOINING ENFORCEMENT OR ORDER

- 18.1. Any person affected by an order issued by the enforcing officer in the enforcement of the provisions of this ordinance may file a bill in the Chancery Court for an injunction restraining the enforcing officer from carrying out the provisions of the order, and the court may, upon the filing of such bill issue a temporary injunction restraining the enforcing officer pending the final disposition of the cause; provided, however, that within sixty (60) days after the posting and service of the order of the enforcing officer, such person shall file such bill in the court. Hearings shall be had by the court on such bills within twenty (20) days, or as soon thereafter as possible and shall be given preference over other matters on the court's calendar. (Ref. 13-1206 TCA).

(Words inserted after word "shall" in Section 2).

- 18.2 The court shall hear and determine the issues and shall enter such final order or decree as law and justice may require. In all such proceedings the findings of the enforcing officer as to facts, if supported by evidence, shall be conclusive. Costs shall be in the discretion of the court. The remedies herein contained shall be exclusive remedies and no person affected by an order of the enforcing officer shall be entitled to recover any damages for action taken pursuant to any order of the enforcing officer, or because of noncompliance by such person with any order of the enforcing officer. (Ref. 13-1206 TCA)

SECTION 19: VALIDITY

- 19.1. Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of this ordinance as a whole or part thereof other than the part so declared to be invalid or unconstitutional.

SECTION 20: CONFLICT WITH OTHER ORDINANCES

- 20.1. In any case where a provision of this ordinance is found to be in conflict with a portion of any other ordinance, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

SECTION 21: EFFECTIVE DATE

- 21.1. Endorsed by the Mount Carmel Planning Commission and recommended to the Board of Mayor and Aldermen for adoption on August 11, 1964

This ordinance shall be effective on and after the _____ day of _____, 1964.

1st Reading 8/20/64
2d Reading 8/20/64
3d Reading 9/10/64