



# Metro Codes

E—News For Neighborhoods

Metropolitan Government of Nashville and Davidson County

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*"Whenever the director determines that there has been a violation of this chapter or has grounds to believe that a violation has occurred, a notice of violation shall be provided to the owner, occupant, or person or entity in control of the building, structure, or premises where the violation or alleged violation exists."*

## Notice To Correct Violation

- Who Gets Notified and Why -

Whenever a Property Standards Inspector finds a violation, they are required to give notice to the property owner if this is the first time this property has been found to be in violation of a particular code section. Section 16.24.170 (B) of the Property Standards Code states that "Whenever the director determines that there has been a violation of this chapter or has grounds to believe that a violation has occurred, a notice of violation shall be provided to the owner, occupant, or person or entity in control of the building, structure, or premises where the violation or alleged violation exists." It further states that the notice shall:

1. Be in writing;
2. Include a description of the building, structure or premises sufficient for identification;
3. Include a statement of the violation(s);
4. Include an order to correct allowing a reasonable time to make the repairs and/or improvements required to bring the building, structure, or premises into compliance with this chapter;
5. Be personally delivered by the director or sent by certified or first-class mail addressed to the last known address; and
6. If notice sent by certified or first class mail is re-

turned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the building, structure, or premises affected by such notice.

Now that landlords of residential property are required to register, several have asked why we continue to give them notice rather than giving notice to the tenant.

While it is true that the tenant is in control of the property by virtue of their occupancy, the tenant may not have the authority or responsibility to correct all of the violations noted. Violations that require repairs to the structure or an accessory structure cannot be corrected by the tenant unless the lease specifically gives them that responsibility.

If the violation involves the condition of the yard area or how the property is used, the tenant can be held responsible.

However, when we make our initial investigation, we do not have any contact information for the tenant. By law the property owner is ultimately responsible for the condition of their property and how it is used.

Codes recognize that there are cases where the tenant is

not only the cause of the violation, but that tenant is violating the law deliberately, despite the best efforts of the landlord. In those situations, we have cited the tenant to environmental court. In order to do this, the landlord has to demonstrate that they have taken every reasonable step to bring the property into compliance.

This includes working with our department well before the warrant or citation is issued. Often, because they have rented the property to a particularly difficult tenant, some landlords have tried to use Codes as a means of evicting that troubled tenant, telling the tenant that because there are Codes violations, they have to vacate the property.

*"If the violation involves the condition of the yard area or how the property is used, the tenant can be held responsible."*

We have even been asked by landlords to condemn a property in order to get a tenant out. We have had cases where the landlord was afraid to go onto the property. Whatever the reason, the property owner is ultimately responsible.

**Continued on Page 2**

# Notice To Correct Violation - Who Gets Notified and Why - (continued)

*Continued from Page 1*

cases where the landlord was afraid to go onto the property. Whatever the reason, the property owner is ultimately responsible.

*“Our department cannot control who rents a property or their actions on the property. All we can do is notify the owner that a violation has occurred. Management of the property is the owner’s responsibility.”*

Codes is prepared to work with the owner to assist in getting the violation corrected, but the owner must take the lead. If the violation isn’t corrected and a citation or warrant to environmental court is issued, it is possible for the owner to bring the tenant to court and, with the tenants consent, have the warrant amended to the tenant.

This then shifts the responsibility for correcting the violation to the tenant and it makes the tenant liable for any court costs, fines and other fees associated with the prosecution of the case.

This brings us to an important point. Our department cannot control who rents a property or their actions on the property. All we can do is notify the owner that a violation has occurred. Management of the property is the owner’s responsibility.

The best way to avoid potential violations is to take these simple steps:

1. Perform a pre-move in inspection. That’s the time discuss your expectations of the tenant and how you expect the property to be maintained.

2. Make sure the tenant is clear on what their responsibilities are concerning maintenance of the property and what the procedure is for getting items repaired.
3. Let the tenant know upfront that they will be held responsible for any court charges and fees should they fail to maintain the property in accordance with the Property Standards Code. We have a brochure that outlines the top violations we encounter and how to avoid them.
4. And most important, make regular visits to the property to assess its condition. Don’t just take the tenants word that a violation has been corrected. If you receive a notice from us, you should immediately investigate and take action.





# Metro Nashville PUBLIC WORKS

1st week of the month pickup
2nd week of the month pickup
3rd week of the month pickup
4th week of the month pickup
No Pick Up ( 5th Week of the month)
<b>H</b> Holiday, Trash/Recycle will not run on this day, will be picked up on Saturday

**Items to Recycle in your cart:**

- All paper (Newspaper, magazines, Paper Sacks, Phone Books, Junk Mail.
- Aluminum drink cans.
- Steel food cans - please rinse out.
- Plastic bottles & containers
- Carts must be out ready for pickup by 7 am the day of your pickup.
- Carts must be removed from the curb by 7 pm the day of your pickup.

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## Property Tax Relief Available For Those Who Qualify

**P**roperty tax relief may come from three different programs for those qualifying under existing state and local laws, according to Davidson County Trustee Charles Cardwell.

Mr. Cardwell said there are programs which can freeze taxes, defer taxes and/or give relief from property taxes.

The newest is the tax freeze opportunity.

"This is a good program for seniors that are on fixed income," said Mr. Cardwell, whose office administers the program. "Their taxes are frozen at the 2007 amount in the event of a tax increase in the future."

The Tax Freeze Act of 2007 permits local governments to implement the program and Metropolitan Nashville-Davidson County became the first jurisdiction in the state to establish a tax freeze program.

Under the program, qualifying homeowners age 65 and older can "freeze" the tax due on their property at the amount for the year they qualify, even if tax rates increase. Applicants must present: (1) Proof of age - birth certificate, Medicare card, driver's license, passport, etc.; (2) Proof of ownership - current tax bill or receipt, recorded deed, etc.; (3) Evidence property is principal residence - voter registration card, etc.

Further, income records must be provided showing the total income of all owners of the property does not exceed the 2007 limit of \$34,260 for Davidson County. Income records include Federal tax returns or other items acceptable to Trustee.

All applicants must sign an income verification form permitting the Trustee to contact IRS, SSA or the State Division of Property Assessment to verify income. The application is a public record, but the financial documents remain confidential.

With respect to the tax deferral program, there are certain qualifications which must be met before deferral is possible. If you are a single person age sixty-five (65) years of age or older, or to any married couple of which both are sixty-five (65)

years of age or older or to any person who is totally and permanently disabled or to any family group which has more than one (1) person residing permanently in the principal residence, and are sixty-five (65) years of age or older, or totally and permanently disabled, whose combined gross income, as defined by the Internal Revenue Code is less than twenty-five thousand dollars (\$25,000) a year, you may be eligible for this program.

If you qualify for this program, the current taxes on your residence may be deferred until the death of the person receiving the deferral or the residence is sold, and shall be subject to simple interest at the rate of six percent (6%) a year. If a mortgage exists on the property, a letter of agreement will be required from the Mortgage Company. You have until March 1 of each tax year to apply. All participants must reapply each year.

Tax relief may be available for qualifying taxpayers if you are 65 and older with income of under \$24,000. Mr. Cardwell said either he or his staff will be happy to meet to discuss this program or will provide information over the telephone.

Mr. Cardwell has satellite stations set up to take tax freeze applications at the Bellevue Center Mall, 7624 Highway 70S; Donelson Station Center, 108 Donelson Pike; Knowles Senior Citizens Center, 174 Rains Avenue; Madison Station Center, 301 Madison Street and the Northwest Center, 3315 John Mallette Drive.

Applicants may contact our office at 862-6330 to set up an appointment. Applications must be filed by April 7, 2008. If you need any information about the program, please feel free to call Mr. Cardwell 862-6330.



## Smoke Alarm Installations



STATE OF TENNESSEE  
DEPARTMENT OF COMMERCE AND INSURANCE  
STATE FIRE MARSHAL'S OFFICE  
500 James Robertson Parkway, 3<sup>rd</sup> Floor  
Nashville, Tennessee 37243-1162  
615-741-2981  
FAX: 741-1583



**Emmett H. Turner**  
Assistant Commissioner  
Fire Prevention division

January 2008

Re: Smoke Alarm Installations

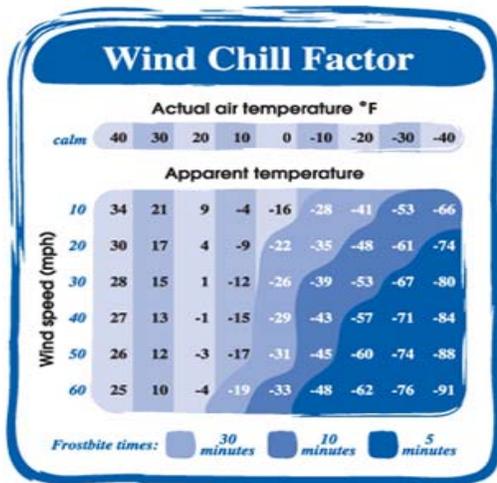
The Tennessee Fire Marshal's Office strongly recommends the installation of smoke alarms in every home to provide early warning of a fire. They should be located in every sleeping room; outside of sleeping areas, such as hallways; and at least one should be on every floor, including basements.

There are two types of smoke alarms available to homeowners: ionization and photoelectric. Ionization alarms are quicker to sense a flaming, fast moving fire. An example is a trash bin with burning paper. Photoelectric alarms are quicker to sense smoldering, smoky fires. An example is a burning cigarette left on a piece of furniture or mattress.

Because both types of detectors perform better for differing conditions, and a homeowner never knows how or when a fire will start, the Tennessee Fire Marshal's Office recommends installing combination smoke alarms that utilize both types of detection.

To remain reliable, smoke alarms must be maintained by regularly changing the battery—even hardwired smoke alarms. This will prevent the battery from being removed when it begins to “chirp”, putting the home at risk. The best times to change the batteries are when we “spring forward” and “fall back” for daylight savings. Alarms also need to be cleaned regularly. Follow the manufacturer's directions. Many recommend using the hose attachment of a vacuum cleaner to remove built up dust.

## Wind Chill



The Wind Chill index is the temperature your body feels when the air temperature is combined with the wind speed. It is based on the rate of heat loss from exposed skin caused by the effects of wind and cold. As the speed of the wind increases, it can carry heat away from your body much more quickly, causing skin temperature to drop. When there are high winds, serious weather-related health problems are more likely, even when temperatures are only cool.

The Wind Chill Chart to the side shows the difference between actual air temperature and perceived temperature, and amount of time until frostbite occurs.

## PORTABLE HEATERS

Small space heaters are typically used when the main heating system is inadequate or when central heating is too costly to install or operate. In some cases, small space heaters can be less expensive to use if you only want to heat one room or supplement inadequate heating in one room. They can also boost the temperature of rooms used by individuals who are sensitive to cold, especially elderly persons, without overheating your entire home.

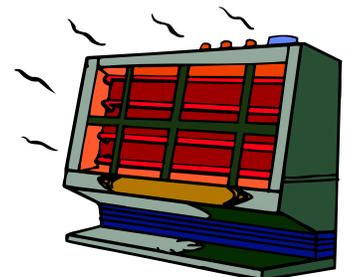
Space heater capacities generally range between 10,000 Btu to 40,000 Btu per hour. Common fuels used for this purpose are: electricity, propane, natural gas, and kerosene.

Although most space heaters rely on convection (the circulation of air in a room) to heat a room, some rely on radiant heating; that is, they emit infrared radiation that directly heats up objects and people that are within their line of sight. Radiant heaters are a more efficient choice when you will be in a room for only a few hours, if you can remain within the line of sight of the heater. They can be more efficient when using a room for a short period because they avoid the energy needed to heat the entire room by instead directly heating the occupant of the room and the occupant's immediate surroundings.

Safety is a top consideration when using space heaters. The U.S. Consumer Product Safety Commission estimates that more than 25,000 residential fires every year are associated with the use of space heaters, causing more than 300 deaths. An estimated 6,000 persons receive hospital emergency room care for burn injuries associated with contacting hot surfaces of room heaters, mostly in non-fire situations.

When buying and installing a small space heater, follow these guidelines:

- (1) Only purchase newer model heaters that have all of the current safety features. Make sure the heater has the Underwriter's Laboratory (UL) label attached to it.
- (2) Choose thermostatically controlled heaters, since they avoid the energy waste of overheating a room.
- (3) Select a heater of the proper size for the room you wish to heat. Do not purchase oversized heaters. Most heaters come with a general sizing table.
- (4) Locate the heater on a level surface away from foot traffic. Be especially careful to keep children and pets away from the heater.
- (5) Keep portable heaters at least three (3) feet away from furniture, drapes, or other combustible materials.



**Employee Highlights**

**C**harly Brown is a Property Standards Inspector assigned to the Flex team. Members of the Flex team are not assigned specific territories. They work on requests which cover the entire county. These may include neighborhood audits, Neighborhood Response Team inspections, and most recently, the Rental Inspection District Program inspections.



Charly joined the Codes Department in August of 2003. Previously, Mr. Brown was a Realtor, earning a place in the "Million Dollar Club." His background includes experience in teaching, training, and multi-unit corporate management. Charly was selected as the most outstanding instructor by the North-Central Accreditation Association. Charly's real estate experience has helped him make the transition to Property Maintenance Inspector, having already been familiar with property maintenance inspections.

Mr. Brown is a graduate of the University of Charleston and West Virginia University with a degree in Sociology and Psychology.

He and his wife Patsy have three daughters and six grandchildren. They reside in the Donelson area of Nashville and both are very active in the Hermitage Presbyterian Church as ruling Elders.

**Codes Presents MECCC Check To Mayor Dean**

**M**ayor Karl F. Dean accepts a check from Codes Director Terry Cobb and Wade Hill for \$24,000. The check represents the money raised from the 11th Annual Metro Codes Golf tournament.

This event is held to raise money for the Metro Employees Combined Charities Campaign for 2007. The proceeds from this event has been donated to benefit the Easter Seal Camp, Miriam's Promise and Harris-Hillman School. Hill, who served as the department's campaign coordinator, said participation in the event continues to grow every year.

As a department, Codes employees contributed \$11,000 to the campaign, raising the departments total contribution to \$35,000, a record for the department.

For its efforts, Codes earned the MECCC Medium Department Total Dollars award, the Spirit award and the Karl F. Dean's Mayors award. Mr. Hill and Director Cobb want to thank everyone who supported the event.



Chief Plans Examiner Wade Hill and Director Terry Cobb present Mayor Karl F. Dean a check for MECCC from the Dept. of Codes and Building Safety.

**Department of  
Codes & Building Safety**

Metro Office Building  
800 2nd Ave., South  
Nashville, TN 37210  
615-862-6590 / Fax 862-6593

**Mayor—Karl F. Dean**

Director—Terrance Cobb  
Assistant Director—Bill Penn

Office Hours: Mon-Fri / 7:30-4:00



**PASS IT ON!**



Pass the word about our newsletter! We would be honored if you would share our newsletter with your colleagues and co-workers. If anyone would like to sign up to receive it themselves, they just need to send us their email, and we will be happy to "Pass It On" to them.



For information regarding accessibility, please contact Manley Biggers at (615) 862-6521 or fax (615) 862-6499. He can also be reached at [manley.biggers@nashville.gov](mailto:manley.biggers@nashville.gov)

**Terry Cobb** and **Bill Penn** welcome your feedback on our e-newsletter. Please send your comments to [Bill Penn](mailto:Bill Penn), Assistant Director, Property Standards Div , 862-6590