

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

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CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Throwing, dumping or depositing litter.
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13-101. Throwing, dumping or depositing litter. A person shall not throw, dump, deposit or cause to be thrown, dumped or deposited litter, which includes garbage, refuse, rubbish and all other waste materials, on property owned by another person without the permission of the owner or occupant of such property or on any town street or road, upon town parks or recreation areas, or upon any other town property within the corporate limits, except for property designated for that use. (1996 Code, § 13-101)

13-102. Smoke, soot, cinders, etc. It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust, or gases as to be detrimental to or to endanger the

¹Municipal code references

Animal control: title 10.

Littering streets, etc.: § 16-107.

Toilet facilities in beer places: § 8-111(9).

health, comfort, and safety of the public or so as to cause or have a tendency to cause injury or damage to property or business. (1996 Code, § 13-102)

13-103. Stagnant water. It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property without treating it so as effectively to prevent the breeding of mosquitoes. (1996 Code, § 13-103)

13-104. Weeds. Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property, and it shall be unlawful for any person to fail to comply with an order by the town manager or chief of police to cut such vegetation when it has reached a height of over one foot (1'). (1996 Code, § 13-104)

13-105. Overgrown and dirty lots. (1) Nuisance declared. It is declared to be a nuisance for any owner of record of real property to create, maintain, or permit to be maintained on such property the growth of trees, vines, grass, underbrush and/or the accumulations of garbage, discarded appliances, trash, litter, or debris, including, but not limited to, abandoned, wrecked and/or dismantled inoperable vehicles or equipment, or parts thereof, or any combination of the preceding elements so as to endanger the health, safety, or welfare of other citizens or to encourage the infestation of rats and other harmful animals. Such nuisance may be abated and the cost of the abatement shall be assessed against the owner of the property as stipulated and in the manner prescribed in this chapter.

(2) Designation of public officer or department. The board of commissioners designates the codes official as the person to enforce the provisions of this chapter.

(3) Notice to property owner. It shall be the duty of the building inspector or other official as appointed by the city manager to enforce this section to serve notice upon the owner of record in violation of (1) above, a notice in plain language to remedy the condition within ten (10) days (or twenty (20) days if the owner of record is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials), excluding Saturdays, Sundays and legal holidays. The notice shall be sent by certified United States Mail, return receipt requested, addressed to the last known address of the owner of record. When an attempt at notification by United States mail fails or no valid last known address exists for the owner of record, the town may publish the notice in a newspaper of general circulation in the county where the property sits for no less than two (2) consecutive issues or personally deliver the notice to the owner of record. For purposes of this section, such publication shall constitute receipt of notice effective on the date of the second publication of the notice and personal delivery shall constitute receipt of notice immediately upon delivery.

The notice shall state that the owner of the property is entitled to a hearing, and shall, at the minimum, contain the following additional information:

(a) A brief statement that the owner is in violation of this section, and that the property of such owner may be cleaned-up at the expense of the owner and a lien placed against the property to secure the cost of the clean-up;

(b) The person, office, address, and telephone number of the department or person giving the notice;

(c) A cost estimate for remedying the noted condition, which shall be in conformity with the standards of cost in the city; and

(d) A place wherein the notified party may return a copy of the notice, indicating the desire for a hearing.

(4) Clean-up at property owner's expense. If the property owner of record fails or refuses to remedy the condition within ten (10) days after receiving the notice (twenty (20) days if the owner is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials), the building inspector shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards, and the cost thereof shall be assessed against the owner of the property. The cost shall be a lien upon the property in favor of the town and shall be paid by the property owner as a special assessment or tax which shall be placed on the tax rolls of the town and shall be collected in the same manner as property taxes are collected.

(5) Appeal. The owner of record who is aggrieved by the determination and order of the building inspector may appeal the determination and order to the municipal judge. The appeal shall be filed with the town recorder within ten (10) days following the receipt of the notice issued pursuant to subsection (3) above. The failure to appeal within this time shall, without exception, constitute a waiver of the right to a hearing.

(6) Judicial review. Any person aggrieved by an order under this chapter may seek judicial review of the order or act to the Circuit or Chancery Court of Cheatham County, Tennessee. The time period established in subsection (3) above shall be stayed during the pendency of judicial review.

(7) Penalty. Any person violating any of the provisions of this chapter shall be guilty of a municipal misdemeanor and, upon conviction, shall be subject to a fine of not more than fifty dollars (\$50.00), or up to the maximum amount which the legislature of the State of Tennessee may hereafter establish that municipal courts may levy as a fine. Each act in violation hereof shall be deemed a separate offense and each day such violation continues shall constitute a separate offense.

(8) Supplemental nature of this section. The provisions of this section are in addition and supplemental to, and not in substitution for, any other provision in the municipal charter, this municipal code of ordinances or other

applicable law which permits the town to proceed against an owner, tenant or occupant of property who has created, maintained, or permitted to be maintained on such property the growth of trees, vines, grass, weeds, underbrush and/or the accumulation of the debris, trash, litter, or garbage or any combination of the preceding elements, under its charter, any other provisions of this municipal code of ordinances or any other applicable law. (1996 Code, § 13-105, as amended by Ord. #17-006, Aug. 2017, Ord. #20-012, Nov. 2020, Ord. #21-002, March 2021 *Ch1_03-17-22*, and Ord. #21-005, June 2021 *Ch1_03-17-22*)

13-106. Health and sanitation nuisances. It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity. (1996 Code, § 13-106)

13-107. Enforcement. (1) Whenever the building inspector, codes enforcer, or city manager determines that there has been a violation of sections §§ 13-101--13-104 and 13-106 of this title or has grounds to believe that a violation has occurred, notice of same shall be given to the owner and to the occupant of the property to remedy the prohibited condition. Such notice shall:

- (a) Be in writing.
- (b) Include a description of the property sufficient for identification.
- (c) Include a statement in plain language of the violation or violations and why the notice is being issued.
- (d) Include a statement in plain language of the specific actions required to remedy the condition from which the violation arises.
- (e) Include a specified period of days, not to exceed sixty (60) days, to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this section of the code.
- (f) Include a description of the process and/or penalty the owner may incur should the conditions not be remedied.
- (g) Include the person, office, address, and telephone number of the department or person giving the notice.

The NOV may, but is not required to, contain additional information such as the procedure for requesting a meeting with the building inspector or other official to discuss specific needs and have questions of the property owner answered if possible.

Such notice shall be deemed to be properly served if a copy thereof is delivered personally; sent by certified or first-class mail addressed to the last known address of the intended recipient; or if the notice is returned showing that the letter was not delivered, a by posting a copy of the notice in a conspicuous place in or about the structure affected by such notice.

(2) In the event that the owner or occupant of the property shall fail or refuse to remedy the violation within the time prescribed within the aforesaid notice, then the building inspector, codes enforcer, or city manager may, in his or her discretion, issue a citation for same to municipal court, or may institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation. Such citation shall:

(a) Be in writing.

(b) Include a description of the real estate sufficient for identification.

(c) Include a statement in plain language of the violation or violations for which the citation is being issued.

(d) Include court date, time, and location for the hearing in municipal court.

(e) Include a statement of possible fees or fines that may be assessed by the municipal court if the recipient is found to have committed the violations specified in the citation, as well as the following statement: "Each day that violation continues after the recipient has been served with this citation shall be deemed a separate offense regardless of whether an additional notice, order, or citation has been issued."

(3) The requirements contained in this section shall not be applicable in emergency situations where imminent danger to life, limb, and property exists, and nothing herein shall be construed as limiting the authority of the building inspector, city manager, public safety officers, public works officials, or other town official to require immediate evacuation of a property or other actions necessary to abate such imminent danger. (Ord. #20-012, Nov. 2020, as replaced by Ord. #22-003, March 2022 *Ch1_03-17-22*)

13-108. Violations and penalty. Any person, firm, corporation, tenant, occupant or agent who shall violate a provision of §§ 13-101--13-104 and § 13-106 of this title or fail to comply therewith or with any of the requirements thereof or cause such action to be taken in violation of the provisions of §§ 13-101--13-104 and § 13-106 of this title shall be prosecuted and may be penalized pursuant to the general penalty clause of the Town of Kingston Springs Municipal Code of Ordinances. Each day that violation continues after due notice has been served shall be deemed a separate offense regardless of whether an additional notice, order, or citation has been issued. Additionally, violators may in the discretion of the town be subject to fines and penalties to be imposed by the administrative hearing officer pursuant to *Tennessee Code Annotated*, § 6-54-1001 *et seq.* as adopted locally in the Town of Kingston

Springs Municipal Code or may be subject to injunctive remedies in state or federal court as appropriate. (Ord. #20-012, Nov. 2020)

CHAPTER 2

SLUM CLEARANCE¹

SECTION

- 13-201. Findings of board.
- 13-202. Definitions.
- 13-203. "Public officer" designated; powers.
- 13-204. Initiation of proceedings; hearings.
- 13-205. Orders to owners of unfit structures.
- 13-206. When public officer may repair, etc.
- 13-207. When public officer may remove or demolish.
- 13-208. Lien for expenses; sale of salvage materials; other powers not limited.
- 13-209. Basis for a finding of unfitness.
- 13-210. Service of complaints or orders.
- 13-211. Enjoining enforcement of orders.
- 13-212. Additional powers of public officer.
- 13-213. Powers conferred are supplemental.
- 13-214. Structures unfit for human habitation deemed unlawful.

13-201. Findings of board. Pursuant to *Tennessee Code Annotated*, § 13-21-101, *et seq.*, the board of commissioners finds that there exists in the town structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the town.

13-202. Definitions. (1) "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.

(2) "Governing body" shall mean the board of commissioners charged with governing the town.

(3) "Municipality" shall mean the Town of Kingston Springs, Tennessee, and the areas encompassed within existing town limits or as hereafter annexed.

(4) "Owner" shall mean the holder of title in fee simple and every mortgagee of record.

¹State law reference

Tennessee Code Annotated, title 13, chapter 21.

(5) "Parties in interest" shall mean all individuals, associations, corporations and others who have interests of record in a dwelling and any who are in possession thereof.

(6) "Place of public accommodation" means any building or structure in which goods are supplied or services performed, or in which the trade of the general public is solicited.

(7) "Public authority" shall mean any housing authority or any officer who is in charge of any department or branch of the government of the town or state relating to health, fire, building regulations, or other activities concerning structures in the town.

(8) "Public officer" means any officer or officers of a municipality or the executive director or other chief executive officer of any commission or authority established by such municipality or jointly with any other municipality who is authorized by this chapter to exercise the power prescribed herein and pursuant to *Tennessee Code Annotated*, § 13-21-101, *et seq.*

(9) "Structure" means any dwelling or place of public accommodation or vacant building or structure suitable as a dwelling or place of public accommodation.

13-203. "Public officer" designated; powers. There is hereby designated and appointed a "public officer," to be the building inspector of the town, to exercise the powers prescribed by this chapter.

13-204. Initiation of proceedings; hearings. Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the town charging that any structure is unfit for human occupancy or use, or whenever it appears to the public officer (on his own motion) that any structure is unfit for human occupation or use, the public 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 structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer (or his designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the service of the complaint; and the owner and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint; and the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer.

13-205. Orders to owners of unfit structures. If, after such notice and hearing as provided for in the preceding section, the public officer determines that the structure under consideration is unfit for human occupation or use, he shall state in writing his finding 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 structure can be made at a reasonable cost in relation to the value of the structure (not exceeding fifty percent (50%) of the reasonable value), requiring the owner, within the time specified in the order, to repair, alter, or improve such structure to render it fit for human occupation or use or to vacate and close the structure for human occupation or use; or

(2) If the repair, alteration or improvement of said structure cannot be made at a reasonable cost in relation to the value of the structure (not to exceed fifty percent (50%) of the value of the premises), requiring the owner within the time specified in the order, to remove or demolish such structure.

13-206. When public officer may repair, etc. If the owner fails to comply with the order to repair, alter, or improve or to vacate and close the structure as specified in the preceding section hereof, the public officer may cause such structure to be repaired, altered, or improved, or to be vacated and closed; and the public 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 occupation or use. The use or occupation of this building for human occupation or use is prohibited and unlawful."

13-207. When public officer may remove or demolish. If the owner fails to comply with an order, as specified above, to remove or demolish the structure, the public officer may cause such structure to be removed and demolished.

13-208. Lien for expenses; sale of salvaged materials; other powers not limited. The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer, as well as reasonable fees for registration, inspections and professional evaluations of the property, shall be assessed against the owner of the property, and shall, upon the certification of the sum owed being presented to the municipal tax collector, be a lien on the property in favor of the municipality, second only to liens of the state, county and municipality for taxes, any lien of the municipality 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. These costs shall be collected by the municipal tax collector or county trustee at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes as set forth in *Tennessee Code Annotated*, § 67-5-2010 and § 67-5-2410. In addition, the municipality may collect the costs assessed against the owner

through an action for debt filed in any court of competent jurisdiction. The municipality may bring one (1) action for debt against more than one (1) or all of the owners of properties against whom said costs have been assessed, and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a misjoinder of parties. If the structure is removed or demolished by the public officer, the public officer shall sell the materials of such structure 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 of Cheatham County by the public 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. Nothing in this section shall be construed to impair or limit in any way the power of the Town of Kingston Springs to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise.

13-209. Basis for a finding of unfitness. The public officer defined herein shall have the power and may determine that a structure is unfit for human occupation and use if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants or users of such structure, the occupants or users of neighboring structures or other residents of the Town of Kingston Springs. Such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; or uncleanliness.

13-210. Service of complaints or orders. Complaints or orders issued by the public officer pursuant to this chapter shall be served upon persons, either personally or by registered mail, but if the whereabouts of such persons are unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public 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 printed and published in the town. In addition, a copy of such complaint or order 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 Cheatham County, Tennessee, and such filing shall have the same force and effect as other *lis pendens* notices provided by law.

13-211. Enjoining enforcement of orders. Any person affected by an order issued by the public officer served pursuant to this chapter may file a bill in chancery court for an injunction restraining the public officer from carrying out the provisions of the order, and the court may, upon the filing of such suit,

issue a temporary injunction restraining the public 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 public officer, such person shall file such bill in the court.

The remedy provided herein shall be the exclusive remedy and no person affected by an order of the public officer shall be entitled to recover any damages for action taken pursuant to any order of the public officer, or because of noncompliance by such person with any order of the public officer.

13-212. Additional powers of public officer. The public officer, in order to carry out and effectuate the purposes and provisions of this chapter, shall have the following powers in addition to those otherwise granted herein:

- (1) To investigate conditions of the structures in the town in order to determine which structures therein are unfit for human occupation or use;
- (2) To administer oaths, affirmations, examine witnesses and receive evidence;
- (3) To enter upon premises for the purpose of making examination, provided that such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession;
- (4) To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this chapter; and
- (5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate.

13-213. Powers conferred are supplemental. This chapter shall not be construed to abrogate or impair the powers of the town with regard to the enforcement of the provisions of its charter or any other 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 the charter and other laws.

13-214. Structures unfit for human habitation deemed unlawful. It shall be unlawful for any owner of record to create, maintain or permit to be maintained in the town structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the town.

Violations of this section shall subject the offender to a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

CHAPTER 3**JUNKYARDS****SECTION**

13-301. Junkyards.

13-301. Junkyards.¹ All junkyards within the corporate limits shall be operated and maintained subject to the following regulations.

(1) All junk stored or kept in such yards shall be so kept that it will not catch and hold water in which mosquitoes may breed and so that it will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared, or propagated.

(2) All such junkyards shall be enclosed within close fitting plank or metal solid fences touching the ground on the bottom and being not less than six feet (6') in height, such fence to be built so that it will be impossible for stray cats and/or stray dogs to have access to such junkyards.

(3) Such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety. (1996 Code, § 13-301)

¹State law reference

The provisions of this section were taken substantially from the Bristol ordinance upheld by the Tennessee Court of Appeals as being a reasonable and valid exercise of the police power in the case of *Hagaman v. Slaughter*, 49 Tenn. App. 338, 354 S.W.2d 818 (1961).

CHAPTER 4

**ABANDONED, WRECKED, DISMANTLED,
OR INOPERATIVE MOTOR VEHICLES****SECTION**

- 13-401. Definitions.
- 13-402. Storing, parking or leaving dismantled or other such motor vehicle prohibited and declared nuisance.
- 13-403. Notice to remove.
- 13-404. Responsibility for removal.
- 13-405. Notice procedure.
- 13-406. Content of notice and citation.
- 13-407. Request for hearing.
- 13-408. Procedure for hearing.
- 13-409. Removal of motor vehicle from property.
- 13-410. Notice of removal.
- 13-411. Disposition of vehicles.
- 13-412. Storage of vehicles.
- 13-413. Redemption of impounded vehicle.
- 13-414. Violations and penalty.

13-401. Definitions. For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(1) "Junked motor vehicle" is any motor vehicle, as defined by § 13-401(2), which does not have lawfully affixed thereto an unexpired license plate or the condition of which is wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded, and as such is deemed to constitute a public nuisance affecting the health and safety of the community as a whole.

(2) "Motor vehicle" is any vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to, automobiles, buses, motorbikes, motorcycles, motor scooters, trucks, tractors, riding lawn mowers, go-carts, golf carts, campers and trailers.

(3) "Person" shall mean any person, firm, partnership, association, corporation, company, or organization of any kind.

(4) "Private property" shall mean any real property within the town which is privately owned and which is not public property as defined in the section.

(5) "Public property" shall mean any street or highway which shall include the entire width between the boundary lines of every way publicly

maintained for the purposes of vehicular travel, and shall also mean any other publicly owned property, facility, or right-of-way.

(6) "Town" is the Town of Kingston Springs, Tennessee and those administrative and governmental officials duly appointed and serving under the direction of town manager.

(7) "Town manager" is the town manager of the Town of Kingston Springs, Tennessee or his or her duly authorized designee.

(8) "Unexpired tag" Failure to have lawfully affixed thereto an unexpired license plate as required in the State of Tennessee, together with an unexpired county tax registration attached thereto, shall constitute a rebuttable presumption of a junked motor vehicle and be determined by the town judge in event of a hearing. (1996 Code, § 13-401)

13-402. Storing, parking or leaving dismantled or other such motor vehicle prohibited and declared nuisance. No person shall park, store, leave, or permit the parking, storing, or leaving of any motor vehicle of any kind which is in an abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled condition, whether attended or not, upon any public or private property within the town for a period of time in excess of forty-eight (48) hours. After the expiration of forty-eight (48) hours, the presence of an abandoned, wrecked, dismantled, inoperative, rusted, junked or public partially dismantled vehicle, or parts thereof, whether attended or not, on public property is not subject to any further notice provisions as set out in this chapter and is subject to the immediate removal from the public property, as such constitutes a public nuisance affecting the health and safety of the community as a whole. The presence of an abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled vehicle, or parts thereof, on private property is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this chapter. This section shall not apply to any vehicle fully and properly enclosed within a building on private property or to any vehicle held in connection with a business enterprise lawfully holding a business license, and being properly operated pursuant to all applicable laws of the town. (1996 Code, § 13-402)

13-403. Notice to remove. Whenever it comes to the attention of the town manager, upon complaint made to the town or upon the carrying out of the function of the office of town manager or departments of government thereunder, that any violation, as defined in § 13-402, exists in the Town of Kingston Springs, Tennessee, a notice in writing shall be served upon the occupant of the land where the nuisance exists, or in the case there is no such occupant, then upon the owner of the property or his agent, if known, notifying them of the existence of the nuisance and requesting its removal in the time specified in this chapter. (1996 Code, § 13-403)

13-404. Responsibility for removal. Upon proper notice, the owner of the junked motor vehicle(s) and the owner(s) or occupant(s) of the private property on which the same is located, shall be responsible for its removal. (1996 Code, § 13-404)

13-405. Notice procedure. The town manager shall give notice to the owner(s) or occupant(s) of the private property where the junked vehicle in violation is located demanding compliance with this chapter within thirty (30) days from the date of notice. It shall constitute sufficient notice when a copy of same is sent by certified mail to the owner(s) or occupant(s) of the private property at his or her last known address, return receipt requested. (1996 Code, § 13-405)

13-406. Content of notice and citation. The notice shall contain the alleged violation and demand for removal and/or abatement of the violation hereof within the time specified in this chapter, and the notice shall advise that upon failure to comply with the notice to remove, the town or its designee shall issue a citation requiring the owner or occupant to appear in municipal court, on a date certain, not less than fifteen (15) days from the date of issuance of the citation. The citation shall be served upon the owner(s) of the property, or upon the person(s) apparently in lawful possession of the property, and shall give notice to the same to appear and answer the charges against him or them in municipal court. If the offender refuses to sign the citation and notice to appear, the town, or its designee shall request a police officer to witness the violation and attempt to serve the citation upon the offender. If the offender still refuses to sign the citation, the police officer may arrest the offender for failure to sign the citation in lieu of arrest. (1996 Code, § 13-406)

13-407. Request for hearing. The person or persons to whom the notices are directed, or their duly authorized agents, may file a written request with the town judge of the Town of Kingston Springs or its designee within the thirty (30) day period of requested compliance prescribed in § 13-405, for the purpose of defending the notice of alleged violation by the town. (1996 Code, § 13-407)

13-408. Procedure for hearing. The hearing shall be held as soon as practicable after the filing of the request pursuant to § 13-407 or a citation issued pursuant to § 13-406 and the person(s) to whom the notice(s) or citation are directed shall be advised of the time and place of said hearing at least fifteen (15) days in advance thereof. At any such hearing, the town and the person(s) to whom the notice(s) have been directed may introduce such witnesses and evidence as either party deems necessary. (1996 Code, § 13-408)

13-409. Removal of motor vehicle from property. If the violation described in the notice has not been remedied within the thirty (30) day period of compliance and a citation has been issued, or in the event that a notice requesting a hearing is timely filed, a hearing is had and if the existence of the violation is affirmed by the judge of the Town of Kingston Springs from its designee, the town manager or his designee shall have the right to take possession of the junked motor vehicle and remove it from the premises if ordered by the municipal court pursuant to *Tennessee Code Annotated*, § 55-5-122. It shall be unlawful for any person to interfere with, hinder, or refuse to allow such person or persons to enter upon private property for the purpose of removing a vehicle under the provisions of this chapter and in no manner shall be deemed to be a trespass or unauthorized entry upon land. (1996 Code, § 13-409)

13-410. Notice of removal. Within forty-eight (48) hours of the removal of such vehicle from private or public property, the town manager shall give notice to the registered owner of the vehicle, if known, and also to the owner or occupant of the property from which the vehicle was removed, that said vehicle, or vehicles, have been impounded and stored for violation of this chapter. This notice shall give the location of where the vehicle, or vehicles, is stored and the costs incurred by the town for removal, including court costs for hearing, if any. (1996 Code, § 13-410)

13-411. Disposition of vehicles. Upon removing a vehicle, the town manager shall sell the abandoned motor vehicle at a public auction not earlier than ten (10) days after its removal. The purchaser of the motor vehicle shall take title to the motor vehicle free and clear from the town manager and, upon presentation of such sales receipt, shall be entitled to receive a certificate of title from the Department of Revenue for the State of Tennessee. The proceeds of the sale of an abandoned motor vehicle shall be used for payment of the expenses of the auction, the cost of towing, preserving, and storing the abandoned motor vehicle and all notice and publication costs, together with any other costs associated with the process. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or any entitled lien holder for a period of sixty (60) days and, if not claimed, shall be deposited in the general fund of the town. Should the sale of any vehicle for any reason be invalid, the town's liability shall be limited to the return of the purchase price. (1996 Code, § 13-411)

13-412. Storage of vehicles. The town, through its agents, employees and servants, may utilize municipal property for the storage of impounded vehicles, and in such event shall be entitled to storage costs not to exceed ten dollars (\$10.00) per day for enforcement as set forth herein. (1996 Code, § 13-412)

13-413. Redemption of impounded vehicle. The owner of any vehicle seized under the provisions of this chapter may redeem such vehicle at any time after its removal, but prior to the sale or destruction thereof, upon proof of ownership and payment to the Town of Kingston Springs of any and all expenses incurred by the Town of Kingston Springs in connection with the enforcement of this chapter as determined by the town manager or his designee, as set forth herein. (1996 Code, § 13-413)

13-414. Violations and penalty. Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than fifty dollars (\$50.00), or up to the maximum amount which the Legislature of the State of Tennessee may hereafter establish that municipal courts may levy as a fine. Each act in violation of any of the provisions hereof shall be deemed a separate offense and each day such violation continues shall constitute a separate offense. Failure to pay any unpaid costs incidental to the enforcement of this chapter shall be filed as a lien in the office of the Register of Deeds in Cheatham County, Tennessee. (1996 Code, § 13-414)

CHAPTER 5

TEMPORARY RESIDENTIAL STORAGE UNIT REGULATIONS

SECTION

- 13-501. Definitions.
- 13-502. Permit required.
- 13-503. Duration of permit.
- 13-504. Location.
- 13-505. Number of units.
- 13-506. Permanent storage and prohibited uses.
- 13-507. Condition.
- 13-508. Violations and penalty.

13-501. Definitions. For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in plural include the singular number and words in singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(1) "Construction trailer storage unit." A construction trailer storage unit is a mobile container, including temporary residential storage units, defined herein, used at a construction site in conjunction with a valid building permit where a residential zone district lot is being improved and is utilized for the storage during the pendency of and term of a building permit issued by the municipality.

(2) "Temporary residential storage unit." A temporary residential storage unit is a transportable container without wheels and axles designed to be utilized as a temporary structure for the storage of residential personal property upon the real property in a residential zone district, temporary in nature, and as a container, storage unit, shed-like container or other portable structure sometimes known as portable on demand storage structures (PODS) and mobile attics, which are fully enclosed other than an accessory building or shed complying with all building codes and land use requirements within a residential zone district under the municipality's zoning ordinance. Also referred to as unit or units herein. (1996 Code, § 13-501)

13-502. Permit required. An applicant seeking to utilize a unit upon his or her residential property under this chapter shall first obtain from the building official for the town a permit and shall complete an application prior to the placement of any temporary residential storage unit. The application shall contain the name of the applicant to whom the temporary residential storage unit is supplied, whether the person owns, rents, occupies or controls the property, the address where the unit will be placed, active building permit

number, if applicable, and a sketch depicting the location and placement of the unit. (1996 Code, § 13-502)

13-503. Duration of permit. A temporary storage unit permit shall be valid for a period of ninety (90) days from and after the date of issuance from the building official for the Town of Kingston Springs. A temporary residential storage unit or construction trailer storage unit may be utilized for purposes of renovation of a residential dwelling and can exceed the aforesaid ninety (90) day duration period when issued in conjunction with a valid building permit, but shall be removed within ten (10) days after use and occupancy permit issuance. (1996 Code, § 13-503)

13-504. Location. All units, as defined in this chapter are prohibited from being placed in a public right-of-way or upon streets and must be kept in the driveway of the property at the furthest accessible point from the street and shall be shown upon the application for a permit. (1996 Code, § 13-504)

13-505. Number of units. Only one (1) unit shall be placed on any residential property at one time and are expressly limited to one (1) permit per calendar year. (1996 Code, § 13-505)

13-506. Permanent storage and prohibited uses. All units shall not be used for permanent storage. Permanent storage use upon the expiration of a permit is prohibited. No unit shall be used to store solid waste, construction debris, demolition debris, recyclable materials, business inventory, commercial goods, personally for retail sale(s) or any illegal or hazardous material. (1996 Code, § 13-506)

13-507. Condition. The applicant, as well as the supplier, shall be responsible for assuring that the unit is in good condition, without evidence of deterioration, weathering, discoloration, graffiti, rust and free from ripping, tearing, holes or breaks, at all times. (1996 Code, § 13-507)

13-508. Violations and penalty. Any person who shall place a unit in violation of this chapter shall upon violation be subject to a fine of not more than fifty dollars (\$50.00) and each separate day shall constitute a separate offense and shall be subject to issuance of a citation for violation hereof. (1996 Code, § 13-508)