

TITLE 13

PROPERTY MAINTENANCE REGULATIONS

CHAPTER

1. MISCELLANEOUS.
2. SLUM CLEARANCE.
3. JUNKED VEHICLES.
4. STORAGE AND COLLECTION OF BULK WASTES.

CHAPTER 1

MISCELLANEOUS¹

SECTION

- 13-101. Weeds.
 13-102. Health and sanitation nuisances.
 13-103. Trash, debris, etc., on property.

13-101. Weeds. Every owner or tenant of property, excluding A-1, 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 city recorder or chief of police to cut such vegetation when it has reached a height of over one (1) foot. (Ord. #1997-3, ___)

13-102. 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. (Ord. #1997-4, ___)

13-103. Trash, debris, etc., on property. The owner or other person responsible for the care of land within the corporate limits of Medina, Tennessee, is hereby required to keep such property free and clear of cans, bottles, trash, and other debris, and high grass and weeds.

Any person, firm, corporation, or other entity violating this section shall be guilty of a misdemeanor.

¹Municipal code reference

Interference with garbage containers: § 17-101.

Any building condemned by the fire marshal of the State of Tennessee, or any other official having authority to do so, shall be deemed to be trash or other debris within the meaning of this section.

As an additional remedy, the City of Medina may, through its own employees, casual labor, or independent contractors, clear all such property of cans, bottles, trash, other debris, or high grass and weeds, and charge the owner thereof at the cost price to the city and bill the owner therefor. Before the city takes any action under this section, it shall notify the owner of the property by regular United States Mail, if possible to do so, or write him at his last known address.

If the owner does not pay the charge or charges mentioned above the city shall add the amount of such charge or charges to the tax rolls of the city for the next taxable year and require the owner of the land to pay such charge before paying the taxes on the land in question. (Ord. #1997-5, ____)

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 mayor and aldermen finds that there exists in the city 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 city. (Ord. #00-07, Sept. 2000)

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 mayor and aldermen charged with governing the city.

(3) "Municipality" shall mean the City of Medina, Tennessee, and the areas encompassed within existing city 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 city or state relating to health, fire, building regulations, or other activities concerning structures in the city.

(8) "Public officer" means the officer or officers who are 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. (Ord. #00-07, Sept. 2000)

13-203. "Public officer" designated; powers. There is hereby designated and appointed a "public officer," to be the mayor of the city, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the mayor. (Ord. #00-07, Sept. 2000)

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 city 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. (Ord. #00-07, Sept. 2000)

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. (Ord. #00-07, Sept. 2000)

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." (Ord. #00-07, Sept. 2000)

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. (Ord. #00-07, Sept. 2000)

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 shall be assessed against the owner of the property, and shall upon the filing of the notice with the office of the register of deeds of Gibson County, 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. 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 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, he 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 Gibson 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 City of Medina to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (Ord. #00-07, Sept. 2000)

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 City of Medina. 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 uncleanness. (Ord. #00-07, Sept. 2000)

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 city. 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 Gibson County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (Ord. #00-07, Sept. 2000)

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. (Ord. #00-07, Sept. 2000)

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 city 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. (Ord. #00-07, Sept. 2000)

13-213. Powers conferred are supplemental. This chapter shall not be construed to abrogate or impair the powers of the city 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. (Ord. #00-07, Sept. 2000)

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 city 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 city.

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. (Ord. #00-07, Sept. 2000)

CHAPTER 3**JUNKED VEHICLES¹****SECTION**

- 13-301. Definitions.
- 13-302. Violations a civil offense.
- 13-303. Exceptions.
- 13-304. Enforcement.
- 13-305. Penalty for violations.

13-301. Definitions. For the purpose of the interpretation and application of this chapter, the following words and phrases shall have the indicated meanings:

(1) "Person" shall mean any natural person, or any firm, partnership, association, corporation or other organization of any kind and description.

(2) "Private property" shall include all property that is not public property, regardless of how the property is zoned or used.

(3) "Street or highway" shall include all property that is the street right-of-way, including that property defined herein as "traveled portion of any public street or highway," any shoulders or ditches, embankments, "pull-offs" or other property immediately abutting the traveled portion of any public street or highway, and any and all other property within the public street or highway.

(4) "Traveled portion of any public street or highway" shall mean the width of the street from curb to curb, or where there are no curbs, the entire width of the paved portion of the street, or where the street is unpaved, the entire width of the street in which vehicles ordinarily travel.

(5) (a) "Vehicle" shall mean any machine propelled by power other than human power, designed to travel along the ground by the use of wheels, treads, self-laying tracks, runners, slides or skids, including but not limited to automobiles, trucks, motorcycles, motor scooters, go-carts, campers, tractors, trailers, tractor-trailers, buggies, wagons, and earth-moving equipment, and any part of the same.

(b) "Junk vehicle" shall mean a vehicle of any age that is damaged or defective in any one or combination of any of the following ways that either makes the vehicle immediately inoperable, or would prohibit the vehicle from being operated in a reasonably safe manner upon the public streets and highways under its own power if self-propelled, or while being towed or pushed, if not self-propelled:

¹Municipal code reference

Disposal of abandoned motor vehicles: § 15-503.

Storage of disabled motor vehicles: § 15-502.

- (i) Flat tires, missing tires, missing wheels, or missing or partially or totally disassembled tires and wheels;
- (ii) Missing or partially or totally disassembled essential part or parts of the vehicle's drive train, including, but not limited to, engine, transmission, transaxle, drive shaft, differential, or axle;
- (iii) Extensive exterior body damage or missing or partially or totally disassembled essential body part, including, but not limited to, fenders, doors, engine hood, bumper, or bumpers, windshield, or windows;
- (iv) Missing or partially or totally disassembled essential interior parts, including, but not limited to, driver's seat, steering wheel, instrument panel, clutch, brake, gear shift lever;
- (v) Missing or partially or totally disassembled parts essential to the starting or running of the vehicle under its own power, including, but not limited to, starter, generator or alternator, battery, distributor, gas tank, carburetor or fuel injection system, spark plugs, or radiator;
- (vi) Interior is a container for metal, glass, paper, rags or other cloth, wood, auto parts, machinery, waste or discarded materials in such quantity, quality and arrangement that a driver cannot be properly seated in the vehicle;
- (vii) Lying on the ground (upside down, on its side, or at other extreme angle), sitting on blocks, or suspended in the air by any other method;
- (viii) General environment in which the vehicle sits, including, but not limited to vegetation that has grown up around, in or through the vehicle, the collection of pools of water in the vehicle, and the accumulation of the garbage or debris around the vehicle. (Ord. #00-08, Oct. 2000)

13-302. Violations a civil offense. It shall be unlawful and a civil offense for any person:

- (1) To park and/or in any other manner place and leave unattended on the traveled portion of any street or highway a junk vehicle for any period of time, even if the owner or operator of the vehicle did not intend to permanently desert or forsake the vehicle.
- (2) To park or in any other manner place and leave unattended on the public street or highway, or upon any other public property, a junk vehicle for more than forty-eight (48) continuous hours, even if the owner or operator of the vehicle did not intend to permanently desert or forsake the vehicle.
- (3) To park, store, keep, maintain on private property a junk vehicle for more than sixty (60) days. (Ord. #00-08, Oct. 2000)

13-303. Exceptions. (1) It shall be permissible for a person to park, store, keep and maintain a junked vehicle on private property under the following conditions:

(a) The junk vehicle is completely enclosed within a building where neither the vehicle nor any part of it is visible from the street or from any other abutting property. However, this exception shall not exempt the owner or person in possession of the property from any zoning, building, housing, property, maintenance, and other regulations governing the building in which such vehicle is enclosed.

(b) The junk vehicle is parked or stored on property lawfully zoned for business engaged in wrecking, junking or repairing vehicles. However, this exception shall not exempt the owner or operator of any such business from any other zoning, building, property maintenance and other regulations governing business engaged in wrecking, junking or repairing vehicles.

(2) No person shall park, store, keep and maintain on private property a junk vehicle for any period of time if it poses an immediate threat to the health and safety of citizens of the City of Medina. (Ord. #00-08, Oct. 2000)

13-304. Enforcement. Any police officer is authorized to issue citations for violations of this chapter. Pursuant to Tennessee Code Annotated, § 7-63-101, the building inspector is also authorized to issue ordinance summons for violation of this chapter on private property. The building inspector shall upon the complaint of any citizen, or acting on his own information, investigate complaints of junked vehicles on private property. If after such investigation the building inspector finds a junked vehicle on private property, he shall issue an ordinance summons. The ordinance summons shall be served upon the owner or owners of the property, or upon the person or persons apparently in lawful possession of the property, and shall give notice to the same to appear and answer the charges against him or them. If the offender refuses to sign the agreement to appear, the building inspector may

(3) Request the city judge to issue a summons, or

(4) Request a police officer to witness the violation. The police officer who witnesses the violation may issue the offender a citation in lieu of arrest as authorized by Tennessee Code Annotated, § 7-63-101 et seq., or if the offender refuses to sign the citation, may arrest the offender for failure to sign the citation in lieu of arrest. (Ord. #00-08, Oct. 2000)

13-305. Penalty for violations. Any person violating this chapter shall be subject to a civil penalty of \$500 for each separate violation of this chapter. Each day the violation of this chapter continues shall be considered a separate violation. However, nothing in this chapter shall be construed to make this chapter the city's exclusive remedy for junked vehicles within the city. The city expressly reserves and retains any other administrative or penal or civil remedy

governing junked or abandoned vehicles that may exist under state law or its ordinances. (Ord. #00-08, Oct. 2000)

CHAPTER 4**STORAGE AND COLLECTION OF BULK WASTES****SECTION**

- 13-401. Definitions.
- 13-402. Standards and procedures for placement and collection of yard wastes and bulk wastes.
- 13-403. Limitations on the collection of yard wastes and bulk wastes.
- 13-404. Fees for the removal of large or excessive amounts of yard wastes or bulk wastes.
- 13-405. Exceptions.
- 13-406. Effective date.
- 13-407. Severability.
- 13-408. Repealer.

13-401. Definitions. For the purposes of this chapter, the following definitions shall apply:

(1) "Bulk waste." Wooden boxes, crates, furniture, appliances, bedding, and other refuse items which by their size, shape, or weight cannot be readily placed in a city-approved refuse storage container. Bulk waste shall not include yard waste.

(2) "City." The City of Medina, Tennessee.

(3) "Construction waste." Any material such as lumber, brick, block, stone, plaster, concrete, asphalt, roofing shingles, gutter, or any other substances accumulated as the result of repairs, removals, or additions to existing buildings or structures, and the construction of new buildings or structures.

(4) "Yard waste." Grass clippings, leaves, tree and shrubbery clippings or trimmings, and other related wastes resulting from normal maintenance and care of landscaped, manicured, grounds and lawns but not including cuttings and leaves from the clearing of grounds that have been left in their natural state without annual maintenance. (as added by Ord. #10-09, Aug. 2010)

13-402. Standards and procedures for placement and collection of yard wastes and bulk wastes. (1) Piling of brush for collection. All brush shall be neatly stacked in an unscattered manner. Small trimmings shall be stacked on top of larger ones, but with the butt ends pointed in the same direction. Yard waste collections shall not be made where it is loosely scattered.

(2) Separation of items to be collected. Yard wastes, garbage, construction wastes, and bulk wastes shall be placed in separate piles for the purpose of collection. Bricks, rock, and dirt shall not be collected, nor shall such items be mixed with other items to be collected.

(3) Grass clippings and leaves. All leaves and grass clippings shall be placed in plastic bags for collection. Leaves and grass clippings shall be placed curbside for collection. Bagged leaves and grass clippings shall not be placed at street for collection until day before scheduled pickup date.

(4) Persons engaged in commercial landscaping, tree trimming, or tree repair. No person shall perform for economic gain, any landscaping, tree trimming, or tree repair wherein an accumulation of brush, vines, wood, or other similar wastes are produced, without being equipped with a truck or other vehicle capable of removing said wastes and which shall be so removed by the person causing or creating its accumulation.

(5) Bulk waste placement. Bulk wastes shall not be placed at the street for collection until the day before it is scheduled to be picked up. (as added by Ord. #10-09, Aug. 2010)

13-403. Limitations on the collection of yard wastes and bulk wastes. Yard wastes and bulk wastes not stored and placed as provided in this chapter shall be removed from the premises by the owner and/or producer at his expense. The following items of refuse shall also be removed by the owner/producer at his expense:

(1) Construction wastes.

(2) Refuse including brush, leaves, stumps, vines, and any material resulting from the cleaning or clearing of vacant property whether such cleaning or clearing was done by a contractor, the owner, or any other person.

(3) Automotive vehicles, or parts of such vehicles which cannot be readily placed in a city-approved refuse storage container.

(4) Any wastes or refuse which must be pushed or pulled into piles by mechanical means.

(5) Any refuse resulting from work performed by contractors or any other person for economic gain, whether such gain is in the form of cash or barter, shall be removed by the owner, occupant, or producer except that nothing in this subsection shall be construed as to prohibit the collection of wastes generated by yardboys.

(6) Not more than one (1) pickup truck load of yard waste or bulk waste shall be removed from any residential establishment by the city during any thirty (30) day period, unless it is determined by the city to be in the best interest of the community for health, safety or welfare reasons to remove the entire accumulation. The property owner and/or producer of yard wastes or bulk wastes shall be required to reimburse the city for its costs incurred in making more frequent collections, as specified in § 13-404 of this chapter. (as added by Ord. #10-09, Aug. 2010)

13-404. Fees for removal of large or excessive amounts of yard wastes or bulk wastes. The property owner and/or producer of yard wastes or bulk wastes shall receive a bill from the city for the actual, reasonable costs

incurred in the collection and disposal of wastes which do not meet the placement, size, weight, or volume standards enumerated in §§ 13-401 and 13-402 of this chapter. All such bills submitted by the city shall be payable within thirty (30) days of issuance. Costs eligible for inclusion in the city's bill shall be:

(1) Labor and pro-rata benefits for all city employees engaged in the collection and disposal of the wastes, including supervisory and administrative expenses.

(2) The cost of using city-owned or rented equipment, including time and mileage charges.

(3) The cost of hiring contractors, engineers, or other specialists.

(4) The cost of tipping fees and related fees at the disposal site.

(5) The costs of any special insurance required for collection and disposal.

(6) The cost of any special permits required for handling, transportation, or disposal. (as added by Ord. #10-09, Aug. 2010)

13-405. Exceptions. Nothing in this chapter shall prevent:

(1) Any refuse producer from collecting, removing, and disposing of his own yard waste or bulk waste, provided that he does so in such manner as not to create a nuisance.

(2) Any licensed junk dealer from collecting refuse recognized as having salvage value, provided such dealer may collect such salvageable material only from premises where he has written invitation from the occupant.

(3) Any waste producer or owner from selling salvageable materials to licensed junk dealers for collection, removal or disposal. (as added by Ord. #10-09, Aug. 2010)

13-406. Effective date. The ordinance comprising this chapter shall be in full force and effect from and after its date of passage by the board of mayor and aldermen. (as added by Ord. #10-09, Aug. 2010)

13-407. Severability. Should any section, paragraph, sentence, clause, or phrase of the ordinance comprising this chapter or its application to any person or circumstance be declared unconstitutional or otherwise invalid for any reason, or should any portion of the ordinance comprising this chapter be preempted by state or federal law or regulation, such decision or legislation shall not affect the validity of the remaining portions of the ordinance comprising this chapter or its application to other persons or circumstances. (as added by Ord. #10-09, Aug. 2010)

13-408. Repealer. All ordinances and parts of ordinances which are inconsistent with the provisions of the ordinance comprising this chapter are

hereby repealed to the extent of such inconsistency. (as added by Ord. #10-09, Aug. 2010)