

**TITLE 13**

**PROPERTY MAINTENANCE REGULATIONS<sup>1</sup>**

**CHAPTER**

1. MISCELLANEOUS.
2. RULES AND REGULATIONS FOR THE MOVING OF BUILDINGS OR STRUCTURES.
3. NUISANCES.
4. TREE PLANTING AND PROTECTION.
5. SLUM CLEARANCE.

**CHAPTER 1**

**MISCELLANEOUS**

**SECTION**

- 13-101. Health officer.
- 13-102. Smoke, soot, cinders, etc.
- 13-103. Stagnant water.
- 13-104. Weeds.
- 13-105. Dead animals.
- 13-106. Health and sanitation nuisances.
- 13-107. Removal of vegetation, plants, or trees.
- 13-108. Adulterated food, drugs, and cosmetics.
- 13-109. Communicable diseases.
- 13-110. Spitting.
- 13-111. Violations and penalty.

**13-101. Health officer.** The "health officer" shall be such municipal, county, or state officer as the board of commissioners shall appoint or designate to administer and enforce health and sanitation regulations within the city. (1973 Code, § 8-901)

**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 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. (1973 Code, § 8-905)

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<sup>1</sup>Municipal code references

Animal control: title 10.

Littering streets, etc.: § 16-107.

Toilet facilities in beer places: § 8-221(11).

**13-103. Stagnant water.** It shall be unlawful for any person to knowingly allow any pool of stagnant water to accumulate and stand on his property without treating it so as to effectively prevent the breeding of mosquitoes. (1973 Code, § 8-906)

**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 city recorder, city manager, codes enforcement official or chief of police to cut such vegetation when it has reached a height of over one (1) foot. (1973 Code, § 8-907, as amended by Ord. #674, July 2007)

**13-105. Dead animals.** Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the health officer and dispose of such animal in such manner as the health officer shall direct. (1973 Code, § 8-908)

**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 offense 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. (1973 Code, § 8-909)

**13-107. Removal of vegetation, plants, or trees.** It shall be unlawful for any property owner to fail to comply with a written order of the codes enforcement officer or the chief of police to cut such vegetation, plants, or trees within ten (10) days from the date of notice, that are declared by this section to be dangerous, or a hazard to health. Failure on the part of such owner or tenant to cut or remove the vegetation, plants or trees as ordained in this section shall provide the necessary authority for the city to conduct such removal with the total cost of such work being assessed against the owner of such property in addition to any fine that may be levied under the general penalty clause. Any lot being mowed by the city will be charged at a rate determined by the city manager as the going rate for lawn service plus five dollars (\$5.00) administrative costs. (1973 Code, § 8-911)

**13-108. Adulterated food, drugs, and cosmetics.** It shall be unlawful and a violation of this section for any person to violate within the City of Fairview any provisions of the state food, drug, and cosmetic laws. (1973 Code, § 8-902)

**13-109. Communicable diseases.** When there exists or is suspected to exist in any household a communicable disease other than a venereal disease or a common childhood disease it shall be the duty of any attending physician and the head or other responsible person in such household possessing knowledge of the facts to immediately notify the health officer. The health officer shall thereupon make such investigation and issue such quarantine orders as may reasonably be necessary to protect the public health. It shall be unlawful for any person to violate any such orders of the health officer. (1973 Code, § 8-903)

**13-110. Spitting.** It shall be unlawful for any person to spit upon any public street or sidewalk or upon the floors or walks of any public place. (1973 Code, § 8-910)

**13-111. Violations and penalty.** Violations of this chapter shall subject the offender to a penalty of up to five hundred dollars (\$500) for each offense. Each day a violation is allowed to continue shall constitute a separate offense.

## CHAPTER 2

**RULES AND REGULATIONS FOR THE MOVING OF BUILDINGS  
OR STRUCTURES****SECTION**

- 13-201. Permit required.
- 13-202. Application for permit.
- 13-203. Rejection of application.
- 13-204. Bond required.
- 13-205. Notices required.
- 13-206. Public safety requirements.
- 13-207. Additional requirements for relocation of any building or structure within the City of Fairview.
- 13-208. Fee.
- 13-209. Exemptions.
- 13-210. Violations.

**13-201. Permit required.** No building or structure shall be moved through or across any street or highway within the City of Fairview without first obtaining a permit from the building inspector. (1973 Code, § 5-501)

**13-202. Application for permit.** Applicants for a permit under this chapter must first file with the building inspector a written application setting forth the following information:

- (1) Type and kind of building or structure to be moved.
- (2) The extreme dimensions of the length, height and width of the building or structure.
- (3) The structure's present location and proposed new location.
- (4) The approximate time such building or structure will be upon the streets, and contemplated route that will be taken from present to new location. (1973 Code, § 5-502)

**13-203. Rejection of application.** The building inspector shall reject any application for permit, the permit shall not be issued and the building or structure shall not be moved over the streets or highways of the City of Fairview if, in his/her opinion:

- (1) The moving of any building or structure will cause serious injury to persons or property, or;
- (2) The moving of any building or structure will cause serious injury to the streets or other public improvements, or;
- (3) The building or structure to be moved has deteriorated more than fifty percent (50%), or;

(4) The moving of the building or structure will violate any of the requirements of the building or plumbing code or of the zoning regulations. (1973 Code, § 5-503)

**13-204. Bond required.** Prior to the issuance of such permit, the building inspector shall require the person desiring such permit to execute a bond with corporate surety to the building inspector's satisfaction.

(1) Such bond shall be made payable to the City of Fairview and for such amount as the building inspector prescribes.

(2) Such bond shall indemnify the City of Fairview against any damage caused by the moving of such building or structure to streets, curbs, sidewalks, shade trees, highways and any other property which may be affected by the moving of a building or structure.

(3) Such surety bond shall be conditioned upon liable for strict compliance with the terms of said permit, as to route to be taken and limit of time in which to effect such removal and to repair or compensate for the repair and to pay said applicable governing body as liquidated damages an amount to be prescribed by the building inspector not exceeding fifty dollars (\$50.00) for each and every day's delay in completing such removal or in repairing any damages to property or public improvement or in clearing all public streets, alleys or highways of all debris occasioned thereby.

(4) The mover shall have liability insurance of one million dollars (\$1,000,000.00) or more. Evidence of such insurance shall be furnished to the building inspector's office prior to moving any building or structure. (1973 Code, § 5-504)

**13-205. Notices required.** Upon the issuance of such permit, the mover shall cause notice to be given to the sheriff's office, all telephone or light companies and all other whose property may be affected by such move. Receipt of such and any instructions, comments or notices shall be furnished by the mover to the building inspector before the building or structure is moved. (1973 Code, § 5-505)

**13-206. Public safety requirements.** (1) The owner or person moving a building or structure shall employ at their expense, two vehicles with safety equipment notices and flashing devices to be placed before and after the structure being moved to divert and caution traffic.

(2) No building or structure shall be moved before 10:00 P.M. or after 6:00 A.M. All buildings or structures shall be moved to their final location in a time period not to exceed five days after the building or structure has either been moved from its original location or has entered the City of Fairview.

(3) Every building or structure shall have sufficient lights continuously burning between sunset and sunrise for the protection of the public.

(4) There shall be a minimum of five (5) red lights on each street side of the building or structure; such red lights shall be attached to the building or structure in such a fashion as to indicate extreme width, height and size.

(5) The owner or person moving the building or structure shall obtain all necessary permits and meet all requirements of the State of Tennessee as defined in Tennessee Code Annotated, title 55. (1973 Code, § 5-506)

**13-207. Additional requirements for relocation of any building or structure within the City of Fairview.** (1) No permit to move any building or structure to a location within the City of Fairview shall be issued until the building board of adjustments and appeals finds, after a public hearing, that the building or structure is structurally sound, that the condition of the building or structure does not constitute a hazard to life or limb, and that the building or structure shall be made to comply with the requirements and limitations of the regulations relating to the zoning and building codes of the City of Fairview.

(2) Notice of hearing. Notice of the public hearing shall be mailed to the owner of the building or structure being moved, the owner of the site to which the building or structure is to be moved and all land owners adjacent to and across the road from the property where the building or structure is being moved not less than five (5) days prior to the hearing by the person applying for the permit.

(3) Plans required. Plans shall be submitted which disclose such alterations, modifications or repairs as are necessary to ensure compliance with the regulations relating to zoning and building or structure codes of the City of Fairview. Also, a timetable of such repairs and alterations shall be submitted.

(4) Plans for restoration of original site. If applicable, plans to restore the site from which the building or structure is moved must be submitted by the owner and approved by the building board of adjustments and appeals.

(5) Time for compliance. The time to bring the structure into conformance with the City of Fairview standards shall not exceed 120 days. However, the building board of adjustments and appeals may extend the time limit, upon appeal by the owner of the structure for cause, to whatever time it feels is necessary. (1973 Code, § 5-507)

**13-208. Fee.** The fee shall be twenty-five dollars (\$25.00) for moving any building or structure or part of any building or structure through the City of Fairview, or removal from the City of Fairview to be relocated outside the City of Fairview, or relocation of any building or structure within the City of Fairview. (1973 Code, § 5-508)

**13-209. Exemptions.** The terms of this chapter shall not be applicable to trailers with widths of fourteen feet (14') or less and any building or structure used for agricultural or storage purposes with widths of less than fourteen feet (14'). (1973 Code, § 5-509)

**13-210. Violations.** (1) Causing damage to private property. No firm, partnership, corporation or any other individual moving any building or structure, or part of any building or structure through, into, or out of the City of Fairview, shall deface, injure, or destroy private property in the City of Fairview.

(2) Penalties. Any company, firm, partnership, corporation or any individual who violates § 13-210(1) of this chapter shall be guilty of a misdemeanor with original jurisdiction in general sessions court for Williamson County, Tennessee, and upon conviction shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) for each separate offense or incident. (1973 Code, § 5-510)

## CHAPTER 3

### NUISANCES

#### SECTION

- 13-301. Definition of "nuisance."
- 13-302. Duty of maintenance of private property.
- 13-303. Exterior storage of inoperable automobiles prohibited.
- 13-304. Abatement of nuisance by owners.
- 13-305. Abatement by city.
- 13-306. Enforcement.
- 13-307. Violations.

**13-301. Definition of "nuisance."** For the purposes of this chapter, the term, "nuisance" is defined to mean any condition or use of residential or commercial premises or building exteriors within the corporate limits of the City of Fairview, which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located. This includes, but is not limited to, the keeping or the depositing on, or the scattering over the premises (except in licensed junkyards) of any of the following, such actions being hereby declared to be nuisances:

- (1) Lumber, junk, paper, trash or other debris;
- (2) Abandoned, discarded or unused and non-operating objects or equipment such as furniture, stoves, refrigerators, freezers, cans, or containers.
- (3) Exterior storage of inoperable vehicles under § 13-303. (1973 Code, § 8-501, as amended by Ord. #389, Dec. 1995)

**13-302. Duty of maintenance of private property.** No person owning, leasing, occupying or having charge of any residential or commercial premises shall maintain or keep any nuisances thereon, nor shall any such person keep or maintain such premises in a manner causing substantial diminution in the value of the other property in the neighborhood in which such premises are located. (1973 Code, § 8-502)

**13-303. Exterior storage of inoperable automobiles prohibited.**

- (1) Definitions. (a) "Inoperable vehicles." Any motor vehicle which cannot be operated lawfully on a public street or highway within the state for any reason other than the lack of current vehicle registration, or which cannot be moved under its own power.
  - (b) "Motor vehicle." Any vehicle which is self-propelled and any device in, upon, or by which any person or property is or may be transported from one location to another, excepting devices moved only by human power.



(c) "Screened from ordinary public view." In a manner which does not constitute a health hazard, attract children, rodents, or pests, and not visible from any public street or road, from private adjacent properties, because of a suitable fence, trees, shrubbery, or opaque covering at least 8 to 12 feet in height. "Suitable fencing" means attractive and well maintained fencing.

(d) "Dismantling licensed shop." An entity licensed by the State of Tennessee engaged in the business of recovering parts for resale from automobiles and trucks which have been wrecked or otherwise rendered inoperable as transportation vehicles; and/or an entity reducing used automobiles and trucks to a condition capable of salvage for metal scrap or scrap processors.

(e) "Impound shops." An entity that operates a tow truck in order to transport vehicles impounded by law enforcement officials and that holds said vehicles for owners, adjusters, or other similar persons.

(2) Dismantling licensed shop. A person shall not keep, store, park, maintain or otherwise permit for a period of more than ten (10) days any inoperable vehicle on private property in connection with the business of a licensed dismantler unless screened from ordinary public view.

(a) Site plan approval. In all cases where a structure (as defined in the Fairview Zoning Ordinance<sup>1</sup>) is to be erected, the person under this subsection shall obtain site plan approval and obtain a proper permit under the guidelines in 3.120 and 9.030 of the Fairview Zoning Ordinance.<sup>1</sup>

(b) Amortization. Those persons currently operating a licensed dismantling shop shall have a grace period of six (6) months from the day of enactment of Ord. #389, in which to be potentially liable with regards to that person's current place of orientation.

(3) Impound shop. A person shall not keep, store, park, maintain or otherwise permit for a period of more than thirty (30) days any inoperable vehicle on private property in connection with the business of an impound shop unless screened from ordinary public view.

(a) Site plan approval. In all cases where a structure (as defined in the Fairview Zoning Ordinance<sup>1</sup>) is to be erected, the person under this subsection shall obtain site plan approval and obtain a proper permit under the guidelines in 3.120 and 9.030 of the Fairview Zoning Ordinance.<sup>1</sup>

(b) Amortization. Those persons currently operating an impound shop shall have a grace period of six (6) months from the day of

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<sup>1</sup>The Fairview Zoning Ordinance is of record in the recorder's office.

enactment on Ord. #389, in which to be potentially liable with regards to that person's current place of operation.

(4) Individual residences and businesses. Individuals or businesses other than dismantling licensed shops or impound shops shall not keep, store, park, maintain or otherwise permit two or more inoperable, unlicensed vehicles. (Ord. #389, Dec. 1995)

**13-304. Abatement of nuisance by owners.** The owners, tenants, lessees and/or occupants of any lot within the corporate limits of this city upon which such storage is made, and also the owners and/or lessees of said personalty involved in said storage (all of whom are hereinafter referred to collectively as "owners") shall jointly and severally abate said nuisance by the prompt removal of said personalty into completely enclosed buildings authorized to be used for such storage purposes, if within the corporate limits of this city, or otherwise to remove it to a location without said corporate limits. (1973 Code, § 8-504)

**13-305. Abatement by city.** Whenever said owners fail to abate said nuisance, then the city shall remove the said personalty to a location of its selection, the expenses therefor to be billed to said owners, jointly and severally, said bill to be recoverable in a suit at law.

Then said personalty has been removed and placed in storage by the city, as provided for herein, said personalty shall be sold by the city after the lapse of such time as is provided by law. If the proceeds of such sale are insufficient to pay the costs of abatement, said owner shall be liable to the city for the balance of the costs, jointly and severally, to be recoverable in a suit at law. If the proceeds are in excess of costs, the balance shall be paid to the said owners or deposited with the city recorder for their use. (1973 Code, § 8-505)

**13-306. Enforcement.** Enforcement of this chapter may be accomplished by the city in any manner authorized by law, and in addition, any person who by reason of another's violation of any provision of this chapter, suffers special damage to himself different from that suffered by other property owners throughout the city generally, may bring an action to enjoin or otherwise abate an existing violation. (1973 Code, § 8-506)

**13-307. Violations.** Any person who shall violate any of the provisions of this chapter, shall be guilty of a misdemeanor, and a separate offense shall be deemed committed on each day during or on which such nuisance is permitted to exist. (1973 Code, § 8-507)

## CHAPTER 4

### TREE PLANTING AND PROTECTION<sup>1</sup>

#### SECTION

- 13-401. Title.
- 13-402. Purpose, intent, and definitions.
- 13-403. Establishment of a tree commission.
- 13-404. Duties of the tree commission.
- 13-405. Qualifications of the city arborist.
- 13-406. Duties of the city arborist.
- 13-407. Authority of the city arborist.
- 13-408. Appeal from the decision of the tree commission.
- 13-409. Community tree plan.
- 13-410. Permits required.
- 13-411. Tress on private property.
- 13-412. Tree protection plan.
- 13-413. Abuse of public trees.
- 13-414. Interference with city arborist.
- 13-415. Protection of municipal trees.
- 13-416. Placement of materials on public property.
- 13-417. Enforcement, penalty, and appeals.
- 13-418. Administration guidelines.
- 13-419. Appeal from the decision of the tree commission.
- 13-420. Tree protection plan.
- 13-421. Trees list for initial planting or replacement planting.

**13-401. Title.** This chapter shall be known and may be referred to as the tree ordinance, for the City of Fairview, Tennessee. (Ord. #409, April 1997, as replaced by Ord. #501, May 2001; Ord. #528, Oct. 2002; Ord. #552, Sept. 2003; and Ord. #557, Oct. 2003)

**13-402. Purpose, intent, and definitions.** For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein.

(1) "Community tree plan" shall mean written documents that guide the work of the tree commission.

(2) "City arborist" is a person appointed by the Fairview, Tennessee, Board of Commissioners and is a non-voting consultant to the tree commission. The city arborist shall carry out the administration of this chapter, with the exception of the tree protection plan. The city arborist shall serve at the

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<sup>1</sup>Ord. #409 (April 1997) also provided that "the official city tree shall be the Red Maple."

convenience of the board of commissioners who may replace the city arborist at anytime by a majority vote of the board of commissioners.

(3) "Person" is any person, firm, partnership, association, corporation, company, or organization of any kind. The City of Fairview, Tennessee is expressly excluded and not included as a person, firm, partnership, association, corporation, company, or organization of any kind as it relates to the cutting, pruning, or removal of any and all trees in the public rights-of-way or public domain, which may constitute a safety hazard or for any reason need to be removed by the City of Fairview, Tennessee. It being the intent of this definition to reserve solely and exclusively to the City of Fairview, Tennessee the sole and absolute right to prune, trim or remove, as the city in its absolute discretion sees fit, all trees in the city right of way and any tree in the public domain which might be a safety hazard or need removing for any reason by the City of Fairview, Tennessee.

(4) "Street or highway" means the entire width of every public way or right-of-way when any part thereof is open to the use of the public, as a matter of right, for the purpose of vehicular and pedestrian traffic.

(5) "Public places" shall include all property owned by the city or other governmental entity.

(6) "Property line" shall mean the outer edge of a street or highway right-of-way (R.O.W.).

(7) "Treelawn (R.O.W. edge)" is that portion of a street or highway, not covered by sidewalk or other paving, lying between the property line and the edge of the street.

(8) "Public trees" shall include all trees now or hereafter growing on any street or on any public land unless otherwise indicated. Tree sizes are defined as follows:

(a) "Large trees" are designated as those attaining a height of forty-five (45) feet or more with a mature spread of forty (40) feet or more.

(b) "Medium trees" are designated as those attaining a height of thirty (30) feet to forty-five (45) feet with a mature spread of thirty (30) feet or more.

(c) "Small trees" are designated as those attaining a height of twenty (20) to thirty (30) feet with a mature spread of 20 feet or more.

(9) "Property owner" shall mean the person owning such property as shown by the city tax roll.

(10) "Urban forest" shall mean the collection of trees, shrubs, other vegetation and associated natural features that make up the tree canopy and its growing zone.

(11) "Drip line" shall mean a vertical line extending from the outermost portion of the tree canopy to the ground.

(12) "Tree protective zone" shall mean the area around a tree corresponding to the drip line plus one third of that diameter, in all directions

from the truck. (as added by Ord. #501, May 2001, and replaced by Ord. #528, Oct. 2002; Ord. #552, Sept. 2003; and Ord. #557, Oct. 2003)

**13-403. Establishment of a tree commission.** There shall be a commission to be known and designated as the "tree commission."

(1) The tree commission shall be composed of seven (7) voting members, all citizens of the city. All members should have experience or knowledge of trees or gardening.

(a) Four (4) members shall be appointed by the mayor, with approval of the board of commissioners. The mayor, vice mayor, and chairman of the planning commission shall serve as the other three (3) members.

(b) Of the four (4) members initially appointed by the mayor, one shall be a local contractor/developer. The four (4) shall be appointed to terms as follows: two (2) for two (2) years, one for three (3) years, and one (1) for four years.

(c) Successors to those initial members shall be appointed for terms of three (3) years. Vacancies caused by death, resignation, or otherwise, shall be filled for the unexpired term in the same manner as original appointments are made.

(d) All members shall serve without pay.

(e) The tree commission will submit all proposals for the community tree to the board of commissioners for approval.

(f) Any contract for service or expenditure of city funds shall be submitted to the board of commissioners for approval, prior to commitment. (Ord. #409, April 1997, as renumbered and replaced by Ord. #501, May 2001, and replaced by Ord. #528, Oct. 2002; Ord. #552, Sept. 2003, and Ord. #557, Oct. 2003; and amended by Ord. #565, Feb. 2004, and Ord. #662, March 2007)

**13-404. Duties of the tree commission.** The duties of the tree commission shall be as follows:

(1) To review and hear applications for and determine by vote the granting or denial of permits regulating the planting, pruning, maintenance, and removal of trees on streets and other publicly owned property. Appeals regarding the decisions of the tree commission may be made to the Fairview Board of Commissioners. (See Appendix-item A)<sup>1</sup>

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<sup>1</sup>Appendix-item A has been added to this chapter as § 13-419.

(2) To review all tree protection plan proposals, relating to subdivision development and site development plans, for submission to the planning commission for review. (See appendix-item B)<sup>1</sup> All other tree commission recommendations shall pass directly to the board of commissioners for approval.

(3) To compose and annually review a community tree plan that shall include but not be limited to such elements as an authorized tree specimen list; a tree protection plan, including a tree replacement schedule; and a city tree bank.

(4) To study the urban forest including problems involving the city tree population and seek ways to implement needed work.

(5) To assist the properly constituted officials of the city, as well as citizens and community groups, in the dissemination of news and information regarding the selection, planting, and maintenance of trees within the city limits, whether they are on private or public property.

(6) To provide regular and special meetings at which citizens of the city may discuss the subject of the urban forest.

(7) To encourage and promote the City of Fairview as a tree-friendly city by means of education, public relations, and public programs.

(8) To engage in any other lawful activity in pursuit of the mission of this commission which may benefit the urban forest, including but not limited to such activities as:

(a) Apply for tree city status with the National Arbor Day Foundation.

(b) Conduct seminars and public education programs.

(c) Plan and coordinate an annual Arbor Week Observance.

(d) Develop a community forest preserve.

(e) Organize community tree planting projects.

(f) Establish a heritage tree program.

(9) Operating procedures of the tree commission. (a) Within sixty (60) days after the appointment of the tree commission, the commission shall meet and organize by the election of a chairman, vice-chairman, and standing committee chairs, as needed.

(b) A majority of the members shall constitute a quorum for the transaction of business.

(c) The tree commission shall provide for the adoption of rules and procedures and for the holding of regular and special meetings, as said commission shall deem advisable and necessary in order to perform the duties set forth.

(d) A journal of the proceedings and activities is to be recorded and maintained by the City of Fairview.

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<sup>1</sup>Appendix - item B has been added to this chapter as § 13-420.

(10) Meetings. The "tree commission" shall meet for its regular meeting on the first Tuesday of the month only upon the call of the tree commission chairman or, in the absence of the tree commission chairman, upon the call of the vice chairman.

(a) The chairman or vice chairman when appropriate shall issue the call for all regular meeting(s) to the person responsible for the keeping of the minutes of the committee meetings. Upon receiving the call for a regular meeting of the tree commission, the person responsible for the keeping of the minutes of the tree commission meetings shall prepare the meeting agenda and deliver a printed copy of the call for the meeting and the agenda for said meeting to all tree commission members and the city manager. Copies of the call for the commission's regular meeting and the agenda shall be either hand delivered or electronically delivered with acknowledgment for all electronically delivered documents acknowledged by the receiver to the sender. Regular meetings notices and agenda must be delivered to all parties at least seven (7) days prior to the regularly scheduled commission meeting.

(b) Upon receipt of the call for a regularly scheduled meeting of the tree commission and the agenda for the said meeting, the city manager shall post or cause to be posted both documents in a conspicuous place in the Fairview City Hall for the public to observe. The city manager shall further cause both documents to be posted on the City of Fairview's web page.

(c) Special meetings of the tree commission may be called if deemed necessary by the tree commission chairman or in his/her absence by the vice chairman or by any two (2) tree commission members. The notification process to the person responsible for preparing the agenda and delivering notice shall be as outlined in subsection (a) of this section except the notice shall be delivered to the afore listed parties not less than twelve (12) hours before the call for the special meeting. The city manager shall take the same actions relative to public notice as outlined in subsection (b) of this section. (Ord. #409, April 1997, as renumbered and replaced by Ord. #501, May 2001, and replaced by Ord. #528, Oct. 2002; Ord. #552, Sept. 2003; and Ord. #557, Oct. 2003, and amended by Ord. #768, Sept. 2010)

**13-405. Qualifications of the city arborist.** The city arborist shall be a person skilled or trained in forestry, horticulture or other closely related field. (Ord. #409, April 1997, as renumbered and replaced by Ord. #501, May 2001, and replaced by Ord. #528, Oct. 2002; Ord. #552, Sept. 2003; and Ord. #557, Oct. 2003)

**13-406. Duties of the city arborist.** The city arborist shall have the following duties:

(1) The city arborist shall administer the rules governing the planting, maintenance and removal of trees on the street or other public sites in the city.

(2) The city arborist shall report to the tree commission on a regular basis and shall be in attendance at all regular and special meetings of the tree commission, tree commission subcommittees or other community meetings as designated by the chairman. (Ord. #409, April 1997, as renumbered and replaced by Ord. #501, May 2001, and replaced by Ord. #528, Oct. 2002; Ord. #552, Sept. 2003; and Ord. #557, Oct. 2003)

**13-407. Authority of the city arborist.** Pursuant to the deliberations of the tree commission the city arborist shall have the authority and jurisdiction of regulating the planting, maintenance and removal of trees on streets and other publicly owned trees, to insure safety and to protect and preserve the City of Fairview urban forest. (Ord. #409, April 1997, as renumbered and replaced by Ord. #501, May 2001, and replaced by Ord. #528, Oct. 2002; Ord. #552, Sept. 2003; and Ord. #557, Oct. 2003)

**13-408. Appeal from the decision of the tree commission.** (See Appendix - item A)<sup>1</sup> (as added by Ord. #501, May 2001, and replaced by Ord. #528, Oct. 2002; Ord. #552, Sept. 2003; and Ord. #557, Oct. 2003)

**13-409. Community tree plan.** The commission shall have the authority to formulate a community tree plan (See Appendix - item D)<sup>2</sup> with the advice of consultants, city, state and federal agencies, public hearings, and approval of the board of commissioners.

The community tree plan shall include, but not be limited to, the goals and mission of the tree commission; standard tree maintenance and planting specifications and permit application procedures; an authorized tree specimen list indicating types of trees and procedures for planting on city property; a tree protection plan, including a tree replacement schedule to regulate, not only any public trees, but also any site that requires a development contract or a site development agreement; and policies and procedures for establishing and maintaining a city tree bank to be used to provide landscaping on publicly owned City of Fairview property. (Ord. #409, April 1997, as renumbered and replaced by Ord. #501, May 2001, and replaced by Ord. #528, Oct. 2002; Ord. #552, Sept. 2003; and Ord. #557, Oct. 2003)

**13-410. Permits required.** The following permits are required with respect to trees on public property:

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<sup>1</sup>Appendix-item A has been added to this chapter as § 13-419.

<sup>2</sup>Appendix-item D provides: "D Community Tree Plan To Be Developed."



(1) Planting, pruning, maintenance, and removal. (a) No person shall plant, spray, fertilize, prune, or remove, or otherwise disturb any tree on any street or municipal owned property without first procuring a permit from the tree commission. To insure the life, health, and aesthetic value of publicly owned trees, "tree topping" pruning is strictly prohibited where the City of Fairview has jurisdiction.

(2) Planting permit. (a) When making application for a planting permit on public property the person shall illustrate the number and types of trees or other plants to be planted.

(b) Whenever any tree shall be planted on public land it shall be planted, fertilized, staked, watered and mulched in accordance with proper planting specifications issued by the city arborist.

(3) Maintenance permit. When making application for a maintenance permit the person shall state the number and kinds of trees to be sprayed, fertilized, pruned or otherwise preserved; the kind of treatment to be administered; the composition of the spray material to be applied; and such other information as the city arborist shall find reasonably necessary.

(4) Removal and replacement permit. When making application for a tree removal permit, the city codes department shall notify the arborist. Within ten (10) calendar days, the city arborist, shall visit the site and inventory the number and kinds of trees to be removed, their size, locations, health/age condition, recommend the method of removal, and provide such other information as the tree commission shall find reasonably necessary to make a fair determination of whether a permit should be issued.

(5) Construction permit. No person shall change any natural drainage, excavate any ditches, tunnels, trenches, or lay any drive, within a radius of ten (10) feet of any public tree, without first obtaining a permit from the tree commission. (Ord. #409, April 1997, as renumbered and replaced by Ord. #501, May 2001, and replaced by Ord. #528, Oct. 2002; Ord. #552, Sept. 2003; and Ord. #557, Oct. 2003)

**13-411. Trees on private property.** It shall be the duty of any person or persons owning or occupying real property bordering on any street upon which property there may be trees, to prune such trees in such manner that they will not obstruct or shade the street lights, obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs, or obstruct views of any street or alley intersection.

It shall be the duty of any person owning or occupying real property, bordering on any street, park or other public land, on which there may be trees that are diseased or insect infested, to remove, spray or treat such trees in such manner that they will not infect or damage nearby public vegetation or cause harm to the community or citizens therein.

The tree commission may order trees on private land that cause obstruction, represent an insect or disease problem or otherwise present a

danger to public health or safety, to be pruned, removed or treated, at owner's expense. (Ord. #409, April 1997, as renumbered and replaced by Ord. #501, May 2001, and replaced by Ord. #528, Oct. 2002; Ord. #552, Sept. 2003; and Ord. #557, Oct. 2003)

**13-412. Tree protection plan.** (See Appendix - item B)<sup>1</sup> The enforcement of the tree protection plan shall be the responsibility of the City of Fairview Codes Department. (Ord. #409, April 1997, as renumbered and replaced by Ord. #501, May 2001, and replaced by Ord. #528, Oct. 2002; Ord. #552, Sept. 2003; and Ord. #557, Oct. 2003)

**13-413. Abuse of public trees.** No person shall intentionally damage, cut, carve, transplant, or remove any public tree, attach any rope, wire nails, advertisements, posters, or other contrivance to any public tree, allow any gaseous liquid, or solid substance which is harmful to such trees to come in contact with them, or set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any public tree. (Ord. #409, April 1997, as renumbered and replaced by Ord. #501, May 2001, and replaced by Ord. #528, Oct. 2002; Ord. #552, Sept. 2003; and Ord. #557, Oct. 2003)

**13-414. Interference with city arborist.** No person shall hinder, prevent, delay, or interfere with the city arborist while engaged in carrying out the provisions of this chapter. (Ord. #409, April 1997, as renumbered and replaced by Ord. #501, May 2001, and replaced by Ord. #528, Oct. 2002; Ord. #552, Sept. 2003; and Ord. #557, Oct. 2003)

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<sup>1</sup>Appendix-item B has been added to this chapter as § 13-420.

**13-415. Protection of municipal trees.** (See Appendix - item C)<sup>1</sup> (as added by Ord. #501, May 2001, and replaced by Ord. #528, Oct. 2002; Ord. #552, Sept. 2003; and Ord. #557, Oct. 2003)

**13-416. Placing materials on public property.** No person shall deposit, place, store, or maintain upon any public place of the municipality, any stone, brick, sand, concrete, or other materials which may impede the free passage of water, air, fertilizer to the roots of any tree growing therein. Sunlight to any public tree can not be permanently blocked by placement of materials without written authorization of the city arborist. (as added by Ord. #501, Appendix A, May 2001, and replaced by Ord. #528, Oct. 2002; Ord. #552, Sept. 2003; and Ord. #557, Oct. 2003)

**13-417. Enforcement, penalty, and appeals.** Any person violating or failing to comply with provisions of this chapter, with respect to public trees, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined fifty (\$50) per tree for the first offense, up to \$500 per tree for the second offense, and up to \$1,000 per tree for all subsequent offenses, plus court cost for each offense. Any fine collected will go to the City of Fairview Tree Bank. (as added by Ord. #528, Oct. 2002; and replaced by Ord. #552, Sept. 2003; and Ord. #557, Oct. 2003)

**13-418. Administrative guidelines.** (1) Permits may be applied for as set forth below:

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<sup>1</sup>Appendix - item C provides:

"C Protection of Municipal Trees.

All public trees shall be protected during demolition or construction.

1. All trees on any street or other publicly owned property near any demolition, excavation or construction of any building, structure, or street work, shall be guarded with a good substantial fence, frame, or box. The "Construction Tree Guard" shall be not less than four (4) feet high and eight (8) feet square, (or a distance in feet from the tree trunk, equal to the diameter of the trunk, at DBH), whichever is greater. All building material, dirt, or other debris shall be kept outside the Construction Tree Guard.
2. No person shall change natural drainage, excavate any ditches, tunnels, trenches, or lay any drive, within a radius of ten (10) feet from any public tree without first obtaining a written permit from the Tree Commission."

(a) Application for permits must be made to the Fairview City Codes Department, not less than two calendar weeks in advance of the time the work is to be done.

(b) Standards of issuance. Determined by a majority vote of its members, the tree commission shall issue the permit provided for herein if the proposed work is desirable and the proposed method and workmanship thereof are of a satisfactory nature. Any permit shall be void if its terms are violated.

(c) Notice of completion shall be given within five (5) days to the city arborist for his inspection. (as added by Ord. #528, Oct. 2002, and replaced by Ord. #552, Sept. 2003, and Ord. #557, Oct. 2003)

**13-419. Appeal from the decision of the tree commission.** (1) If the request for permit is denied, the tree commission will reduce its findings and reasons for denying the permit to a short concise statement. The findings of the tree commission shall be entered into the minutes. An exact copy of the finding of the commission shall be delivered to the person who applied for the permit and whose request was denied.

(2) The person whose request for a permit was denied by the tree commission may appeal to the board of commissioners. The board of commissioners will at the next regularly scheduled meeting (or at a special meeting if properly requested) consider all findings presented from the tree commission and render a decision relative to the permit requested.

(3) The board of commissioners shall allow the person who requested the permit, the arborist and the chairman of the tree commission chairman (or their designated representative) to speak for a time period not to exceed five (5) minutes relative to the permit which has been appealed. Each of the speakers may speak only to add emphasis or clarify existing documented evidence previously included in statements and minutes of previous proceedings. No new evidence may be presented at this hearing. (as added by Ord. #557, Appendix-item A, Oct. 2003)

**13-420. Tree protection plan.** A "tree protection plan" shall be required for any site that requires a development contract or a site development agreement.

(1) General. A tree protection plan for the site shall be prepared by a certified arborist, licensed surveyor, landscape architect, architect, or engineer, and shall include the following:

(a) Location, size, and variety of all trees with four (4) inch or greater DBH

(b) The tree protection plan shall be signed and stamped by the person preparing the plan. The plan shall accompany the preliminary plat of the site.

(2) No clearing, grading or tree removal prior to plan approval. Prior to any clearing, grading or removal of trees from any applicable site, a tree protection plan shall have been reviewed by the tree commission and approved by the planning commission.

(a) The tree protection plan will ensure that the clearing/grading/and/or removal of trees will be performed in accordance with good flood, erosion and sedimentation control practices.

(3) Tree protection during clearing, grubbing and development.

(a) Prior to any site work, the developer/contractor, must erect a temporary barricade of orange NET fencing, having a minimum height of four (4) feet. The fencing will be supported with 4" x 4" post, placed every three (3) feet. The post shall be four (4) feet high and set deep enough in the ground to be stable without additional support.

(b) The protective barricade shall be placed a minimum distance of ten (10) feet from the base of each tree that is four (4) caliper inches DBH or more. For trees greater than ten (10) caliper inches DBH, the protective barricade shall provide a diameter of protection around the tree, in feet, equal to the DBH of the tree (i.e. a 24-inch tree would require a 24-foot protective barrier.)

(c) Nothing shall be placed inside the protective barrier, including but not limited to construction material, machinery, chemical, or temporary soil deposits. When paving, excavation, or hardscape must be done within the barricades, the barricades shall be moved back to a secondary location at the edge of work. Extra care must be taken by the contractor to insure that no damage occurs to the tree or its roots.

(d) Utilities shall not be installed in this tree protection area, UNLESS TRENCHING PLAN IS APPROVED BY THE CITY ENGINEER.

(e) Equipment access, material storage, fuel tanks, chemicals or cement rinsing, vehicle parking and site office location shall be limited to nontree areas.

(f) No trash or debris shall be burned beneath tree.

(g) Grading, filling, and ditching in the tree protection area is prohibited.

**13-421. Tree list for initial planting or replacement planting.** The following "City of Fairview, Tennessee, trees list" is adopted as the approved tree(s) for initial planting and or replacement of trees within the corporate boundaries of the City of Fairview, Tennessee.

<b>Canapy Trees - Large</b>	
Acer leucoderme - Chalk Maple	Nyssa sylvatica v. sylvatica- Black Gum
Acer rubrum - Red Maple	Oxydendrum arboreum - Sourwood
Acer saccharum - Sugar Maple	Pinus strobus - White Pine
Aesculus flava (A. octandra) - Yellow Buckeye	Pinus taeda - Loblolly Pine
Aesculus glabra - Ohio Buckeye	Pinus virginiana - Virginia Pine
Betula nigra - River Birch (species & cultivars)	Platanus occidentalis - Sycamore
Carya glabra - Pignut Hickory	Quercus alba - White Oak
Carya laciniata - Shellbark Hickory	Quercus bicolor - Swamp White Oak
Carya ovata - Shagbark Hickory	Quercus coccinea - Scarlet Oak
Carya tomentosa - Mockernut Hickory	Quercus falcata - Southern Red Oak
Castanea alnifolia - American Chestnut	Quercus imbricaria - Shingle (laurel) Oak
Catalpa speciosa	Quercus lyrata - Overcup Oak
Crataegus crusgalii - Cockspur Hawthorn	Quercus macrocarpa - Burr Oak
Crataegus phaenopyrum- Washington Hawthorn	Quercus marilandica - Blackjack Oak
Crataegus viridis - Green Hawthorne	Quercus michauxii - Swamp Chestnut Oak
Diospyros virginiana - Persimmon	Quercus muhlenbergii - Chinkapin Oak
Fagus grandifolia - American Beech	Quercus nuttallii - Nuttall Oak
Fraxinus americana - White Ash	Quercus pagoda - Cherrybark Oak
Fraxinus pennsylvanica - Green Ash	Quercus palustris - Pin Oak
Fraxinus quadrangulata - Blue Ash	Quercus phellos - Willow Oak
Gymnocladus dioicus - KY Coffeetree	Quercus prinus - Chestnut Oak
Ilex opaca - American Holly	Quercus rubra - Northern Red Oak
Juglans cinerea - Butternut	Quercus shumardii - Shumard Oak
Juniperus virginiana - Eastern Red Cedar	Quercus velutina - Black Oak
Liquidambar styraciflua - Sweetgum	Robinia pseudacacia - Black Locust (cultivars only)
Liriodendron tulipifera - Tulip Poplar	Taxodium distichum - Bald Cypress
Magnolia acuminata - Cucumber Magnolia	Tilia americana - Basswood
Magnolia grandiflora - Southern Magnolia	Tsuga canadensis - Canadian Hemlock
Magnolia macrophylla - Bigleaf Magnolia	Tsuga caroliniana - Carolina Hemlock
Magnolia tripetala - Umbrella Magnolia	Ulmus alata - Winged Elm
Magnolia virginiana - Sweetbay Magnolia	Ulmus serotina - September Elm

Cultivars for all species listed will also be considered.

<b><u>Understory Trees - Small</u></b>	
Amelanchier sp. - Serviceberry	Halesia diptera magniflora - Two-winged Silverbell
Aralia spinosa - Devil's Walking Stick	Hamamelis virginiana - Witchhazel
Asimina triloba - Pawpaw	Ilex decidua - Possomhaw
Carpinus caroliniana - American Hornbeam	Ostrya virginiana - Ironwood/Hophornbeam
Castanea pumila - American Chinkapin	Prunus americana - American Plum
Cercis canadensis - Redbud	Prunus serotina - Wild Black Cherry
Chionanthus virginicus - Fringetree	Ptelea trifoliata - Wafer Ash / Hoptree
Cladrastis kentuckea - Yellowwood	Rhamnus caroliniana - Carolina Buckthorn
Cornus florida - Dogwood	Rhus coppalina - Shining Sumac
Cornus foemina - Swamp Dogwood	Rhus glabra - Smooth Sumac
Cotinus obovatus - American Smoketree	Rhus typhina - Staghorn Sumac
Halesia carolina - Carolina Silverbell	Viburnum prunifolium - Blackhaw Viburnum
Halesia diptera magniflora - Two-winged Silverbell	Viburnum rufidulurn - Rusty Blackhaw

Cultivars for all species listed will also be considered. (as added by Ord. #654, Jan. 2007)

## CHAPTER 5

### SLUM CLEARANCE

#### SECTION

- 13-501. Findings of board.
- 13-502. Definitions.
- 13-503. "Public officer" designated; powers.
- 13-504. Initiation of proceedings; hearings.
- 13-505. Orders to owners of unfit structures.
- 13-506. When public officer may repair, etc.
- 13-507. When public officer may remove or demolish.
- 13-508. Lien for expenses; sale of salvaged materials; other powers not limited.
- 13-509. Basis for a finding of unfitness.
- 13-510. Service of complaints or orders.
- 13-511. Enjoining enforcement of orders.
- 13-512. Additional powers of public officer.
- 13-513. Powers conferred are supplemental.
- 13-514. Structures unfit for human habitation deemed unlawful.

**13-501. Findings of board.** Pursuant to Tennessee Code Annotated, § 13-21-101, et seq., the city commission finds that there exists in the city structures which are unfit for human occupation or use 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. (as added by Ord. #777, Oct. 2011)

**13-502. 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 city commission charged with governing the city.

(3) "Municipality" shall mean the City of Fairview, Tennessee, and the areas encompassed within the existing corporate city limits or as hereafter annexed.

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

(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" shall mean the officer or officers who are authorized by this chapter to exercise the powers 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. (as added by Ord. #777, Oct. 2011)

**13-503. "Public officer" designated; powers.** There is hereby designated and appointed a "public officer," to be the building official of the city, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the building official. (as added by Ord. #777, Oct. 2011)

**13-504. 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. (as added by Ord. #777, Oct. 2011)

**13-505. 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. (as added by Ord. #777, Oct. 2011)

**13-506. 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." (as added by Ord. #777, Oct. 2011)

**13-507. 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. (as added by Ord. #777, Oct. 2011)

**13-508. 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 Williamson 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 city may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The city 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, 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 Williamson 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 Fairview, Tennessee to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (as added by Ord. #777, Oct. 2011)

**13-509. 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 or 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 Fairview, Tennessee. 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. (as added by Ord. #777, Oct. 2011)

**13-510. 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 Williamson County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (as added by Ord. #777, Oct. 2011)

**13-511. 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. (as added by Ord. #777, Oct. 2011)

**13-512. 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 and in compliance with legal requirements for gaining entry;

(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. (as added by Ord. #777, Oct. 2011)

**13-513. 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. (as added by Ord. #777, Oct. 2011)

**13-514. Structures unfit for human habitation or use 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 or use 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 of fifty dollars (\$50.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (as added by Ord. #777, Oct. 2011)