

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

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CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Health officer.
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- 13-103. Stagnant water.
- 13-104. Weeds.
- 13-105. Dead animals.
- 13-106. Health and sanitation nuisances.

13-101. Health officer. The "health officer" shall be such municipal, county, or state officer as the governing body shall appoint or designate to administer and enforce health and sanitation regulations within the municipality.

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.

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

¹Municipal code references

Animal control: title 10.

Littering streets, etc.: § 16-107.

Toilet facilities in beer places: § 8-211(10).

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

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.

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

CHAPTER 2**JUNKYARDS****SECTION**

13-201. Junkyards.

13-201. Junkyards.¹ All junkyards within the corporate limits shall be operated and maintained subject to the following regulations:

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

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

(3) Such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety.

¹State law reference

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

CHAPTER 3

SLUM CLEARANCE

SECTION

- 13-301. Definitions.
- 13-302. Dwelling unfit for habitation to be repaired, closed or demolished.
- 13-303. Procedure for abating unfit dwellings.
- 13-304. Conditions rendering dwelling unfit for human habitation.
- 13-305. Service of complaints or orders.
- 13-306. Enjoining enforcement of order.
- 13-307. Powers of the public officer.
- 13-308. Annual expenses and cost.
- 13-309. Chapter confers supplementary powers and procedures.

13-301. Definitions. The following terms whenever used or referred to in this chapter shall have the following respective meanings for the purposes of this chapter, unless a different meaning clearly appears from the context:

- (1) "Municipality" shall mean the Town of Oakland.
- (2) "Governing body" shall mean the Board of Mayor and Aldermen of the Town of Oakland.
- (3) "Public Officer" shall mean the mayor, town administrator, or designated representative. He is hereby designated and authorized to exercise the powers prescribed by this chapter and by Tennessee Code Annotated, title 13, chapter 21.
- (4) "Public authority" shall mean any housing authority or any officer who is in charge of any department or branch of the government of the municipality state relating to health, fire, building regulations, or other activities concerning dwellings in the municipality.
- (5) "Owner" shall mean the holder of the title in fee simple and every mortgagee of record.
- (6) "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.
- (7) "Dwelling" shall mean any building or structure, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. (Ord. #92-1, Jan. 1992)

13-302. Dwelling unfit for habitation to be repaired, closed or demolished. The Town of Oakland hereby finds that there exists in this municipality dwellings which are unfit for human habitation 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 or morals, or otherwise inimical to the welfare of the residents of this municipality, and, therefore, hereby ordains that such dwellings shall be repaired, closed or demolished in the manner herein provided. (Ord. #92-1, Jan. 1992)

13-303. Procedure for abating unfit dwellings. (1) Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the municipality charging that any dwelling is unfit for human habitation, or whenever it appears to the public officer (on his own motion) that any dwelling is unfit for human habitation, 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 dwellings 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 serving of said complaint; that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer.

(2) If after such notice and hearing, the public officer determines that the dwelling under consideration is unfit for human habitation, he shall state in writing his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order:

(a) If the repair, alteration or improvement of the said dwelling can be made at a reasonable cost in relation to the value of the dwelling (not to exceed fifty percent (50%) of the value of the dwelling), requiring the owner, within the time specified in the order, to repair, alter, or improve such dwelling to render it fit for human habitation or to vacate and close the dwelling as a human habitation; or

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

(3) If the owner fails to comply with an order to repair, alter, or improve or to vacate and close the dwelling, the public officer may cause such dwelling to be repaired, altered, or improved, or to be vacated and closed; that 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 habitation; the use or occupation of this building for human habitation is prohibited and unlawful."

(4) If the owner fails to comply with an order to remove or demolish the dwelling, the public officer may cause such dwelling to be removed or demolished.

(5) 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 a lien against the real property upon which such cost was incurred. If the dwelling is removed or demolished by the public officer, he shall sell the materials of such dwelling and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the chancery court by the 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, provided, however, that nothing in this section shall be construed to impair or limit in any way the power of the municipality to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise. (Ord. #92-1, Jan. 1992)

13-304. Conditions rendering dwelling unfit for human habitation. The public officer may determine that a dwelling is unfit for human habitation if he finds that conditions exist in such dwelling which are dangerous or injurious to the health, safety or morals of the occupants of such dwelling, the occupants of neighboring dwellings or other residents of the municipality; 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; uncleanliness. (Ord. #92-1, Jan. 1992)

13-305. 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 person is 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 municipality, or in the absence of such newspaper, in one printed and published in the county and circulating in the municipality. 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 Fayette County, and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law. (Ord. #92-1, Jan. 1992)

13-306. Enjoining enforcement of order. Any person affected by an order issued by the public officer may file a bill in the 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 bill, 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. Hearings shall be had by the court on such bills within twenty (20) days, or as soon thereafter as possible, and shall be given preference over other matters on the court's calendar.

The court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require. In all such proceedings the findings of the public officer as to facts, if supported by evidence, shall be conclusive. Costs shall be in the discretion of the court. The remedies herein provided shall be exclusive remedies 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. #92-1, Jan. 1992)

13-307. Powers of the public officer. The public officer is hereby authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the following powers in addition to others herein granted:

- (1) To investigate the dwelling conditions in the municipality in order to determine which dwellings therein are unfit for human habitation;
- (2) To administer oaths, affirmations, examine witnesses and receive evidence;
- (3) To enter upon premises for the purpose of making examinations, provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession;
- (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. #92-1, Jan. 1992)

13-308. Annual expenses and costs. The board of mayor and aldermen hereby estimates that nine thousand (\$9,000) will be necessary to meet the annual expenses or costs necessary to provide the equipment, personnel and supplies necessary for periodic examinations and investigations of the dwellings in the municipality, for the purpose of determining the fitness of such dwellings for human habitation, and for the enforcement and administration of this chapter. In addition to making appropriations from its revenues, the town may accept and apply grants or donations to assist it in carrying out the provisions of this chapter. (Ord. #92-1, Jan. 1992)

13-309. Chapter confers supplementary powers and procedures.

Nothing in this chapter shall be construed to abrogate or impair the powers of the courts or of any department of the municipality to enforce any provisions of its charter or other ordinances or regulations, nor to prevent or punish violations thereof, and the powers and procedures prescribed by this chapter shall be in addition and supplemental to the powers conferred by any other law. (Ord. #92-1, Jan. 1992)

CHAPTER 4

REMOVAL OF VEGETATION AND DEBRIS FROM CERTAIN LOTS

SECTION

- 13-401. Prohibition of overgrown and dirty.
- 13-402. Designation of public officer or department.
- 13-403. Notice to property owner.
- 13-404. Clean-up at property owner's expense.
- 13-405. Clean-up of owner-occupied property.
- 13-406. Appeal.
- 13-407. Judicial review.
- 13-408. Supplemental nature of this section.

13-401. Prohibition of overgrown and dirty. Pursuant to the authority granted to municipalities under Tennessee Code Annotated, § 6-54-113, it shall be unlawful for any owner of record of real property to create, maintain, or permit to be maintained on such property the growth of trees, vines, grass, underbrush and/or the accumulations of debris, trash, litter, or garbage or any combination of the preceding elements so as to endanger the health, safety, or welfare of other citizens or to encourage the infestation of rats and other harmful animals. (as added by Ord. #09.06.04, July 2009)

13-402. Designation of public officer or department. Town clerk/recorder, chief of police or building inspector (department or person) is hereby designated to enforce the provision of this chapter. (as added by Ord. #09.06.04, July 2009)

13-403. Notice to property owner. It shall be the duty of the department or person designated by the board of mayor and alderman to enforce this chapter to serve notice upon the owner of record in violation of subsection (1) above, a notice in plain language to remedy the condition within ten (10) days (or twenty (20) days if the owner of record is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials), excluding Saturdays, Sundays, and legal holidays. The notice shall be sent by registered or certified United States Mail, addressed to the last known address of the owner record. The notice shall state that the owner of the property is entitled to a hearing, and shall at the minimum, contain the following additional information:

(1) A brief statement that the owner is in violation of § 13-104 of the Town of Oakland Municipal Code, which has been enacted under the authority of Tennessee Code Annotated, § 6-54-113, and that the property to secure the cost of the clean-up;

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

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

(4) A place wherein the notified party may return a copy of the notice, indicating the desire for a hearing. (as added by Ord. #09.06.04, July 2009)

13-404. Clean-up at property owner's expense. If the property owner of record fails or refuses to remedy the condition within ten (10) days after receiving the notice (twenty (20) days if the owner is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials), the department or person designated by the board of mayor and alderman to enforce the provisions of this chapter shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards, and the cost thereof shall be assessed against the owner of the property. The 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 such 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. Upon the filing of the notice with the office of the register of deeds in county, the costs shall 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 placed on the tax rolls of the municipality as a lien and shall be added to property tax bills to be collected at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes. (as added by Ord. #09.06.04, July 2009)

13-405. Clean-up of owner-occupied property. When the owner of an owner-occupied residential property fails or refuses to remedy the condition within ten (10) days after receiving the notice, the department or person designated by the board of commissioners to enforce the provisions of this section shall immediately cause the condition to be remedied or removed at a cost in accordance with reasonable standards in the community, with these costs to be assessed against the owner of the property. The provisions of § 13-404 shall apply to the collection of costs against the owner of an owner-occupied residential property except that the municipality must wait until cumulative charges for remediation equal or exceed five hundred dollars (\$500.00) before filing the notice with the register of deeds and the charges becoming a lien on

the property. After this threshold has been met and the lien attaches, charges for costs for which the lien attached are collectible as provided in § 13-404 for these charges. (as added by Ord. #09.06.04, July 2009)

13-406. Appeal. The owner of record who is aggrieved by the determination and order of the public officer may appeal the determination and order to the board of commissioners. The appeal shall be filed with the city recorder within ten (10) days following the receipt of the notice issued pursuant to § 13-403 above. The failure to appeal within this time shall, without exception, constitute a waiver of the right to a hearing. (as added by Ord. #09.06.04, July 2009)

13-407. Judicial review. Any person aggrieved by an order or act of the board of commissioners under § 13-404 above may seek judicial review of the order or act. The time period established in § 13-403 above shall be stayed during the pendency of judicial review. (as added by Ord. #09.06.04, July 2009)

13-408. Supplemental nature of this section. The provisions of this chapter are in addition and supplemental to, and not in substitution for, any other provision in the municipal charter, this municipal code of ordinances or other applicable law which permits the city to proceed against an owner, tenant or occupant of property who has created, maintained, or permitted to be maintained on such property the growth of trees, vines, grass, weeds, underbrush and/or the accumulation of the debris, trash, litter, or garbage or any combination of the preceding elements, under its charter, any other provisions of this municipal code of ordinances or any other applicable law. (as added by Ord. #09.06.04, July 2009)

CHAPTER 5

JUNKED MOTOR VEHICLES

SECTION

- 13-501. Definitions.
- 13-502. Violations a civil offense.
- 13-503. Exceptions.
- 13-504. Enforcement.
- 13-505. Penalty for violations.

13-501. 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) "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 use for travel.

(4) (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 earthmoving equipment, and any part of the same.

(b) "Junk vehicle" shall mean a vehicle of any age that is damaged or defective, including but not limited to, any one (1) 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:

(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 parts, 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 block 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 other garbage or debris around the vehicle. (as added by Ord. #13-04, May 2013)

13-502. 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 public 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 untraveled portion of any 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. (as added by Ord. #13-04, May 2013)

13-503. 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, fencing, 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. (as added by Ord. #13-04, May 2013)

13-504. Enforcement. Pursuant to Tennessee Code Annotated, § 7-63-101, the building inspector is authorized to issue ordinance summons for violations 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:

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

(2) 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. In addition, pursuant to Tennessee Code Annotated, § 55-5-122, the municipal court may issue an order to remove vehicles from private property. (as added by Ord. #13-04, May 2013)

13-505. Penalty for violations. Any person violating this chapter shall be subject to a civil penalty of fifty dollars (\$50.00) plus court costs for each separate violation of this chapter. Each day the violation of this chapter continues shall be considered a separate violation. (as added by Ord. #13-04, May 2013)

CHAPTER 6

REAL PROPERTY RENTAL REGULATIONS

SECTION

- 13-601. Registration required.
- 13-602. Registration application.
- 13-603. Property maintenance.
- 13-604. Exemptions.
- 13-605. Records.
- 13-606. Other actions, prosecutions, court cases.
- 13-607. Nuisances, injunction.
- 13-608. Enforcement.
- 13-609. Penalty for violation.
- 13-610. Saving clause.
- 13-611. Severability.

13-601. Registration required. All owners of real property located within the Town of Oakland's ("Oakland") city limits shall register the real property if used as "rental property." An owner shall file a registration application with the Town of Oakland within thirty (30) days after assuming ownership or control of the rental property, after altering the number or size of rental units at a previously registered property or after converting real property to rental property. All owners of rental property shall file a registration application for their rental property within sixty (60) days after the effective date of the ordinance enacting this chapter. The owner shall be responsible for all sub-leasing of his rental property. (as added by Ord. #15-18, Jan. 2016)

13-602. Registration application. Registration shall be made upon forms furnished by Oakland and shall specifically require the following minimum information:

- (1) Name, address, and telephone number of property owner and, if different, property manager;
- (2) The street address of the rental property; and
- (3) The name, address, and telephone number of the person authorized to make or order repairs or services to the property, if the person is different from the owner or manager.

The rental property registration forms for Oakland are available in the recorder's office.¹ (as added by Ord. #15-18, Jan. 2016)

¹The rental property registration form for the Town of Oakland (and any amendments) is available in the recorder's office.

13-603. Property maintenance. All rental units shall comply with the International Property Maintenance Code as adopted by Oakland. (as added by Ord. #15-18, Jan. 2016)

13-604. Exemptions. This chapter shall not apply to the following:

- (1) Residential rental units owned and operated by any governmental agency;
- (2) Residential rental units licensed and inspected by the state;
- (3) Hotels that do not rent to permanent residents;
- (4) Nursing homes or assisted living or retirement facilities; and
- (5) Apartment complexes that already keep the required registration information on file and accessible, have more than four (4) units and have on-site property managers. (as added by Ord. #15-18, Jan. 2016)

13-605. Records. All records, files, and documents pertaining to the rental registry shall be maintained by Oakland and made available to the public as allowed or required by state law or Oakland ordinance. (as added by Ord. #15-18, Jan. 2016)

13-606. Other actions, prosecutions, court cases. Nothing in this chapter shall prevent Oakland from taking action, including injunctive relief or criminal prosecution, under, and/or for a violation of, any law, ordinance, including its zoning ordinances, or code including, but not limited to, fire, building, health, safety or technical, against any owner, occupier, user or manager, of any rental property covered by this chapter. (as added by Ord. #15-18, Jan. 2016)

13-607. Nuisances, injunction. Any violation of this chapter is hereby declared a nuisance. In addition to any other relief provided by this chapter, the town attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this chapter. Such application for relief may include seeking a temporary restraining order, temporary injunction and permanent injunction. (as added by Ord. #15-18, Jan. 2016)

13-608. Enforcement. Pursuant to Tennessee Code Annotated, § 7-63-101, et seq., the Oakland building and code inspector is authorized to issue an ordinance summons to an offender for a violation of this chapter. The building and code inspector shall, upon the complaint of any citizen, or acting on his own initiative, investigate complaints regarding code violations. If, after such investigation, the building and code inspector finds a violation, he shall issue an ordinance summons. The ordinance summons shall be served upon the owner of the property deemed in violation and, if different, the offending property's occupier, user and/or manager, and shall give notice to the offender to appear and answer charges against him. If the offender refuses to sign the

agreement to appear, the building and code inspector may request a police officer to witness the violation, and that officer may issue the offender a citation, as authorized by Tennessee Code Annotated, § 7-63-101 et. seq. (as added by Ord. #15-18, Jan. 2016)

13-609. Penalty for violation. Any property owner violating this chapter shall be subject to a civil penalty of fifty dollars (\$50.00) plus court costs for each separate violation of this chapter. Each day the violation of this chapter continues, it shall constitute a separate violation. (as added by Ord. #15-18, Jan. 2016)

13-610. Saving clause. Nothing in this chapter shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed pursuant to this chapter, nor shall any just and legal right or remedy of any character be lost, impaired or affected by this chapter. (as added by Ord. #15-18, Jan. 2016)

13-611. Severability. The various parts, sections, and clauses of this chapter are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the chapter shall not be affected thereby. (as added by Ord. #15-18, Jan. 2016)