

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. JUNKYARDS.
3. ABANDONED, WRECKED, JUNKED, AND DISMANTLED MOTOR VEHICLES.
4. SLUM CLEARANCE.

CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Health officer.
 13-102. Smoke, soot, cinders, etc.
 13-103. Stagnant water.
 13-104. Weeds and rubbish.
 13-105. Dead animals.
 13-106. Health and sanitation nuisances.
 13-107. House trailers.

13-101. Health officer. The "health officer" shall be such city, county, or state officer as the board of mayor and aldermen shall appoint or designate to administer and enforce health and sanitation regulations within the city. (1977 Code, § 8-101)

13-102. Smoke, soot, cinders, etc. It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust, or gases as to be detrimental to or to endanger the 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. (1977 Code, § 8-105)

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

¹Municipal code references
 Animal control: title 10.
 Littering streets, etc.: § 16-107.

without treating it so as effectively to prevent the breeding of mosquitoes. (1977 Code, § 8-106)

13-104. Weeds and rubbish. (1) The owners and occupants of real property in the City of Ridgetop, Tennessee, whether the same be vacant or occupied by structures, are hereby required to keep all weeds, wild bushes, rank noxious vegetation and rubbish of every kind and character cleared and removed from such property. "Rubbish" shall include automobiles of more than four (4) years of age (four models old) remaining unmoved and inoperable for a period of thirty (30) consecutive days or more.

(2) If any owner or occupant of property within the city shall fail to clear and remove such vegetation or rubbish, the city building and codes inspector or the property standards official shall serve a notice, in writing, upon such owner or occupant requiring him to clear and remove same from said property within ten (10) days after service of such notice. Such notice may be served personally upon the owner or his agent or occupant at his last known address, or may be posted on the property. Service of notice by any of the foregoing methods shall constitute due notice within the meaning of this section.

(3) If any owner or occupant, after notice as provided for herein, shall fail to clear or remove said vegetation and/or rubbish from the property described in said notice, within ten (10) days after service of notice, the building and codes inspector or the city recorder is authorized and directed to clear and remove the same and to prepare a statement of the cost thereof and file such statement with the city recorder for collection.

(4) Upon receiving the statement of costs mentioned above, the city recorder shall notify the owner or occupant by regular mail of the amount owed and all such bills shall bear interest at the rate of six percent (6%) per annum from a date thirty (30) days after mailing said bill until the same is paid. If at the end of thirty (30) days, full payment has not been made, a lien is hereby declared on such property for all costs incurred by the City or Ridgetop in clearing and removing said weeds, wild bushes, rank or noxious vegetation and/or rubbish. The lien may be enforced by attachment in law or equity and the cost recovered by suit in the name for the use of the Board of Mayor and Alderman of Ridgetop, Tennessee.

(5) Any person, firm or corporation violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof, in addition to the foregoing, shall be punished by a fine under the general penalty clause of this code.

(6) It shall be unlawful for any person to violate or fail to comply with any provision of the building code as herein adopted by reference and modified. (1977 Code, § 8-107, as amended by Ord. #2005-102, April 2005)

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 police officer and dispose of such animal in such manner as the police officer shall direct. A fee of \$3.00 shall be paid by the city to any person who shall dispose of such dead animal as directed by such police officer. (1977 Code, § 8-108)

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. (1977 Code, § 8-109)

13-107. House trailers. It shall be unlawful for any person to park, locate, or occupy any house trailer or portable building unless it complies with all plumbing, electrical, sanitary, and building provisions applicable to stationary structures and the proposed location conforms to the zoning provisions of the city, and unless a permit therefor shall have been first duly issued by the building official, as provided for in the building code. (1977 Code, § 8-104)

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. (1977 Code, § 8-111)

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

ABANDONED, WRECKED, JUNKED, AND DISMANTLED MOTOR VEHICLES

SECTION

- 13-301. Definitions.
- 13-302. Storing, parking or leaving dismantled or other such motor vehicle prohibited and declared nuisance.
- 13-303. Notice to remove.
- 13-304. Responsibility for removal.
- 13-305. Notice procedure.
- 13-306. Content of notice.
- 13-307. Request for hearing.
- 13-308. Procedure for hearing.
- 13-309. Removal of motor vehicle from property.
- 13-310. Notice of removal.
- 13-311. Disposition of vehicles.
- 13-312. Storage of vehicles.
- 13-313. Redemption of impounded vehicles.
- 13-314. Penalty.

13-301. Definitions. For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number included the plural number. The word "shall" is always mandatory and not merely directory.

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

(4) "Junked motor vehicle" is any motor vehicle, as defined by § 13-301(3), which does not have lawfully affixed thereto an unexpired license plate or plates and the condition of which is wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded, or constitutes a public nuisance and/or affecting the health and safety of the community as a whole.

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

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

(7) "Public property" shall mean any street or highway which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel, and shall also mean any other publicly owned property or facility.

(8) Failure to have lawfully affixed thereto an unexpired license plate as required in the State of Tennessee shall constitute a rebuttable presumption of a junked motor vehicle and be determined by the city judge in event of a hearing. (Ord. #94-33, Oct. 1994)

13-302. Storing, parking or leaving dismantled or other such motor vehicle prohibited and declared nuisance. No person shall park, store, leave, or permit the parking, storing, or leaving of any motor vehicle of any kind which is in an abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled condition whether attended or not, upon any public or private property within the city for a period of time in excess of seventy-two (72) hours on public property or seven (7) days on private property. The presence of an abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled vehicle, or parts thereof, on private or public property is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this chapter. This section shall not apply to any vehicle enclosed within a building having four solid non-transparent sides on private property or to any vehicle held in connection with a business enterprise, lawfully licensed by the city and properly operated in appropriate business zone, pursuant to the zoning laws of the city, or to any motor vehicle in operable condition specifically adopted or designed for operation on drag strips or raceways, or any vehicle retained by the owner for the antique collection purposes, operable and licensed. (Ord. #94-33, Oct. 1994)

13-303. Notice to remove. Whenever it comes to the attention of the mayor or his designee, upon complaint made to the city or upon the carrying out of the function of the office of mayor or his designee or departments of government thereunder, that any nuisance, as defined in § 13-302, exists in the City of Ridgetop, Tennessee, a notice in writing shall be served upon the occupant of the land where the nuisance exists, or in the case there is no such occupant, then upon the owner of the property or his agent, notifying them of the existence of the nuisance and requesting its removal in the time specified in this chapter. (Ord. #94-33, Oct. 1994)

13-304. Responsibility for removal. Upon proper notice and opportunity to be heard, the owner of the abandoned, wrecked, dismantled, or inoperative vehicle and the owner or occupant of the private property on which the same is located, either or all of them, shall be responsible for its removal. In the event of removal and disposition by the city, the owner or occupant of the

private property where same is located, shall be liable for the expenses incurred. (Ord. #94-33, Oct. 1994)

13-305. Notice procedure. The mayor or his designee shall give notice of removal to the owner or occupant of the private property where it is located at least thirty (30) days before the time of compliance. It shall constitute sufficient notice when a copy of same is posted in a conspicuous place upon the private property on which the vehicle is located and duplicate copies are sent by registered mail to the owner or occupant of the private property at his last known address, return receipt requested. (Ord. #94-33, Oct. 1994)

13-306. Content of notice. The notice shall contain the request for removal and/or abatement of the violation hereof within the time specified in this chapter, and the notice shall advise that upon failure to comply with the notice to remove, the city or its designee shall undertake such removal with the cost of removal to be levied against the owner or occupant of the property. (Ord. #94-33, Oct. 1994)

13-307. Request for hearing. The person or persons to whom the notices are directed, or their duly authorized agents, may file a written request for hearing before the city judge of the City of Ridgetop within the thirty (30) day period of compliance prescribed in § 13-305 for the purpose of defending the charges by the city. (Ord. #94-33, Oct. 1994)

13-308. Procedure for hearing. The hearing shall be held as soon as practicable after the filing of the request and the person(s) to whom the notices are directed shall be advised of the time and place of said hearing at least fifteen (15) days in advance thereof. At any such hearing, the city and the person(s) to whom the notices have been directed may introduce such witnesses and evidence as either party deems necessary. (Ord. #94-33, Oct. 1994)

13-309. Removal of motor vehicle from property. If the violation described in the notice has not been remedied with the thirty (30) day period of compliance, or in the event that a notice requesting a hearing is timely filed, a hearing is had and if the existence of the violation is affirmed by the judge of the City of Ridgetop, the mayor or his designee shall have the right to take possession of the junked motor vehicle and remove it from the premises. It shall be unlawful for any person to interfere with, hinder, or refuse to allow such person or persons to enter upon private property for the purpose of removing a vehicle under the provisions of this chapter and in no manner shall be deemed to be a trespass or unauthorized entry upon land. (Ord. #94-33, Oct. 1994)

13-310. Notice of removal. Within forty-eight (48) hours of the removal of such vehicle, the mayor or his designee shall give notice to the registered owner of the vehicle, if known, and also to the owner or occupant of the private

property from which the vehicle was removed, that said vehicle, or vehicles, has been impounded and stored for violation of this chapter. The notice shall give the location of where the vehicle, or vehicles, is stored, and the costs incurred by the city for removal, including court costs for hearing, if any. (Ord. #94-33, Oct. 1994)

13-311. Disposition of vehicles. Upon removing a vehicle, the mayor shall sell the abandoned motor vehicle at a public auction not earlier than ten (10) days after its removal. The purchaser of the motor vehicle shall take title to the motor vehicle free and clear from the mayor and, upon presentation of such sales receipt, shall be entitled to receive a Certificate of Title from the Department of Revenue for the State of Tennessee. The proceeds of the sale of an abandoned motor vehicle shall be used for payment of the expenses of the auction, the cost of towing, preserving, and storing the abandoned motor vehicle and all notice and publication costs, together with any other costs associated with the process. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or any entitled lienholder for a period of sixty (60) days and, if not claimed, shall be deposited in the general fund of the city. Should the sale of any vehicle for any reason be invalid, the city's liability shall be limited to the return of the purchase price. (Ord. #94-33, Oct. 1994)

13-312. Storage of vehicles. The city, through its agents, employees and servants, may utilize municipal property for the storage of impounded vehicles, and in such event shall be entitled to storage costs not to exceed ten dollars (\$10.00) per day for enforcement as set forth herein. (Ord. #94-33, Oct. 1994)

13-313. Redemption of impounded vehicles. The owner of any vehicle seized under the provisions of this chapter may redeem such vehicle at any time after its removal, but prior to the sale or destruction thereof, upon proof of ownership and payment to the City of Ridgetop of any and all expenses incurred by the City of Ridgetop in connection with the enforcement of this chapter as determined by the mayor or his designee as set forth herein. (Ord. #94-33, Oct. 1994)

13-314. Penalty. Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction, shall be subject to a fine of not more than two hundred fifty dollars (\$250.00), or up to the maximum amount which the Legislature of the State of Tennessee may hereafter establish that municipal courts may levy as a fine. Each act in violation of any of the provisions hereof shall be deemed a separate offense and each day such violation continues shall constitute a separate offense. Failure to pay any unpaid costs incidental to the enforcement of this chapter shall be

filed as a lien in the office of the Register of Deeds in Robertson County, Tennessee. (Ord. #94-33, Oct. 1994)

CHAPTER 4**SLUM CLEARANCE****SECTION**

- 13-401. Findings of board.
- 13-402. Definitions.
- 13-403. "Public officer" designated; powers.
- 13-404. Initiation of proceedings; hearings.
- 13-405. Orders to owners of unfit structures.
- 13-406. When public officer may repair, etc.
- 13-407. When public officer may remove or demolish.
- 13-408. Lien for expenses; sale of salvaged materials; other powers not limited.
- 13-409. Basis for a finding of unfitness.
- 13-410. Service of complaints and orders.
- 13-411. Enjoining enforcement of order.
- 13-412. Additional powers of public officer.
- 13-413. Powers conferred are supplemental.
- 13-414. Structures unfit for human habitation deemed unlawful.

13-401. Findings of board. Pursuant to Tennessee Code Annotated, § 13-21-101 *et. seq.*, the board of mayor and alderman finds that there exists in the city structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other condition rendering such dwellings unsafe or insanitary, 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. #2005-109, Nov. 2005)

13-402. Definitions. (1) "Dwelling" means any building or structure, or part thereof, used and occupied for human occupation or use or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

(2) "Governing body" shall mean the board of mayor and aldermen charged with governing the city.

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

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

(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. #2005-109, Nov. 2005)

13-403. "Public officer" designated; powers. There is hereby designated and appointed a "public officer" to be the building inspector of the city, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the building inspector. (as added by Ord. #2005-109, Nov. 2005)

13-404. Initiation of proceedings; hearings. Whenever a petition is filed with the public officer by a public authority or by a 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 court of law or equity shall not be controlling in hearings before the public officer (as added by Ord. #2005-109, Nov. 2005)

13-405. Orders to owners of unfit structures. If, after such notice and hearings 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 findings 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. #2005-109, Nov. 2005)

10-406. 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. #2005-109, Nov. 2005)

10-407. 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. #2005-109, Nov. 2005)

10-408. 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 Robertson County, Tennessee, be a lien on the property in favor of the municipality, second only to liens of the state, county, and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be collected by the municipal tax collector or county trustee at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes. In addition, the municipality may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The municipality may bring one (1) action for debt against more than 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 Robertson 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 Ridgetop to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (as added by Ord. #2005-109, Nov. 2005)

13-409. Basis for a finding of unfitness. The public officer defined herein shall have the power and may determine that a structure is unfit for human occupation and use if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants or users of such structure, the occupants or users of neighboring structures or other residents of the City of Ridgetop. Such conditions may include the following (without limited 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; structure defects; or uncleanliness. (as added by Ord. #2005-109, Nov. 2005)

13-410. Service of complaints and 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 one (1) 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 Robertson County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (as added by Ord. #2005-109, Nov. 2005)

10-411. Enjoining enforcement of order. 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 non compliance by such person with any order of the public officer. (as added by Ord. #2005-109, Nov. 2005)

10-412. Additional powers of public officer. The public officer, in order to carry out and effectuate the purposes and provisions of this chapter, shall have the following powers in addition to those otherwise granted herein:

- (1) To investigate conditions of the structures in the city in order to determine which structures therein are unfit for human occupation or use;
- (2) To administer oaths, affirmations, examine witnesses and receive evidence;
- (3) To enter upon premises for the purpose of making examination, provided that such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession;
- (4) To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this chapter; and
- (5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate. (as added by Ord. #2005-109, Nov. 2005)

10-413. 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. #2005-109, Nov. 2005)

10-414. Structures unfit for human habitation deemed unlawful.

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

(2) Violations of this section shall subject the offender to a penalty of up to fifty dollars (\$50.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (as added by Ord. #2005-109, Nov. 2005)