

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

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2. UNFIT STRUCTURES.
3. JUNKED VEHICLES.
4. TEMPORARY STORAGE UNITS.

CHAPTER 1

OVERGROWN AND DIRTY LOTS AND GENERAL PROPERTY MAINTENANCE STANDARDS

SECTION

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13-101. Enforcement officer. An "enforcement officer" under this chapter means any officer of the city, including the Code Compliance Officer (CCO), public safety director or city manager, authorized by this chapter to enforce property maintenance regulations. The CCO and public safety director are designated as special police officers for the purposes of enforcing ordinance and code violations and are authorized to issue citations or complaints for such violations to be brought before the city court or the administrative hearing officer of the city. If an offender refuses to accept a citation or compliant, the building official or public safety director may call a police officer to complete service and preserve the peace. (Ord. #13-9, July 2013, modified)

¹Municipal code reference
Littering streets, etc.: § 16-107.

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. (Ord. #13-9, July 2013)

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/her property without treating it so as effectively to prevent the breeding of mosquitoes. (Ord. #13-9, July 2013, modified)

13-104. Weeds and grass; dead trees, limbs, etc. 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 enforcement officer to cut such vegetation when it has reached a height of over eight inches (8"). In addition, any fallen limbs, dead trees, dead shrubbery or piles of leaves shall be promptly cleared from properties within the city. It shall be unlawful to openly burn or set fire to accumulations of dead leaves, tree limbs, grass clippings, trash, rubbish or other waste or refuse of any kind within the city. (Ord. #13-9, July 2013)

13-105. Overgrown and dirty lots. (1) Prohibition. 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.

(2) Notice to property owner. It shall be the duty of the CCO or public safety officer to enforce this section and 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 of 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:

(a) A brief statement that the owner is in violation of § 13-105 of the Oak Hill Municipal Code, which has been enacted under the authority of *Tennessee Code Annotated*. § 6-54-113 and that in the event the owner fails to remedy this condition, the property of such owner may

be cleaned up at the expense of the owner and a lien placed against the property to secure the cost of the clean-up;

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

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

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

(3) 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 CCO or public safety director shall immediately report the failure to remedy the condition to the city manager, who may cause the condition to be remedied or removed at a cost in conformity with reasonable standards, and the costs 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 Davidson 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 city 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.

(4) 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 CCO or public safety director 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 subsection (3) 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 subsection (3) for these charges:

(5) 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 city manager. The appeal shall be filed with the city recorder within ten (10) days following the receipt of the notice issued pursuant to subsection (2) above. The failure to appeal within this time shall, without exception, constitute a waiver of the right to a hearing.

(6) Judicial review. Any person aggrieved by an order or act of the city manager under subsection (3) above may seek judicial review of the order or act. The time period established in subsection (2) above shall be stayed during the pendency of judicial review.

(7) Supplemental nature of this section. The provisions of this section are in addition and supplemental to, and not in substitution for, any other provision in the municipal charter, this municipal code of ordinances or other applicable law which permits the 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. (Ord. #13-9, July 2013, modified)

13-106. 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 city manager and dispose of such animal in such manner as the city manager shall direct. (Ord. #13-9, July 2013)

13-107. Junk, trash and other debris. No property shall be used to store junk, trash, construction debris, or any other type of similar materials unless the storage is in connection with a validly issued building permit. Under no circumstances may such material or debris be stored in the front yard of any lot. (Ord. #13-9, July 2013)

13-108. Health and sanitation nuisances. It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him/her to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity. (Ord. #13-9, July 2013, modified)

13-109. Violations and penalty. In addition to the remedies referenced herein, any violation of this chapter maybe prosecuted in city court before the administrative hearing officer or in any other court of competent jurisdiction at the election of the city. Violations of this chapter shall subject the offender to penalties under the general penalty provision of this code or as otherwise authorized by law. Each day a violation is allowed to continue shall constitute a separate offense. Nothing herein shall preclude the city from taking other legal or equitable action to restrain, correct or abate a violation of this chapter. (Ord. #13-9, July 2013)

CHAPTER 2

UNFIT STRUCTURES

SECTION

- 13-201. Findings of board.
- 13-202. Definitions.
- 13-203. Public officer designated; powers.
- 13-204. Initiation of proceedings; hearings.
- 13-205. Orders to owners of unfit structures.
- 13-206. When public officer may repair, etc.
- 13-207. When public officer may remove or demolish.
- 13-208. Lien for expenses; sale of salvage materials; other powers not limited.
- 13-209. Basis for a finding of unfitness.
- 13-210. Service of complaints or orders.
- 13-211. Enjoining enforcement of orders.
- 13-212. Additional powers of public officer.
- 13-213. Powers conferred are supplemental.
- 13-214. Structures unfit for human habitation deemed unlawful.
- 13-215. Violations and penalty.

13-201. Findings of board. Pursuant to *Tennessee Code Annotated*, § 13-21-101 *et seq.*, the board of commissioners finds that there may exist in the city structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city. (Ord. #13-9, July 2013)

13-202. Definitions. (1) "Dwelling" means any building or structure, or part thereof, used and occupied for human occupation or use or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoined therewith.

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

(3) "Municipality" shall mean the City of Oak Hill, 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 municipality or state relating to health, fire, building regulations, or other activities concerning structures in the city.

(8) "Public officer" means the code compliance officer or public safety director who is authorized by this chapter to exercise the power prescribed herein and pursuant to *Tennessee Code Annotated*, § 13-21-101 *et seq.*

(9) "Structure" means any dwelling or place of public accommodation or vacant building or structure suitable as a dwelling or place of public accommodation. (Ord. #13-9, July 2013, modified)

13-203. Public officer designated; powers. There is hereby designated and appointed a public officer, to be the code compliance officer and/or the public safety director of the city, both of which are authorized to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by them. (Ord. #13-9, July 2013, modified)

13-204. Initiation of proceedings; hearings. Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the city charging that any structure is unfit for human occupancy or use, or whenever it appears to the public officer (on his own motion) that any structure is unfit for human occupation or use, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of, and parties in interest of, such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer (or his designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the service of the complaint; and the owner and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint; and the rules of evidence prevailing in court of law or equity shall not be controlling in hearings before the public officer. (Ord #13-9, July 2013)

13-205. Orders to owners of unfit structures. If, after such notice and hearing as provided for in the preceding section, the public officer determines that the structure under consideration is unfit for human occupation or use, he shall state in writing his 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. (Ord #13-9, July 2013)

13-206. When public officer may repair, etc. If the owner fails to comply with the order to repair, alter, or improve or to vacate and close the structure as specified in the preceding section hereof, the public officer may cause such structure to be repaired, altered, or improved, or to be vacated and closed; and the public officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human occupation or use. The use or occupation of this building for human occupation or use is prohibited and unlawful." (Ord #13-9, July 2013)

13-207. When public officer may remove or demolish. If the owner fails to comply with an order, as specified above, to remove or demolish the structure, the public officer may cause such structure to be removed and demolished. (Ord #13-9, July 2013)

13-208. Lien for expenses; sale of salvaged materials; other powers not limited. The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer, as well as reasonable fees for registration, inspections and professional evaluations of the property, shall be assessed against the owner of the property, and shall upon filing of the notices with Register of Deeds for Davidson County, be a lien on the property in favor of the municipality, second only to liens of the state, metropolitan government and the city for taxes, any lien of the city 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 county trustee at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes as set forth in *Tennessee Code Annotated*, §§ 67-5-2010 and 67-5-2410. In addition, the municipality may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The municipality may bring one (1) action for debt against more than one (1) or all of the owners of properties against whom said costs have been assessed, and the fact that multiple owners have been joined in

one (1) action shall not be considered by the court as a misjoinder of parties. If the structure is removed or demolished by the public officer, the public officer shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the Chancery Court of Davidson 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 to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (Ord. #13-9, July 2013)

13-209. Basis for a finding of unfitness. The public officer defined herein shall have the power and may determine that a structure is unfit for human occupation and use if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants or users of such structure, the occupants or users of neighboring structures or other residents of the City of Oak Hill. Such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; or uncleanness. (Ord. #13-9, July 2013)

13-210. Service of complaints or orders. Complaints or orders issued by the public officer pursuant to this chapter shall be served upon the property owner, 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 Davidson County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (Ord. #13-9, July 2013)

13-211. 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 noncompliance by such person with any order of the public officer. (Ord. #13-9, July 2013)

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

(1) To investigate conditions of the structures in the city in order to determine which structures therein are unfit for human occupation or use;

(2) To administer oaths, affirmations, examine witnesses and receive evidence;

(3) To enter upon premises for the purpose of making examination, provided that such entry shall be made after obtaining either the consent of the property owner or occupant, or an administrative search warrant and shall be conducted 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. #13-9, July 2013)

13-213. Powers conferred are supplemental. This chapter shall not be construed to abrogate or impair the powers of the city with regard to the enforcement of the provisions of its charter or any other ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by the charter and other laws. (Ord. #13-9, July 2013)

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

13-215. Violations and penalty. In addition to the remedies referenced herein, any violation of this chapter maybe prosecuted in city court, before the administrative hearing officer or in any other court of competent jurisdiction at the election of the city. Violations of this chapter shall subject the offender to penalties under the general penalty provision of this code or as otherwise

authorized by law. Each day a violation is allowed to continue shall constitute a separate offense. Nothing herein shall preclude the city from taking other legal or equitable action to restrain, correct or abate a violation of this chapter. (Ord. #13-9, July 2013)

CHAPTER 3

JUNKED VEHICLES

SECTION

- 13-301. Definitions.
- 13-302. Declared public nuisance.
- 13-303. Notice to remove.
- 13-304. Removal by city.
- 13-305. Exemptions from chapter.
- 13-306. Violations and penalty.

13-301. Definitions. For the purposes of this chapter, the following terms, phrases, words and their derivatives shall have the meanings given herein:

(1) "City manager." "City manager" shall mean the city manager or the city manager's duly authorized designee.

(2) "Junked vehicle." Any motorized or non-motorized vehicle, including but not limited to campers, boats, trailers and semi-trailers, the condition of which is one (1) or more of the following: wrecked, abandoned, discarded, in a state of disrepair, lacking vital component parts, or poses a safety hazard.

(3) "State of disrepair." In an unusable condition for its intended purpose which may include exhibiting one (1) or more of the following characteristics: inoperable under its own power (if a motor vehicle), unregistered or unlicensed, has one (1) or more flat tires, one (1) or more broken windows or other similar characteristics. (Ord. #13-9, July 2013)

13-302. Declared public nuisance. The location or presence of any junked vehicle on any street, roadway, right-of-way, lot, tract, or parcel of land, or portion thereof, occupied or unoccupied, improved or unimproved, within the city, shall be deemed a public nuisance and it shall be unlawful for any person to cause or maintain such public nuisance on the propeliy of another, or to pennit the same to be placed, located, maintained or to exist upon his or her own real property. (Ord #13-9, July 2013)

13-303. Notice to remove. Whenever any junked vehicle is found in the city in violation of an ordinance, the city manager shall cause the owner or occupant of the premises on which such vehicle is located, and/or the owner of said vehicle, to be served with a notice to remove such vehicle within ten (10) days after service of such notice. It shall be unlawful for the owner or occupant of the premises, or owner of the vehicle, to fail, neglect or refuse to obey such notice within ten (10) days after service of the same. (Ord. #13-9, July 2013)

13-304. Removal by city. If the premises on which a junked vehicle is located contrary to this chapter is unoccupied and the owner or agent thereof cannot be found, or by permission of the owner of the premises, the city manager shall abate such public nuisance by having said vehicle impounded. If any junked vehicle has not been removed within ten (10) days of notice as provided in § 13-303, the city manager shall abate such public nuisance by impounding the vehicle. If any junked vehicle is located on a roadway or public right-of-way causing a safety hazard, the city manager may immediately remove said vehicle for safety purposes. Such impoundment and disposition shall not relieve any person from liability for penalty upon conviction for violating other provisions of this chapter, but is in addition to any other penalty. (Ord. #13-9, July 2013)

13-305. Exemptions from chapter. This chapter, shall not apply to:

(1) Any vehicle that is confined within a completely enclosed structure that is an approved structure within the zoning district it is located upon, such as a garage.

(2) Any vehicle in an appropriate storage place maintained in an officially designated place and manner by the city.

(3) Vehicles stored by a member of the armed forces of the United States who is on active duty assignment and stored with the permission of the property owner. (Ord. #13-9, July 2013)

13-306. Impoundment of vehicles; costs and fees. The city does not maintain its own impound facility but will have any impounded vehicles towed to a private lot or the facility of another municipality for storage. Any impounded vehicle may be recovered by the owner or other person or entity entitled to possession thereof provided it pays all costs and fees provided herein. The fees for impounding and storage shall include the fee charged by the wrecker service who tows the vehicle and the applicable storage fees charges for each day the vehicle is impounded. The city may also assess an additional administrative fee for each vehicle towed not to exceed fifty dollars (\$50.00). (Ord. #13-9, July 2013)

13-307. Violations and penalty. In addition to the remedies referenced herein, any violation of this chapter may be prosecuted in city court, before the administrative hearing officer or in any other court of competent jurisdiction at the election of the city. Violations of this chapter shall subject the offender to penalties under the general penalty provision of this code or as otherwise authorized by law. Each day a violation is allowed to continue shall constitute a separate offense. Nothing herein shall preclude the city from taking other legal or equitable action to restrain, collect or abate a violation of this chapter. (Ord. #13-9, July 2013)

CHAPTER 4

TEMPORARY STORAGE UNITS

SECTION

13-401. Purpose.

13-402. Definitions.

13-403. Location and limitations on temporary storage units.

13-404. Use and maintenance of temporary storage unit.

13-405. Removal of temporary storage units.

13-406. Violations and penalty.

13-401. Purpose. (1) It shall be the purpose of the city to regulate the placement of temporary storage units in order to comply with the health, safety and aesthetic objectives of the city.

(2) A temporary storage unit may be utilized within the city when in compliance with the standards of this chapter. Any use of such units within the city not in compliance with this chapter shall be unlawful. (Ord. #13-9, July 2013)

13-402. Definitions. (1) "City" shall mean the City of Oak Hill, Tennessee.

(2) "Temporary storage unit" or "unit" shall mean any transportable container, storage unit, shed-like container or other portable structure that can or is used for the storage of household goods or other personal property located outside a residence and other than an accessory building. Temporary storage units shall not include dumpsters or other similar storage containers used for the disposal of trash or refuse as may be permitted during construction or renovation projects within the city. (Ord. #13-9, July 2013, modified)

13-403. Location and limitations on temporary storage units.

(1) Temporary storage units may only be located in the following locations on a residential property:

(a) On a paved driveway and within the building envelope; or

(b) In the rear or side yard on a paved driveway, a patio or other appropriate surface to support the unit. Under no circumstances may a temporary storage unit be located within ten feet (10') of the property line.

(2) A temporary storage unit may not be located on a property within the city for a period exceeding thirty consecutive (30) days in duration from the date of delivery to the date of removal. This provision shall not, prohibit the placement of a temporary storage unit on a property for a longer period of time that is specifically permitted in conjunction with a building permit for the property.

(3) Under exceptional circumstances, a property owner may apply to the city manager for a permit to place a temporary storage unit in another area on a property or to extend the time that a temporary storage unit may be located on the lot.

(a) An application for such a permit shall be made in writing and filed with the city manager and shall provide sufficient information to determine the necessity for such request and whether such request will negatively impact nearby properties.

(b) The city manager may permit the placement of a temporary storage unit in other areas of the property if the city manager determines that the application of this ordinance causes an unusual hardship to the property owner based upon the natural features of the property, including the size and shape of the lot and the location of the principal structure; in which case, the city manager shall designate an area for the location of a temporary storage unit on the property that complies with this chapter to the greatest extent possible.

(c) The city manager may permit an alternative location or an extended use of a temporary storage unit only if the city manager determines that such location or extended use will not adversely affect the public health, safety and welfare or negatively impact nearby properties.

(d) The city manager may impose any conditions on such permit reasonably necessary to protect the above interests, including any additional fees or bond necessary to insure the prompt removal of the temporary storage unit by the city due to a violation of this chapter or the permit conditions.

(e) There shall be an application fee of fifty dollars (\$50.00) for any request made pursuant to this section.

(4) Only one (1) temporary storage unit may be located on a residential property at one (1) time.

(5) Each lot may host a temporary storage unit for a maximum of two (2) non-consecutive thirty (30) day periods during a calendar year, provided that at least thirty (30) days shall pass between the time periods when a temporary storage unit is on the lot.

(6) No temporary storage unit may exceed fourteen feet (14') in height.

(7) The placement of temporary storage units on non-residential property shall be subject to zoning ordinance for that zone, including any site plan review requirements for properties operating pursuant to a conditional use permit. (Ord. #13-9, July 2013, modified)

13-404. Use and maintenance of temporary storage unit. (1) No temporary storage unit shall be used to store organic or solid waste, construction or demolition debris, recyclable materials, business inventory, commercial goods, goods used for retail sales, or any illegal or hazardous material. After

obtaining consent of the owner of the lot upon which the unit is located or the tenant, the city may inspect the contents of any unit to ensure that it is not being used to store said materials. The city may also seek an administrative search warrant to inspect the contents of any temporary storage unit.

(2) The owner of the lot upon which the temporary storage unit is located shall be responsible for insuring that the unit is maintained in good condition, free from evidence of deterioration, weathering, discoloration, graffiti, rust, ripping, tearing or other holes or breaks, at all times. (Ord. #13-9, July 2013)

13-405. Removal of temporary storage units. (1) Any temporary storage unit placed within the city shall be removed within the required thirty (30) day period or the extended time period authorized by a permit issued by the city manager.

(2) It shall be unlawful for a temporary storage unit to remain on a lot longer than is permitted herein, and the failure to remove such unit timely shall be a violation of this chapter and each day the temporary storage unit remains on the property after thirty (30) days, shall constitute a separate ordinance violation. (Ord. #13-9, July 2013, modified)

13-406. Violations and penalty. In addition to the remedies referenced herein, any violation of this chapter may be prosecuted in city court, before the administrative hearing officer or in any other court of competent jurisdiction at the election of the city. Violations of this chapter shall subject the offender to penalties under the general penalty provision of this code or as otherwise authorized by law. Each day a violation is allowed to continue shall constitute a separate offense. Nothing herein shall preclude the city from taking other legal or equitable action to restrain, correct or abate a violation of this chapter. (Ord. #13-9, July 2013)