

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

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CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Vacant buildings to be kept locked.
13-102. Numbering of premises.

13-101. Vacant buildings to be kept locked. It shall be the duty of the owner of any vacant building in the city to keep all doors, windows and other openings in such building locked or otherwise secured so as to prevent unauthorized persons from entering such building. (1969 Code, § 9-2)

13-102. Numbering of premises. All premises shall bear a distinctive number on the front, at or near the front entrance, or on the mailbox, and readily visible from the street. Said numbers shall be in accordance with and as designated in the property reference files in the office of the inspection division, department of public works.

The owners and occupants of all buildings in the city shall cause the correct numbers to be placed thereon in accordance with said property reference files. (1969 Code, § 9-3)

¹Municipal code reference
Oak Ridge Residential Code: title 12.

CHAPTER 2

OAK RIDGE PROPERTY MAINTENANCE CODE

SECTION

13-201. Property maintenance code adopted.

13-202. Amendments.

13-203.–13-209. Deleted.

13-201. Property maintenance code adopted. The International Property Maintenance Code, 2012 edition, specifically including Appendix A, Boarding Standard, as published by the International Code Council, Inc., is hereby adopted by reference as the "Oak Ridge Property Maintenance Code" for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said code; and shall become a part of this chapter as if copied herein verbatim, with the additions, insertions, deletions and changes prescribed in this chapter. (Ord. #7-01, Sept. 2001, as replaced by Ord. #7-08, Jan. 2008, and Ord. #16-2014, Dec. 2014)

13-202. Amendments. The City of Oak Ridge, Tennessee, hereby amends the International Property Maintenance Code, 2012 edition, as follows:

Section 101.1 Title. Delete in its entirety and insert a new section: "Section 101.1 Title. These regulations shall be known as the Oak Ridge Property Maintenance Code of the City of Oak Ridge, Tennessee, hereinafter referred to as "this code," "ORPMC" and/or "IPMC.""

Section 103 Department of Property Maintenance Inspection. Shall be renamed and known as the "Code Enforcement Division of the Community Development Department."

Section 103.1 General. Delete in its entirety and insert a new section: "Section 103.1 General. "The Code Enforcement Division of the Community Development Department is hereby created and the City Manager or his/her duly authorized designee is in charge thereof shall be known as the code official for the enforcement of the provisions of the Oak Ridge Property Maintenance Code."

Section 103.5 Fees. Delete in its entirety and insert a new section: "Section 103.5 Conflict of Interest. No City employee having investigative or enforcement responsibilities under this code shall be financially benefited or involved in the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or in the making of plans or specifications thereof, unless he or she is the owner of such building."

Section 104.5 Notices and Orders. Delete in its entirety and Insert a new section: "Section 104.5 Notices and Orders. The City Manager or his/her duly authorized designee, the City of Oak Ridge Board of Building and Housing Code Appeals or the Administrative Hearing Officer shall issue all necessary notices or orders as needed to ensure compliance with this code."

Section 106.3 Prosecution of Violation. Delete second sentence in its entirety and insert a new sentence: "If the notice of violation is not complied with, the City Manager or his designee shall institute the appropriate proceeding at law Including the issuance of A.H.O. citation(s) or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the property or structure in violation of the provisions of adopted codes or the order or direction made pursuant thereto."

Section 106.4 Violation Penalties. Delete in its entirety and Insert a new section: "Section 106.4 Violation Penalties. It shall be unlawful for an owner, lessee, occupant or any other person, corporation or other entity to fail to comply with the provisions of this code or any notice or order by the city manager or his/her duly authorized designee or the Board of Building and Housing Code of Appeals. Failure to comply with such notice or order may be punishable as provided in §1-107 of this code of ordinances. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. Each day such failure to comply continues beyond the fixed date set by a notice of violation or order for compliance constitutes a separate offense."

Section 106 Violations. Insert a new section: "Section 106.6 Repeat Violations. Owners, operators or legal occupants of any occupancy that previously violated provision(s) of this code which ultimately caused the City to abate such violation(s) any repeat or future violation(s) of the same provision(s) within twelve (12) calendar months shall give cause to the City to correct or abate the same violation(s) with notice per § 107 of

this code with exception of registered mail requirement at the owners, operators or legal occupants expense and the City may assess unpaid expenses against the property as a lien.

Exception:

- (a) Violations of Unfit for Human Occupation or Use
- (b) Change of property ownership, operator or legal occupant"

Section 106 Violations. Insert a new section: "Section 106. 7 Recovery of Costs. If any person fails to comply with any order or notice given under the Oak Ridge Property Maintenance Code, the city manager may cause such structure to be repaired, altered, improved, vacated, cleaned and sealed or closed, or demolished or removed and the cost of the same shall be assessed against the owner and shall, upon filing of a notice of lien on the property in the office of register of deeds in the county in which the property is located, constitute a lien on the property in favor of the city, second only to liens of the state, county and municipality for taxes, or any other special assessments and any other valid lien, right or interest In such property duly recorded or duly perfected prior to the filing of such notice. These costs shall be placed upon the tax roll of the city as a lien, and shall be added to the property tax roll 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. Any cost recovered by the sale of any of the materials of a structure demolished or removed hereunder shall be credited to the cost of demolition or removal, and any balance remaining shall be deposited in the chancery court and shall be disbursed by such court to such person(s) found to be entitled thereto. 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 proceeding or otherwise."

Section 106 Violations. Insert a new section: "Section 106.8 Legal Action. The city attorney or the city attorney's duly authorized designee may institute appropriate action to compel necessary repairs, vacating, demolition or payment of penalties as provided by notice or order of the city manager, the Board of Building and Housing Code Appeals or the Administrative Hearing Officer under the City of Oak Ridge adopted building or property maintenance codes."

Section 107 Notice and Orders. Insert a new section: "Section 107.3.1 Complaints, Notice or Orders; service and filing. Complaints, notices or orders involving decisions of unfit for occupation or use or other non-immediate danger related notice violations issued by the city manager, or the Board of Building and Housing Code Appeals shall be served upon persons either personally, electronic mail with confirmed receipt or by registered mail as required, but if the whereabouts of such persons are unknown and the same cannot be ascertained by the city manager, the board or the administrative hearing officer in the exercise of reasonable diligence, the city manager or his/her duly authorized designee or the board shall make affidavit to that effect, then the serving of such complaint or order upon such person(s) may be made by publishing a legal abstract of the same once each week for two (2) consecutive calendar weeks in a newspaper or other legally acceptable medium published, posted or distributed in the city at large. A copy of such complaint, notice or order shall also be posted in a conspicuous place on the premises affected by the complaint, notice or order. A copy of such complaint, notice or order shall also be filed for record in the register of deeds of the county in which the structure or property is located, and such filing of the complaint, notice or order shall have the same force and effect as other lis pendens notices provided by law."

Section 107 Notice and Orders. Insert a new section: "Section 107.3.2 Presumption. There is hereby created a rebuttable presumption that the person listed upon the most recent County tax roll as the owner of a property, dwelling, dwelling unit or structure is the owner for purposes of enforcement of the Oak Ridge Property Maintenance Code."

Section 107.3 Method of Service. At bottom of new section 107.3.2, insert "EXCEPTION: Administrative Hearing Officer process method of service and process shall be accordance to Title 3, Chapter 6 of the City of Oak Ridge Code of Ordinances and T.C.A. § 6-54-1001 et seq."

Section 108.1.3 Structure Unfit for Human Occupancy. Delete in its entirety and insert a new section: "Section 108.1.3 Structures Unfit for Human Occupation or Use. Under Tennessee Code Annotated (T.C.A.), §13-21-102, the City has the power to exercise its police powers to repair, vacate or demolish structures found to be unfit for human occupation or use if any or all of the following conditions exist due to dilapidation or lack of maintenance, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, illumination, heating facilities or sanitary facilities, contains filth and contamination, vermin or rat infested, or due to other conditions rendering such structures defective, unsafe or unsanitary, or dangerous or detrimental to the health, safety

or morals, or otherwise inimical to the welfare of the residents of the City which therefore constitutes a public nuisance that is declared unlawful, and shall be repaired, vacated, demolished or otherwise abated as provided herein or by other applicable law."

Insert a new section: 'Section 108.1.3.1 Structural Defects. Structures to be considered unfit for human occupation or use for structural defects, the following conditions apply but not limited to: those interior vertical walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base; or those which exclusive of the foundation show thirty-three percent (33%) or more of damage or deterioration of the supporting member(s) of fifty percent (50%) or more of damage or deterioration of the nonsupporting portions of the structure or outside walls or coverings; or those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used."

Section 108.1 .4 Unlawful Structure. Delete in its entirety and insert a new section: "Section 108.1.4 Unlawful Structure. An unlawful structure is one found in whole or in part standing incomplete with invalid/expired building permits with no evidence of a reasonable completion plan from the owner or was erected, altered or occupied contrary to the law or is or to be occupied by more persons than permitted under this code."

Insert a new section: "Section 108.1.6 Extensive Alterations. When the total area of all the work areas included in an alteration or repair exceeds 50 percent of the area of the structure or dwelling unit, the work shall be considered a reconstruction and shall comply with the requirements of the provisions for reconstruction work."

"Exception: Work areas in which the alteration work is exclusively plumbing, mechanical, or electrical shall not be included in the computation of the total area of all work areas."

Section 109.2 Temporary Safeguards. Modify section by inserting the phrase: "or the recognition of a public or attractive nuisance" after the existing "imminent danger due to an unsafe condition, .."

Section 110.1 General. Modify this Section by deleting all references to the "code official" and replace in lieu thereof "Board of Building and Housing Code Appeals" and delete reference to the "building official" and replace in lieu thereof "city manager or his/her duly authorized designee."

Section 111 Means of Appeal. Delete in its entirety and insert a new section: "Section 111 Board of Building and Housing Code Appeals.

Section 111.1 The Board of Building and Housing Code Appeals may be referred to as "the board" or "BBHCA" in this code.

Section 111.2 BBHCA; Appointment.

- (a) There is hereby created a board of building and housing code appeals consisting of seven (7) members, which shall be residents of the City of Oak Ridge, Tennessee and shall consist of the following: one physician or person from a health related field; one architect or engineer; one building-related contractor or building supply dealer; one realtor; and three members from the public at large; provided that, if no individuals meeting these criteria apply for appointment, City Council may appoint persons who do not possess such qualifications.
- (b) Appointment to the board shall be staggered three (3) year terms, provided the terms of members of the initial board shall be as follows:
 - (i) Three (3) members from the public at large-3 years
 - (ii) One (1) Physician or other member from health related field-2 years
 - (iii) One (1) Architect or Engineer-2 years
 - (iv) One (1) Realtor-1 year
 - (v) One (1) Building related contractor or building supply dealer-1 year
- (c) Members of the board may be removed by the City Council for good cause shown.
- (d) Vacancies on the board shall be filled by City Council for the unexpired term of such vacancy.
- (e) All members of the board shall serve without compensation.
- (f) As soon as practical after appointment, the members of the board shall meet and organize by electing a chairperson, vice-chairperson and secretary. The City Manager, or his/her duly authorized designee shall serve as Ex-Officio. Thereafter, officers of the board shall be elected by the members at the first annual meeting of the board. Four (4) members shall constitute a quorum and the affirmative vote of at least four (4) members shall be required to

take any action, except to continue a meeting where no quorum is present. A member shall not act in a case in which such member or his or her family member or employer has a personal or financial interest. The board shall establish such other written rules and regulation for Its own procedure not inconsistent with the provisions of ORMPC and a copy shall be kept on file with the City Clerk.

- (g) All hearings before the board shall be open to the public. The appellant, the appellant's representative, the City Manager or his/her duly authorized designee and any person whose interests are affected shall be given the opportunity to be heard.
- (h) Any reference in any provision of the Code of Ordinance, City of Oak Ridge, Tennessee to the board of building code appeals or the board of housing code appeals shall be deemed to refer to the Board of Building and Housing Code Appeals.

Section 111.3 Duties and Powers of the Board of Building and Housing Code Appeals. The board shall hear all City of Oak Ridge Property Maintenance Code appeals submitted by any person directly affected by a decision of the City Manager or his/her duly authorized designee or a notice or order issued under this code shall have the right to appeal to the board in accordance to Section 111.6 of this code.

- (a) Board of Building and Housing Code Appeals shall meet monthly or as needed to hear all cases of structures unfit for human occupation or use and shall hear all appeals of notices for housing violations, if any have been filed, but in any event shall meet within fifteen (15) business days after receipt of an application or notice of appeal if so requested by the City Manager or his/her duly authorized designee or by the Appellant.
- (b) At such hearings, the board shall hear and receive such relevant testimony and evidence as presented by the City Manager or his/her duly authorized designee or by the Appellant.
- (c) The board shall determine whether the structure is unfit for human occupation or use, whether an appealed violation exists, whether the City Manager or his/her duly authorized designee's notice of violation is proper and/or whether a request for an extension of time or waiver shall be granted.

- (d) Extensions of time may be granted only upon a showing of undue hardship, or that such is necessary to complete the abatement of violation, and shall not exceed ninety (90) calendar days from the date the board's decision. After a hearing, additional extensions may be granted, not to exceed a total of ninety (90) calendar days, if they are requested at least fifteen (15) business days prior to the expiration of the current order, provided such extension shall only be granted where the appellant/owner shows that he or she has been making a good faith effort and progress toward completing the abatement of violation(s), and that such additional time is necessary.
- (e) Anything herein to the contrary notwithstanding, no more than one thirty (30) calendar days extension of time may be granted to complete board ordered repairs or demolition to any structure that constitutes an imminent or immediate threat or danger to the health, safety or general welfare of any person or to the public. As a condition of granting such extension, the board may impose restrictions on the appellant/owner to secure the property or to take other measures to protect the health, safety and general welfare of the public.
- (f) Upon application, the board is empowered to grant a waiver from specific minimum requirements of this ordinance, provided however, waivers shall be granted only for unique or special conditions of the dwelling or structure or that imposition of the minimum requirement to the applicant would impose an extreme and undue hardship; and that waiver of the particular requirement would not endanger the health, safety or welfare of the occupants or the general public, or would not cause or threaten an imminent deterioration of property values in the area in which such property/structure is located. It is the Intent of this provision that waivers are not to be liberally granted, but rather are intended only for purposes specifically enumerated herein. Economic hardship alone shall be insufficient reason for granting of a waiver.
- (g) Appeals of notice and orders (other than Imminent Danger notices per Section 109 of this code) shall stay the enforcement of the notice and order until the appeal is heard by the board.
- (h) The board shall issue a written decision upholding or dismissing the notice of the City Manager or his/her duly authorized designee, or modifying the notice to the extent the board determines the order was improper, or granting or denying an extension of time

for compliance or granting or denying a waiver, or declaring a structure unfit for human occupation or use. Copies of all decisions shall be given to the City Manager or his/her duly authorized designee and the appellant/owner, and filed with the city clerk.

- (i) The board shall also hear appeals under the building code or any other city code wherein the board is designated to hear appeals.
- (j) The board shall further have the duty, in accordance with § 11-105 of the Code of Ordinances, City of Oak Ridge, Tennessee, to receive and investigate complaints of discrimination in housing, and to recommend ways of eliminating any injustices caused thereby.

Section 111.4 Standards for Repair, Vacation or Demolition. The following standards shall be followed in substance by the BB HCA in ordering repair, vacation or demolition of a structure unfit for human occupation or use:

- (a) If the structure can reasonably be repaired, altered or improved so that it will no longer exist in violation of the provisions of this code, it shall be ordered repaired, altered or improved to render the structure fit for human occupation or use or to vacate and close the structure as a place of human occupation or use.
- (b) If the structure is fifty percent (50%) or more damaged or decayed or in disrepair from its value or condition prior to becoming a nuisance, and it is otherwise unreasonable to repair, it shall be ordered vacated and demolished or removed.
- (c) In any case where the structure is abandoned or In such a condition as to make it dangerous to the health, safety or general welfare of its occupants or the general public, it shall also be ordered vacated and the BB HCA may additionally order the structure and the property to be secured in such a manner to protect the health, safety or general welfare of the public or persons on the property until such repairs or demolition has been completed, or may order other immediate actions reasonably necessary.

Section 111.5 Duties of the City Manager or his/her duly authorized designee.

- (a) Whenever a petition is filed with the city manager by at least five (5) residents of the city that a structure is unfit for human

occupation or use or is in violation of the Oak Ridge Property Maintenance Code, or whenever it appears to the city manager (upon the city managers own motion) that a structure is unfit for human occupation or use, the city manager shall, if the city managers preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner and parties in interest of such structure a complaint stating the specific charge(s) and containing a notice that a hearing will be held before the BBHCA at a place fixed therein, no less than ten (10) calendar days and no more than thirty (30) calendar days after serving the notice; provided that by mutual agreement the time for the hearing may be lessened or extended. Such notice shall state that:

- (i) 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 to give testimony at the hearing.
 - (ii) The rules of evidence prevailing in a court of law or equity shall not be controlling at the hearing.
- (b) If, after such notice and hearing, the BBHCA determines that a structure is unfit for human occupation or use, the board shall issue written findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order to repair, vacate or demolish the structure, in accordance to Section 110 of this code, and shall provide a reasonable time for the compliance not to exceed ninety (90) calendar days.
- (c) If the owner fails to comply with an order or to vacate and close the structure, the BBHCA may cause such structure to be repaired or to be vacated and closed and shall cause to be posted at the main entrance to the structure so closed a placard stating: "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."
- (d) If the owner fails to comply with an order to demolish or remove the structure, the city manager may cause such structure to be demolished or removed.
- (e) For any structure that has been ordered vacated during the repairs or demolition of the structure, the owner of the structure shall cause to be posted at the main entrance to the structure a placard stating: "This structure has been found to be unfit for human occupation or use. This notice is to remain posted conspicuously on the property until the structure is repaired or demolished."

Section 111.6 Right to Appeal. Any person receiving or aggrieved by a notice issued by the city manager or his/her duly authorized designee pursuant to the Oak Ridge Property Maintenance Code, except environmental violations (including but not limited to weeds, vines, bushes and hedges, motor vehicles abandoned or inoperable or otherwise illegal, and accumulation of rubbish and garbage) which appeals are handled by the community development department of the City of Oak Ridge, may appeal such notice to the Board of Building and Housing Code Appeals. The appeal may contest the fact of the violation(s) set forth in the notice or may request additional time to comply with the notice.

- (a) Form. The appeal shall be made on a form prescribed by the board or the city, which form shall minimally identify the name of the appellant, the property on which the violation(s) is said to occur and the date of the notice and shall contain a statement of why the appeal is made and what relief is sought.
- (b) Timeframe. Such appeal must be filed with the city manager or his/her duly authorized designee within ten (10) calendar days of the date of the notice, or within three (3) business days from the date of the notice for environmental violation to the community development director or his/her duly authorized designee of the City of Oak Ridge.
- (c) Extension of time to complete. If the owner has undertaken in good faith to correct the violation as set forth in the notice, the owner may request an extension of time to complete the cleanup, repairs or demolition provided the owner files such a request with the city manager or his/her duly authorized designee at least ten (10) business days prior to the date such cleanup, repairs or demolition where ordered to be completed. While the board may waive this ten (10) calendar day requirement for good cause shown, no request for an extension of time shall be filed after the expiration of the time of completion set forth in the notice. The decision made by the community development department will be final and the extension of time will not be granted.

Section 111.6.1 Right to Appeal an Order Declaring a Structure Unfit for Human Occupation or Use.

- (a) As set forth in state law, any person affected by an order declaring a structure to be a non-imminent danger unfit for human occupation or use may file a bill in the chancery court for an

injunction restraining the BBHCA from carrying out the provisions of the order, and the court may, upon the filing of such bill, issue a temporary injunction restraining the board pending the final disposition of the cause; provided, that within sixty (60) calendar days after the posting and service of the order of the board, such person shall file such bill in the court.

- (b) 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 board 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 board shall be entitled to recover any damages for action taken pursuant to any order of the board, or because of non-compliance by such person with any order of the board.

Section 112.4 Failure to Comply. Delete in its entirety and insert a new: "Section 112.4 Failure to Comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable and subject to penalties of not less than \$50.00 or more than \$500.00 per violation and as set forth in Section 106.4 of this code."

Section 202 General Definitions. Delete title "General Definitions" and insert a new title: "General Definitions and Phrases"; also insert respectively:

"Abandoned Motor Vehicle. A motor vehicle or trailer or recreational vehicle designed to be towed by a motor vehicle that is left unattended on public property for more than thirty (30) calendar days; is in an obvious state of disrepair and is left unattended on public property for more than ten (10) calendar days: has remained illegally parked or placed on public property for any period of time exceeding forty-eight (48) consecutive hours; has remained on private property without the consent of the owner or person in control of the property for any period of lime exceeding forty-eight (48) consecutive hours."

"Administrative Hearing Officer (A.H.O). Means the Administrative Hearing Officer created by Title 3, Chapter 6 of the City Code pursuant to Tennessee Code Annotated §6-54-1001 et

seq. who hears violations of designated building and property maintenance codes."

"Antique Motor Vehicle. A motor vehicle over twenty-five (25) years old with a non-modified engine and body which is used for participation in club activities, exhibits, tours, parades and similar uses as a collector's item, but in no event used for general transportation."

"Any and all other objectionable, unsightly or unsanitary matter of whatever nature, means any condition, object, material or other matter that is dangerous or detrimental to human life or health; that renders the ground, the water, the air or food a hazard or likely to cause injury to human life or health; that is offensive to the senses; or that threatens to become detrimental to the public health. The term includes but is not limited to any abandoned wells, pools, landscape water features, shafts or basements; abandoned refrigerators; stagnant or unwholesome water; sinks; privies; filth; carrion; rubbish; junk, trash, debris or refuse; impure or unwholesome matter of any kind; and any matter, condition or object which is objectionable, unsightly or unsanitary to a person of ordinary sensitivities."

"Attractive Nuisance. The doctrine in tort law which holds that one who maintains a dangerous instrumentality on his or her property which is likely to attract children is under a duty to reasonably protect those children against the dangers of that attraction."

"Bushes and Hedges means vegetative growth or plant that includes but not limited to holly, box hedges, azaleas, roses, rhododendrons, laurel, lilac, hibiscus and evergreens."

'Corner Visibility Triangle means a triangular area formed within a corner lot by the intersecting lot lines abutting the streets or the projections thereof and a straight line connecting them 7.5 meters (24.6 feet) from their point of intersection."

"Driveway Visibility Triangle means a triangular area formed by the intersection of the lateral limit of the travelled portion of a driveway and a lot line abutting a street or the projections thereof and a straight line connecting them 4.57 meters (15 feet) from their point of intersection."

Delete "Inoperable motor vehicle" and insert new definition: "Inoperable Motor Vehicle. A vehicle, motor vehicle or trailer or recreational vehicle designed to be towed by a motor vehicle which cannot be driven or operated upon the public streets for reason including but not limited to being unlicensed, unregistered, wrecked, abandoned, in a state of disrepair causing unsafe operation, one or more flat tires or incapable of being moved under its own intended power."

"Lot or parcel of real estate. includes, in addition to those grounds within their respective boundaries, all lots or parcels of ground lying and being adjacent thereto and extending beyond the property line of any such lot or parcel of real estate to the curb-line of adjacent streets where a curb-line has been established, and any abutting rights-of-way beyond the property line where no curb-line has been established and also to the center of adjacent alleys,"

"Natural Landscaped Area - Natural landscaping, also called native gardening, is the use of native plants, including trees, shrubs, groundcover, and grasses which are indigenous to the geographic area of the garden which is either naturally established or designed and cultivated that when established will sustain itself with minimal maintenance effort that do not contain noxious weeds or poisonous plants that cause a public nuisance."

"Nuisance. Use of property or course of conduct that interferes with the legal rights of others by causing damage, annoyance, or inconvenience which can also be considered an attractive or public nuisance."

"Parties of Interest. Means all individuals, associations, corporations and others who have interests of record in a structure and any who are in possession thereof."

"Permanent Heat Supply." Any listed and approved heat source permanently wired or piped, safely attached, sized and operating properly, not removable without the use of tools and capable of continuously maintaining a temperature of 68 degrees Fahrenheit at an approximate height of 3 feet above the floor in the center area of each habitable space as required."

"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."

"Public Nuisance. Means a nuisance which affects numerous members of the public or the public at large (how many people it takes to make a public is unspecified), as distinguished from a nuisance which only does harm to a neighbor or a few private individuals. A public nuisance is an unreasonable interference with the public's right to property. It includes conduct that interferes with public health, safety, peace or convenience. The unreasonableness may be evidenced by statute, or by the nature of the act, including how long, and how bad, the effects of the activity may be. All structures and appurtenances which are found unfit for human occupation or use within the terms of § 108.1.3 as determined by the Board of Building and Housing Code Appeals are also considered a public nuisance."

"Recreational vehicles. Any vehicular-type unit used primarily for recreational purposes including, but not limited to, boats, boat trailers, personal water craft carriers, personal watercraft trailers, travel trailers, tent trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motor coaches, motorized homes, and non-motorized vehicles."

"Rental Unit. Dwelling, dwelling unit, rooming unit, or sleeping unit or any part of a structure used as a home, residence, or sleeping unit by a single person, household unit by any person(s) other than the legal owner of the property which is leased, rented, or otherwise occupied from the owner or other person in control of such unit(s), whether by day, week, month, year or any other term, regardless of monetary exchange."

"Swimming Pool. Means any structure intended for swimming or recreational bathing that contains water more than 24 inches (610 mm) deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas."

"Trash and Debris. Means all manner of refuse, including but not limited to mounds of dirt, compost, piles of leaves, grass and weed clippings, paper trash, useless fragments of building material, rubble, household items and appliances, items of salvage such as scrap metal and wood, barrels, tires, objects that hold water for an extended time, tree and brush trimmings, and other miscellaneous wastes or rejected matter."

"Turf grass. Refers to all species of grass that are perennial and are typically used for lawns."

"Utility trailers. Any wheeled structure, without motive power, designed to be towed by a motor vehicle and which is generally and commonly used to carry and transport personal effects and/or property."

"Vines. Means a vegetative growth or plant with a long stem that grows along the ground or climbs a support such as, but not limited to: Clematis, Climbing Roses, Honey Suckle, Ivy, Jasmine, Morning Glory, Trumpet Vines, and Wisteria."

"Weeds. A plant other than trees, shrubs, turf grass and cultivated flowers or gardens that is not valued where it is growing and is usually of vigorous growth; especially one that tends to overgrow or choke out more desirable plants."

Section 302.4 Weeds. Insert height in bracket: "10 inches"

Section 302.4 Weeds. Insert new section: "302.4.1 Accumulation or Condition Declared Unlawful.

- (a) Whenever and wherever weeds, shrubbery, rubbish or any other objectionable, unsightly and unsanitary matter of whatever nature shall exist, covering or partly covering the surface of any lot or parcel of real estate within the city so as to produce an unsightly appearance or which may harbor reptiles or rodents, create a fire hazard or result in unsanitary conditions, such a condition is declared to be unlawful, the abatement of which shall be a public necessity.
- (b) Vines that cover 50 percent or more of the ground surface area in a residential front yard, to include side yards if visible from the street, shall not exceed 12 inches in height. Vines used as ground cover, shall be cut back so they do not grow onto any curb, sidewalk, or driveway.
- (c) Bushes and hedges shall be trimmed to prevent encroachment on any sidewalk, walk-way or extend over the curb or edge of a street. Bushes and hedges shall not be allowed to create a visibility triangle issue for vehicles or pedestrians."

Insert new section: "302.4.2 Natural Landscaped Area, Native Gardens shall be allowed for the purposes of vegetated buffers, stormwater retention and control, stabilizing slopes and preventing erosion,

supporting birds and other desirable wildlife and establishment of plant communities' native to this region. Natural landscaped areas and native gardens shall not violate the provisions of this code or have a negative impact on any structures or appurtenances nor be permitted to become a public nuisance or fire hazard as determined by the authority having jurisdiction.

Insert new sub-section: "302.8.1 Residential off-street parking. Residential off-street parking shall consist of a parking strip, driveway, garage, stall or combination thereof (collectively referred to as "approved parking surface"). All approved parking surfaces shall be located on the lot it is intended to serve and there shall be vehicular access from each approved parking surface to the public street via an approved curb cut. The portion of the vehicular access to the public street (approved parking surface such as driveway, parking strip, etc.) that is located on the street right-of-way shall have a hard paved surface."

Insert new sub-section: "302.8.2 Single family detached dwellings and duplexes. For single-family detached dwellings and duplexes, the approved parking surface shall be a hard surface which is comprised either of gravel, asphalt, concrete, pavers, or some combination thereof."

Insert new sub-section: "302.8.3 Attached or multifamily dwellings. For single-family attached dwellings with three (3) or more contiguous units and multiple-family dwellings, all approved parking surfaces shall be paved."

Insert new sub-section: "302.8.4 Front yard parking. It is unlawful for any person to park or store any vehicle or trailer, including but not limited to recreational vehicles and utility trailers, within the front yard in any residential district unless such vehicle is parked on an approved parking surface. It is also unlawful for the registered owner of any such vehicle or trailer to allow another person to park or store a vehicle or trailer within the front yard in any residential district unless such vehicle is parked on an approved parking surface. No more than fifty percent (50%) of the required front yard shall be utilized for an approved parking space."

Exception: Parking in a front yard off of an approved parking surface will be allowed under these special circumstances:

1. Temporary loading or unloading.
2. When construction, remodeling, maintenance, or repairs are being performed on the property, provided a Temporary Use

Permit is obtained and all applicable requirements of Section 3.18(h) of the Zoning Ordinance are met prior to issuance of the Temporary Use Permit.

3. Parking for isolated, non-recurring gatherings or parties or for visitors. This exception is not intended and shall not be used to provide permanent or semi-permanent parking for extra vehicles."

Insert new sub-section: "302.8.5 Side & Rear yard parking. For single-family detached dwellings and duplexes, residential off-street parking is permitted outside of an approved parking surface only In the side and rear yard provided side and rear yard setbacks are met and remain clear of all vehicles."

Insert new sub-section: "302.8.6 Attached or multifamily dwellings parking. For single-family attached dwellings with three (3) or more contiguous units and multiple-family dwellings, all off-street parking shall be on a paved approved parking surface."

Insert new section. "Section 302.10 Dog to be controlled so as to not commit nuisances. It shall be unlawful for any person owning or having control or custody of any dog to permit the animal to defecate upon the public property of this City or upon the private property of another unless the person immediately remove the feces and properly dispose of it; provided, however, that nothing herein contained authorizes such person to enter upon the private property of another without permission."

Insert new sub-section. "Section 302.10.1 Suitable container or Instrument for removal. It shall be unlawful for any person to walk a dog on public property of this City or upon the private property of another without carrying at all times a suitable container or other suitable instrument for the removal and disposal of dog feces."

Insert new sub-section. "Section 302.10.2 Seeing Eye Dog. Visually handicapped persons who use Seeing Eye Guide Dogs are exempt from this law."

Section 304.14 Insect Screens. Insert dates in two brackets respectively: "April 1" ... "November 1"

Section 304.10 Stairways, decks, porches and balconies. Insert new language to continue sentence: "and shall not be used for outdoor storage of excessive trash, junk, debris or items with intended purpose for indoor use."

Section 308.1 Accumulation of rubbish or garbage. Insert after" ... property and premises," new language to sentence: "including decks, porches, and open carports ..."

Delete Section 602.3 Heat Supply in its entirety and substitute therefor a new section as follows: "Section 602.3 Permanent Heat Supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish permanent heat supply as defined in Chapter 2 of this Code to the occupants thereof shall supply heat during the period from September 1 to May 1 to maintain a minimum temperature of 68 'F (20'C) in all habitable rooms, bathrooms and toilet rooms. Temporary electrically plugged or fuel burning space heaters are prohibited to be used in place of permanent heat except In an emergency case by case basis."

Section 602.4 Occupiable Work Spaces. Insert dates in two brackets respectively: "September 1" ... "May 1"

Appendix A, Boarding Standards. A 102 Materials insert new subsection "Section A102.4 other approved method(s). The city manager may allow alternative means or methods of boarding structures meeting the intent of this code in the event the requirement herein is determined to be impractical or cost infeasible." (Ord. #7-01, Sept. 2001, as replaced by Ord. #7-08, Jan. 2008, and Ord. #16-2014, Dec. 2014)

13-203.--13-209. Deleted. (as deleted by Ord. #16-2014, Dec. 2014)

CHAPTER 3

JUNKED VEHICLES¹

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. Penalty for violation.

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, trailers and semi-trailers, the condition of which is one 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." Exhibiting one (1) or more of the following characteristics: inoperable under its own power (if a motor vehicle), without one (1) or more wheels or inflated tires, burned throughout, with more than one (1) broken window, or in a generally unusable condition. (Ord. #16-03, July 2003)

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 property of another, or to suffer, permit or allow the same to be placed, located, maintained or to exist upon his or her own real property. (Ord. #16-03, July 2003)

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, 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

¹Municipal code reference

Motor vehicle regulations generally: title 15.

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. #16-03, July 2003)

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 is located on a roadway or public right-of-way and has not been removed within ten (10) days of notice, 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. #16-03, July 2003)

13-305. Exemptions from chapter. This chapter, as well as the motor vehicle provisions contained in chapter 2 of this title, 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 retained by the owner for antique collection purposes rather than for salvage or for transportation.

(4) 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. #16-03, July 2003, as amended by Ord. #10-08, March 2008)

13-106. Penalty for violation. Any person violating this chapter, upon conviction, shall be fined no more than fifty dollars (\$50.00). (Ord. #16-03, July 2003)

CHAPTER 4**TREES**¹**SECTION**

13-401. Unlawful to cut.

13-402. Public tree care.

13-403. Tree topping.

13-404. Pruning and clearance.

13-405. Dead or diseased tree removal on private property.

13-406. Interference.

13-401. Unlawful to cut. It shall be unlawful for any person to cut, top, prune, trim, or remove any tree on any city greenbelt, right-of-way, park, or other city property without the written permission of the city manager. (1969 Code, § 16-3)

13-402. Public tree care. (1) The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs, or parts thereof within the lines of all streets, lanes, circles, squares, and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

(2) Private persons, businesses or organizations may be allowed to plant trees within the right-of-way of any city street or upon other city property, provided such plantings may only be done with the written permission of the city manager. (1969 Code, § 16-4)

13-403. Tree topping. It shall be unlawful as a normal practice to top any tree on city-owned property. Topping is defined as the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical are exempted. (1969 Code, § 16-5)

13-404. Pruning and clearance. The city shall have the right to prune, cut, clear, or remove any tree, shrub, bush, or flower on public or private property which overhangs any street, right-of-way or public easement within the city so as to constitute a hazard to the safety or property of any person upon such street, right-of-way or easement, or to prune, cut, clear or remove any tree,

¹Municipal code reference

Tree board: title 2, chapter 3.

shrub, bush or flower on public or private property when such interferes with the proper spread of light along the street from a street light, or interferes with the visibility of any traffic control device or sign, or interferes with pedestrian travel, or interferes with the safe line of sight along any street or roadway, or which is injurious or a potential threat to sewers, electrical power lines, gas lines, water lines, or other public improvement.

When it becomes necessary to prune, cut, clear or remove any tree, shrub, bush or flower pursuant to this section, the city will attempt to minimize the amount of pruning, cutting, clearance and removal of trees necessary to accomplish the safety objective undertaken. (1969 Code, § 16-6)

13-405. Dead or diseased tree removal on private property. The city shall have the right to cause the removal of any dead or diseased trees on private property within the city when such trees harbor insects or disease which constitute a potential threat to other trees within the city. The city will notify in writing the owners of the property on which such trees are located to remove the same. Removal shall be done by said owners at their own expense within sixty (60) days after the date of service of notice. Notice shall be deemed served when sent by certified mail to the owner at the address shown on the official city property tax roll.

In the event of failure of owners to comply with such provisions, the city shall have the authority to remove such trees and charge the cost of removal to the property owners. The cost of such removal shall constitute a lien on the property. (1969 Code, § 16-7)

13-406. Interference. It shall be unlawful for any person to prevent, delay or interfere with the city or any of its agents while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any trees as authorized in this chapter. (1969 Code, § 16-8)

CHAPTER 5

RESIDENTIAL RENTAL DWELLING UNIT INSPECTIONS

SECTION

- 13-501. Purpose.
- 13-502. Authority.
- 13-503. Definitions.
- 13-504. Residential rental inspection districts.
- 13-505. Notice requirements.
- 13-506. Inspection program.
- 13-507. Exemptions.
- 13-508. Powers of the director.
- 14-509. No fee schedule.
- 13-510. Appeals.
- 13-511. Powers supplemental.
- 13-512. Failure to comply - penalty.

13-501. Purpose. The purpose of this chapter is to promote the public health, safety and welfare of the citizens of Oak Ridge by providing for the establishment of residential rental inspection districts and providing for inspection of residential rental dwelling units that are deteriorated or are in the process of deteriorating for compliance with applicable housing, building, plumbing, electrical, fire, health, and related codes. (as added by Ord. #1-07, Jan. 2007)

13-502. Authority. This chapter is adopted pursuant to the authority granted to the city under public chapter 949 of the Public Acts of 2006, as codified in Tennessee Code Annotated, §§ 13-21-301 through 13-21-314. (as added by Ord. #1-07, Jan. 2007)

13-503. Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, unless the context clearly indicates a different meaning:

- (1) "City." City means the City of Oak Ridge, Tennessee.
- (2) "City manager." City manager means the city manager or the city manager's duly authorized designee.
- (3) "Deteriorated." Deteriorated means any structure or vacant or unimproved lot or parcel in a predominately built-up neighborhood:
 - (a) Which, because of physical condition or use, is regarded as a public nuisance at common law or has been declared a public nuisance in accordance with local housing, building, plumbing, electrical, fire, health, or related codes;

(b) Which, because of physical condition, use, or occupancy is considered an attractive nuisance;

(c) Which, because it is dilapidated, unsanitary, unsafe, vermin-infested, or other condition, has been designated by the appropriate agency, department, or board as unfit for human habitation or use;

(d) Which is a fire hazard, or is otherwise dangerous to the safety of persons or property;

(e) From which the utilities, plumbing, heating, sewerage, or other facilities have been disconnected, destroyed, removed, or rendered ineffective so that the property is unfit for human habitation or use;

(f) Which, by reason of neglect or lack of maintenance, has become a place for accumulation of trash and debris, or a haven for rodents or other vermin;

(g) Which has been tax delinquent for a period of at least three (3) years; or

(h) Which has not been rehabilitated within the time constraints placed upon the owner or party in interest by the city.

(4) "Director." Director means the director of the community development department or the director's designee.

(5) "Dwelling." 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.

(6) "Dwelling unit." Dwelling unit means a building or structure or part thereof that is used for a home or residence by one (1) or more persons who maintain a household. Dwelling units include, but are not limited to, single family houses, multiple family houses, apartments, condominiums, and townhouses. Dwelling units specifically do not include hospitals, nursing homes, or retirement homes.

(7) "Owner." Owner means the holder of the title to real property and every mortgagee of record.

(8) "Parties in interest." Parties in interest means all individuals, associations, corporations, and others who have interests of record in a structure and any who are in possession thereof.

(9) "Residential rental dwelling unit." Residential rental dwelling unit means a dwelling unit that is leased or rented to one (1) or more tenants. However, a dwelling unit occupied in part by the owner thereof shall not be construed to be a residential rental dwelling unit unless otherwise provided by the zoning ordinance.

(10) "Structure." 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. #1-07, Jan. 2007, and amended by Ord. #09-2013, Sept. 2013)

13-504. Residential rental inspection districts. (1) The provisions of this chapter shall apply to residential rental dwelling units located within a residential rental inspection district. Residential rental inspection districts are those geographic areas designated by city council, by ordinance, that are found to meet the following criteria:

(a) There is a need to protect the public health, safety and welfare of the occupants of dwelling units inside the geographic area;

(b) The residential rental dwelling units within the geographic area are either deteriorated or in the process of deteriorating or the residential rental dwelling units are in the need of inspection by the city to prevent deterioration, taking into account the number, age and condition of residential rental dwelling units inside the geographic area; and

(c) The inspection of residential rental dwelling units inside the geographic area is necessary to maintain the health, safety and welfare of tenants and other residents living in the geographic area.

Nothing in this subsection shall be construed to authorize a city-wide residential rental inspection district and the boundaries of the residential rental inspection district shall be limited to such areas that meet the criteria set forth in this subsection.

(2) The city hereby declares the following geographic area(s) to be residential rental inspection districts based upon the findings outlined above in § 13-504(1):

(a) Manhattan District Overlay. The geographic area of this district is established by zoning designation. The Manhattan District Overlay is a zoning overlay district contained in the zoning ordinance pertaining to the older core neighborhoods.

(b) (Intentionally left blank)

(3) Any residential rental inspection district established pursuant to the authority of this chapter shall exist for a period not to exceed ten (10) years from the date of adoption of the ordinance creating such residential rental inspection district. Nothing contained herein shall preclude the re-establishment of any residential rental inspection district by ordinance as authorized by this chapter. (as added by Ord. #1-07, Jan. 2007, and amended by Ord. #09-2013, Sept. 2013)

13-505. Notice requirements. (1) City's notice to owners and parties in interest. The director shall make reasonable efforts to notify owners and parties in interest of residential rental dwelling units located within the designated residential rental inspection districts of the provisions of this chapter within a reasonable time after such area is designated as a residential rental inspection district. Such notice shall include, at a minimum, summary of the provisions of this chapter. Notice sent by regular first class mail to the last

known address of the owner or party in interest shall be deemed compliance with this subsection.

(2) Notice to the city. All owners and parties in interest of dwelling units located within a residential rental inspection district shall notify the director, in writing, of whether their property is a residential rental dwelling unit. The city may develop a form for such purposes. There shall be no registration fee or a fee of any kind associated with the written notification. The director shall not require that the written notification from the owner or party in interest of a dwelling unit subject to this chapter be provided to the director in less than sixty (60) days after the adoption of an ordinance establishing a residential rental inspection district. However, there shall be no penalty for the failure of an owner or party in interest of a residential rental dwelling unit to comply with the provisions of this subsection, unless and until the director provides actual or written notice to the property owner or party in interest. Notice sent by regular first class mail to the last known address of the owner or party in interest shall be deemed compliance with this subsection. (as added by Ord. #1-07, Jan. 2007)

13-506. Inspection program. (1) Initial inspections. Upon establishment of a residential rental inspection district in accordance with this chapter, the director may, in conjunction with the written notifications as provided for in this chapter, proceed to inspect dwelling units that are either deteriorated or in the process of deteriorating located in the designated residential rental inspection district. The director is authorized to inspect residential rental dwelling units that are either deteriorated or in the process of deteriorating to determine if the dwelling units are being used as a residential rental property and to determine if the dwelling units are in compliance with applicable housing, building, plumbing, electrical, fire, health or related codes.

(2) Periodic inspections. Except as provided in § 13-506(3), following the initial inspection of a residential rental dwelling unit found to be deteriorated or in the process of deteriorating, the director may inspect periodically any residential rental dwelling unit that is deteriorated or in the process of deteriorating that is not otherwise exempted by this chapter.

(3) Follow-up inspections. Following the initial or periodic inspection of a residential rental dwelling unit found to be deteriorated or in the process of deteriorating and which is subject to this chapter, the director has the authority to require the owner or party in interest of such dwelling unit to submit to such follow-up inspections of the dwelling unit as the director deems necessary, until such time as the dwelling unit is brought into compliance with the provisions of all applicable housing, building, plumbing, electrical, fire, health or related codes. (as added by Ord. #1-07, Jan. 2007)

13-507. Exemptions. Following the initial or periodic inspection of a residential rental dwelling unit found to be deteriorated or in the process of

deteriorating, and provided that there are no violations of applicable codes and ordinances, or such violations are remedied in a timely manner, the director shall provide to the owner or party in interest of such residential rental dwelling unit an exemption from this chapter for a minimum of four (4) years. For the purposes of this section, timely manner shall be construed to mean less than ninety (90) days after the owner has been given notice of violation. If a residential rental dwelling unit has been issued a certificate of occupancy within the last four (4) years, an exemption shall be granted for a minimum period of four (4) years from the date of the issuance of the certificate of occupancy by the city. If the residential rental dwelling unit becomes in violation of housing, building, plumbing, electrical, fire, health or related codes during the exemption period, the director may revoke the exemption granted by this section. (as added by Ord. #1-07, Jan. 2007)

13-508. Powers of the director. The director is 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 to:

(1) Investigate conditions in the city in order to determine which residential rental dwelling units therein are deteriorated or in the process of deteriorating.

(2) Administer oaths, affirmations, examine witnesses, issue subpoenas and receive evidence.

(3) Enter upon the premises for the purpose of making examinations and inspections; provided, the director may enter inside the dwelling unit only with the consent of the person in possession, or with a validly issued search warrant or administrative inspection warrant, or in the event of an emergency presenting an immediate threat to the health, safety, and welfare of the persons in possession. Such entry shall comply in all respects with the Fourth Amendment of the United States Constitution as well as Article I, Section 7, of the Tennessee Constitution. Such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession.

(4) Appoint and fix the duties of such officers, agents and employees as the City deems necessary to carry out the purposes of this chapter.

(5) Delegate any of such functions and powers under this chapter to such officers and agents as the director may designate. (as added by Ord. #1-07, Jan. 2007)

13-509. No fee schedule. No fee schedule shall be established to administer the provisions of this chapter. In addition, no fee shall be charged to an owner or party in interest for an inspection of a dwelling unit subject to this chapter who has submitted a written notification to the director as to the identity of such unit owner or party in interest as provided in § 13-505(2), nor shall a fee be charged for a subsequent inspection of a residential dwelling unit that has received an exemption from the residential inspection ordinance for a

minimum of four (4) years pursuant to § 13-507. (as added by Ord. #1-07, Jan. 2007)

13-510. Appeals. An owner or party in interest may appeal any order of the city issued pursuant to this chapter to the board of building and housing code appeals. The owner or party in interest may request and shall be granted a hearing before the board, provided, that such person shall file in the office of the director a written petition completed pursuant to the rules, regulations and requirements of the board, within twenty (20) days after the date on which the order was served upon the owner or party in interest. (as added by Ord. #1-07, Jan. 2007)

13-511. Powers supplemental. Nothing in this chapter shall be construed to abrogate or impair the powers of the courts or of any department of the city to enforce any provisions of its charter or its 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 any other law. (as added by Ord. #1-07, Jan. 2007)

13-512. Failure to comply - penalty. An owner or party in interest, upon willful failure or refusal to comply with the notice or inspection requirements authorized by this chapter, shall be subject to a penalty of fifty dollars (\$50.00) per day for each day of violation. (as added by Ord. #1-07, Jan. 2007)

CHAPTER 6

OAK RIDGE LAND BANK CORPORATION

SECTION

- 13-601. Legislative authority.
- 13-602. Findings.
- 13-603. Creation.
- 13-604. Board of directors.
- 13-605. Meetings, quorum, majority vote, officers, rules and regulations, removal, compensation, organization, minutes, report, audit.
- 13-606. Powers.
- 13-607. Taxation.
- 13-608. Real property inventory list.
- 13-609. Conveyance of property.
- 13-610. Priorities for the use of real property in the land bank.
- 13-611. Appeal procedure.
- 13-612. Dissolution.

13-601. Legislative authority. The city meets all requirements of, and is therefore authorized by, Tennessee Code Annotated, § 13-30-104(a)(1) to establish a pilot program by creating a land bank corporation in accordance with the provisions of the Tennessee Local Land Bank Pilot Program. [Tennessee Code Annotated, § 13-30-101 et seq.] (as added by Ord. #08-2013, Sept. 2013)

13-602. Findings. City Council finds and declares as follows:

- (1) There is a need to strengthen and revitalize the economy by solving the problems of vacant, abandoned, and tax-delinquent real property and to foster the development of such property and promote economic growth.
- (2) Disinvestment in real property results in a significant amount of vacant and abandoned real property which represents lost revenue to the city and high costs associated with demolition, as well as spreading neighborhood deterioration.
- (3) A land bank can be an effective tool to facilitate the return of vacant, abandoned and tax delinquent real properties to productive use, thereby supporting economic revitalization.
- (4) There is a need for a land bank to function within the jurisdictional boundaries of the City of Oak Ridge. (as added by Ord. #08-2013, Sept. 2013)

13-603. Creation. The Oak Ridge Land Bank Corporation is hereby created pursuant to the authority of the Tennessee Local Land Bank Pilot Program set forth in Tennessee Code Annotated, § 13-30-101 et seq. By such statute, the Oak Ridge Land Bank Corporation has authority to create a land bank for real property located with the boundaries of Oak Ridge. For purposes

of this chapter, "land bank" means real property, however obtained or acquired and held by the Oak Ridge Land Bank Corporation, with the intent of acquiring and holding on the real property so acquired until such time as the corporation is able to find a willing and able buyer to acquire the real property from the corporation. [Tennessee Code Annotated, § 13-30-101 et seq., Tennessee Code Annotated, § 13-30-107] (as added by Ord. #08-2013, Sept. 2013)

13-604. Board of directors. (1) Number and qualifications of directors. The Oak Ridge Land Bank Corporation's Board of Directors shall consist of seven (7) directors, one (1) of which shall be a member of city council. All directors shall be electors and taxpayers in the City of Oak Ridge. Preference may be given for persons in the following fields: banking, real estate, and legal. [Tennessee Code Annotated, § 13-30-105]

(2) Appointment of Directors. Directors shall be appointed by city council using the election process for boards and commissions.

(3) Terms of directors. The city council member shall serve until expiration of his or her current term of office on city council at which point city council will appoint a councilmember to fill this vacancy. Of the remaining directors first appointed, three (3) directors shall serve through December 31, 2014, and three (3) directors shall serve through December 31, 2015, and thereafter the term of office shall be two (2) years commencing January 1. Effective with the appointments commencing January 2017, one (1) director (non-city council member) shall be appointed to serve a three (3) year term. Effective with the appointments commencing January 2018 two (2) directors (non-city council member) shall be appointed to serve three (3) year terms. Effective with the appointments commencing January 2019 and thereafter all directors (non-city council member) shall serve three (3) years terms. In case of resignation, death, or removal from office, another appointment will be made to finish out the unexpired term of office. Directors shall continue to serve beyond the end of the director's term until the director's successor has been appointed. [Tennessee Code Annotated § 13-30-105] (as added by Ord. #08-2013, Sept. 2013, and amended by Ord. #13-2016, Dec. 2016)

13-605. Meetings, quorum, majority vote, officers, rules and regulations, removal, compensation, organization, minutes, report, audit. (1) Meetings. The board shall meet in regular session according to a schedule adopted by the board, and shall also meet in special session as convened by the chairman or upon written notice signed by a majority of the members. [Tennessee Code Annotated, § 13-30-106]

(2) Quorum. The presence of a majority of the total board membership constitutes a quorum for the transaction of any business. [Tennessee Code Annotated, § 13-30-106]

(3) Majority vote. Unless a greater number or percentage is required by state law, the affirmative vote of a simple majority of the directors present

and voting at any meeting at which a quorum is present shall be the action of the corporation. However, no action of the board shall be authorized on the following matters unless approved by a majority of the total board membership:

- (a) Adoption of bylaws and other rules and regulations for conduct of the business of the corporation;
- (b) Hiring or firing of any employee or contractor of the corporation; however, this function may be delegated by majority vote of the total board membership to a specified officer or committee of the corporation under such terms and conditions and to the extent specified by the board;
- (c) The incurring of debt;
- (d) Adoption or amendment of the annual budget; and
- (e) Sale, lease, encumbrance, or alienation of real property, improvements, or personal property with a value of more than fifty thousand dollars (\$50,000.00).

Vote by proxy is not permitted. [Tennessee Code Annotated, § 13-30-106]

(4) Officers, duties. At the first meeting each year, the board of directors shall select from among themselves a chairman, a vice chairman, a treasurer, and such other officers as the board may determine, and shall establish their duties as may be regulated by rules adopted by the board. [Tennessee Code Annotated, § 13-30-106]

(5) Rules and regulations, removal of member by board. The board of directors shall establish rules and regulations relative to the attendance and participation of members in its meetings, regular or special. No rules or bylaws may contravene state law. Such rules and regulations may prescribe a procedure whereby, should any member fail to comply with such rules and regulations, such member may be disqualified and removed automatically from office by no less than a majority vote of the remaining members of the board, and that member's position shall be vacant as of the first day of the next calendar month. Any person removed under the provisions of this subsection shall be ineligible for reappointment to the board, unless such reappointment is confirmed unanimously by the board. [Tennessee Code Annotated, § 13-30-106, Tennessee Code Annotated, §13-30-107]

(6) Removal of member by city council. Any citizen or group of citizens upon collection of a petition having a clearly worded purpose, of at least twenty (20) verified signatures of qualified, registered Oak Ridge voters may present to city council a resolution calling for the removal of any board member. City council shall have the power, upon timely and due consideration of the citizen petition and a response from the board, to remove or retain the cited board member by simply majority vote. Removal from the board of directors of any public official shall not, in and of itself, impair the public official in his or her other duties. [Tennessee Code Annotated, § 13-30-106]

(7) Compensation. Board members serve without compensation. [Tennessee Code Annotated, § 13-30-106]

(8) **Organization.** Board members have the power to organize and reorganize the executive, administrative, clerical, and other departments of the corporation and to fix the duties, powers, and compensation of all employees, agents, and consultants of the corporation. The board may reimburse any member for expenses actually incurred in the performance of duties on behalf of the corporation. [Tennessee Code Annotated, § 13-30-106]

(9) **Minutes.** The board of directors shall cause minutes and a record to be kept of all its proceedings and such records shall be available for timely public inspection. [Tennessee Code Annotated, § 13-30-112, Tennessee Code Annotated, §13-30-107]

(10) **Open meetings.** All meeting shall be open to the public with appropriate notice published in accordance with Tennessee Code Annotated, § 13-30-107(d). [Tennessee Code Annotated, § 13-30-112]

(11) **Annual report.** An annual report shall be filed with city council, containing a detailed financial accounting of the corporation's debt obligations, income (sources and amounts), properties, dispositions, expenditures, acquisitions, contracts (executed and pending within the next ninety (90) days), significant activities, and other data as required by the organizational bylaws and governance documents. This annual report shall be maintained on file for audit purposes and immediately available to the department of audit in the Office of the Comptroller of the Treasury upon request. Additionally, all such reports shall be available for public inspection. [Tennessee Code Annotated, § 13-30-112]

(12) **Annual audit.** An annual audit shall be made of the books and records of the corporation. A copy of the audit shall be filed annually with city council. [Tennessee Code Annotated, § 13-30-112(c) and (e)] (as added by Ord. #08-2013, Sept. 2013)

13-606. Powers. The Oak Ridge Land Bank Corporation has all powers as set forth in the Tennessee Local Land Bank Pilot Program except as limited by this chapter. [Tennessee Code Annotated, § 13-30-101 et seq.] (as added by Ord. #08-2013, Sept. 2013)

13-607. Taxation. By Tennessee Code Annotated, § 13-30-104 the Oak Ridge Land Bank Corporation is performing a public function on behalf of the city and is a public instrumentality of the city. Accordingly, the Oak Ridge Land Bank Corporation and all properties of the corporation, including all properties held in the name of the corporation in the land bank, at any and all times owned by it, and the income and revenues from the properties are exempt from all taxation in the State of Tennessee. (as added by Ord. #08-2013, Sept. 2013)

13-608. Real property, inventory list. The Oak Ridge Land Bank Corporation shall hold in its own name all real property acquired by the

corporation for the land bank irrespective of the identity of the transferor of such property.

The Oak Ridge Land Bank Corporation shall comply with the provisions of Tennessee Code Annotated, § 13-30-111 which includes, but is not limited to, maintenance of an inventory for all real property held by the corporation, and establishment of terms and conditions for consideration to be received by the corporation for property transfers. (as added by Ord. #08-2013, Sept. 2013)

13-609. Conveyance of property. The Oak Ridge Land Bank Corporation may convey, exchange, sell, transfer, lease as lessee, grant, release and demise, pledge and hypothecate any and all interests in, upon or to real property of the land bank. All land bank properties shall be sold or leased at fair market value. [Tennessee Code Annotated, § 13-30-111(d)] (as added by Ord. #08-2013, Sept. 2013)

13-610. Priorities for the use of real property in the land bank. City council is authorized by Tennessee Code Annotated, § 13-30-111(e) to establish a hierarchical ranking of priorities for the use of real property conveyed to the Oak Ridge Land Bank Corporation as part of the land bank. City council may establish such priorities by resolution. (as added by Ord. #08-2013, Sept. 2013)

13-611. Appeal procedure. City council hereby establishes the following appeal procedure for any person aggrieved by the decision of the Oak Ridge Land Bank Corporation with respect to real property proposed for acquisition or acquired by, held, and disposed of by the Oak Ridge Land Bank Corporation.

The board of building and housing code appeals shall act as the appeals committee required by Tennessee Code Annotated, § 13-30-118 and all procedures set forth therein shall be followed for these appeals. (as added by Ord. #08-2013, Sept. 2013)

13-612. Dissolution. The Oak Ridge Land Bank Corporation may be dissolved in accordance with general law for the dissolution of a public corporation absent any establishment by city council for dissolution of the corporation. [Tennessee Code Annotated, § 13-30-113] (as added by Ord. #08-2013, Sept. 2013)