

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

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CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Health officer.
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13-101. Health officer. The "health officer" shall be such municipal, county, or state officer as the governing body shall appoint or designate to administer and enforce health and sanitation regulations within the municipality. (1970 Code, § 8-401)

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. (1970 Code, § 8-405)

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

13-103. Stagnant water. It shall be unlawful for any person to knowingly allow any pool of stagnant water to accumulate and stand on his property without treating it so as to effectively prevent the breeding of mosquitoes. (1970 Code, § 8-406)

13-104. 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) Standards. The owners and occupants of real property in the City of Greenbrier, Tennessee, whether the same be vacant or occupied, are hereby required to keep all trees, vines, grass, underbrush and/or the accumulations of debris, trash, litter, or garbage or any combination of the preceding elements weeds, wild bushes, rank or noxious vegetation and rubbish of every kind and character cleared and removed from such property and to keep grass mowed to an acceptable height (not over twelve inches (12") in height) as seen from the traveled portion of any public street or highway. Debris shall include automobiles of more than five (5) years of age remaining unmoved and inoperable for a period of thirty (30) consecutive days.

(3) Designation of public officer or department. The board of mayor and aldermen designate the property standards officer to enforce the provisions of this section.

(4) Notice to property owner. It shall be the duty of the department or person designated by the board of mayor and aldermen to enforce this section to serve notice upon the owner of record in violation of subsections (1) and (2) 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 United States mail, addressed to the last known address of the owner of record, or hand delivered with the deliverer obtaining the owner's signature confirming receipt of the notice. 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 § 13-104 of the Greenbrier Municipal Code, which has been enacted under the authority of Tennessee Code Annotated, § 6-54-113, and that 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 town; and

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

(5) Clean-up at property owner's expense. If the property owner of record fails or refuses to remedy the condition within ten (10) days after receiving the notice (twenty (20) days if the owner is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials), the department or person designated by the board of mayor and aldermen to enforce the provisions of this section shall immediately 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 town 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 Robertson County, the costs shall be a lien on the property in favor of the municipality, second only to liens of the state, county, and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be placed on the tax rolls of the municipality as a lien and shall be added to property tax bills to be collected at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes.

(6) Clean-up of owner-occupied property. When the owner of an owner-occupied residential property fails or refuses to remedy the condition within ten (10) days after receiving the notice, the department or person designated by the board of mayor and aldermen to enforce the provisions of this section shall immediately cause the condition to be remedied or removed at a cost in accordance with reasonable standards in the community, with these costs to be assessed against the owner of the property. The provisions of subsection (4) 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 (4) for these charges.

(7) 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 recorder. The appeal shall be filed with the city recorder within ten (10) days following the receipt of the notice issued pursuant to subsection (3) above. The failure to appeal within this time shall, without exception, constitute a waiver of the right to a hearing.

(8) Judicial review. Any person aggrieved by an order or act of under subsection (4) above may seek judicial review of the order or act. The time period established in subsection (3) above shall be stayed during the pendency of judicial review.

(9) 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 town 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. #88-6, Aug. 1988, as replaced by Ord. #05-02, March 2005, and Ord. #07-10, July 2007, amended by Ord. #14-06, May 2014, and replaced by Ord. #18-13, Dec. 2018 *Ch 7_12-2-19*)

13-105. Dead animals. Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the health officer and dispose of such animal in such manner as the health officer shall direct. (1970 Code, § 8-408)

13-106. Health and sanitation nuisances. It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity. (1970 Code, § 8-409)

13-107. House trailers. It shall be unlawful for any person to park, locate, or occupy any house trailer or portable building unless it complies with all plumbing, electrical, sanitary, and building provisions applicable to stationary structures and the proposed location conforms to the zoning provisions of the municipality and unless a permit therefor shall have been first

duly issued by the building official, as provided for in the building code. (1970 Code, § 8-404)

13-108. Storage and display of tires and related items. No tires, whether new or used that are intended for sale, shall be displayed in such a way so as to collect stagnant water. All tires shall be stored, stacked, displayed, piled, kept inside a building or structure, or by any other means in order to prevent the accumulation of stagnant water. All outside displays of tires shall be stored during non-business hours within a permanent enclosed structure in such a way to prevent the collection and retaining of water. This section shall also apply to tires for sale located on personal property. It is the responsibility of the owner or tenants of any premises to prevent the accumulation of stagnant water in any tire product or equipment indicative of the business service or for personal use, as indicated in § 13-103 of this chapter. (as added by Ord. #09-10, Oct. 2009)

13-109. Violations and penalty. Any person violating this ordinance shall also be subject to a civil penalty of fifty dollars (\$50.00) plus court costs for each separate violation of this ordinance. Each day the violation of this ordinance continues shall be considered a separate violation. (as added by Ord. #18-13, Dec. 2018 *Ch7_12-2-19*)

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

13-201. Junkyards.

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

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

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

(3) Such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety. (1970 Code, § 8-410)

¹State law reference

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

CHAPTER 3

TREE PLANTING AND PROTECTION

SECTION

- 13-301. Findings of fact and statement of legislative intent.
- 13-302. Definitions.
- 13-303. Administration.
- 13-304. Exemptions.
- 13-305. Protection of existing tree cover.
- 13-306. Site plan review.
- 13-307. Residential subdivision development.
- 13-308. Grading and tree protection plan.
- 13-309. Tree planting procedures.
- 13-310. Tree maintenance.
- 13-311. Tree removal.

13-301. Findings of fact and statement of legislative intent. The board of mayor and aldermen find that:

(1) Trees are proven producers of oxygen, a necessary element for human survival.

(2) Trees appreciably reduce the ever increasing environmentally dangerous carbon dioxide content of the air and play a vital role in purifying the air we breathe.

(3) Trees transpire considerable amounts of water each day and thereby purify the air much like air-washer devices used on commercial air conditioning systems.

(4) Trees have an important role in neutralizing waste water passing through the ground from the surface to ground water tables and lower aquifers.

(5) Trees, through their root systems, stabilize the ground water tables and play an important and effective part in soil conservation, erosion control, and flood control.

(6) Trees are an invaluable physical, aesthetic, and psychological counterpoint to the urban setting, making urban life more comfortable by providing shade and cooling the air and land, reducing noise levels and glare, and breaking the monotony of human developments on the land, particularly parking areas; and

(7) For reasons indicated herein trees have an important impact on the desirability of land and therefore property values. (as added by Ord. #00-01, April 2000)

13-302. Definitions. The following terms used within this chapter shall be defined as follows:

- (1) "Buildable area." That portion of a lot on which a structure or improvement may be erected in accordance with current zoning provisions.
- (2) "Caliper inches (CI)." Quantity in inches of the diameter of supplemental and replacement trees measured at the height of six inches (6") above the ground for trees of four inches (4") and under in trunk diameter and twelve inches (12") above the ground for trees of more than four inches (4") in trunk diameter. (Caliper inches shall be used to measure newly planted material)
- (3) "Conifer tree." Any tree with needle leaves and a woody cone fruit.
- (4) "Cover area." The circumferential area within the drip line of the tree.
- (5) "Deciduous." Those trees that shed their leaves in fall or winter.
- (6) "Diameter at breast height (DBH)." The diameter in inches of a tree measured at four and one-half (4 ½) feet above the existing grade. (DBH shall be used to measure existing trees to remain.)
- (7) "Drip line." A vertical line extending from the outermost portion of the tree canopy to the ground.
- (8) "Endangered species." Those trees that are under protection of state and/or federal law.
- (9) "Evergreen." Those trees including broad leaf and conifer evergreens, that maintain their leaves year round.
- (10) "Heritage tree." A tree of significant age or stature that constitutes a unique asset to the community.
- (11) "Overstory." Those trees that compose the top layer or canopy of vegetation.
- (12) "Replacement planting." The planting of trees on a site that before development had more than the minimum standard trees per acre, but would be less than the minimum after development.
- (13) "Supplemental planting." The planting of trees on a site that prior to development had less than the minimum standard of trees per acre.
- (14) "Tree." Any living, self-supporting woody or fibrous plant which is a conifer, evergreen, deciduous or ornamental, as defined herein.
- (15) "Tree density units (TDU)." The number value resulting from the tree value factor (TVF) times the actual measured inches (DBH) of trees in each respective category of trees.
- (16) "Tree protection zone." The area around a tree corresponding to the drip line of a mature tree or ten (10) feet in all directions from the trunk of other trees, at the discretion of the code enforcement officer.
- (17) "Tree value factor (TVF)." The numerical value assigned to each tree category. (as added by Ord. #00-01, April 2000)

13-303. Administration. The city tree program shall be administered by the department of code enforcement. This department shall be supported in

the enforcement of this chapter by other departments and agencies of the city as specified herein. Specific areas of responsibility are assigned as follows:

(1) Department of code enforcement. The department of code enforcement shall provide overall enforcement of this chapter through the office of building inspection. The department shall provide inspection of development sites to ensure compliance with the tree protection and grading criteria specified within this chapter.

(2) Planning commission. The planning commission shall review development plans, specifically including site development plans and subdivisions of land for compliance with the provisions of this chapter.

(3) Greenbrier Park Board. The Greenbrier Park Board shall function as the tree board in order to:

(a) Provide and coordinate publicity concerning trees and the tree protection program of the city.

(b) Recognize groups and individuals for their actions taken in furtherance of tree protection projects.

(c) Coordinate donations of trees or money given for that purpose.

(d) Evaluate and recommend to the board of mayor and aldermen unique tree(s) to be designated as a "Heritage Tree."

(e) Oversee and make recommendations pertaining to tree management practices utilized in city parks and all other public lands within the city. (as added by Ord. #00-01, April 2000)

13-304. Exemptions. The following shall be exempt from the tree protection requirements.

(1) Utility operations. Excavation, tree pruning and removals by duly constituted communication, water, sewer, electrical or other utility companies or federal, state, or local government agencies, or engineers or surveyors working under a contract with such utility companies or agencies shall be exempt, provided the activity is limited to those areas necessary for maintenance of existing lines or facilities or for construction of new lines or facilities in furtherance of providing utility service to its customers, and provided further that the activity is conducted so as to avoid any unnecessary removal and, in the case of aerial electrical utility lines, is not greater than that specified by the National Electrical Safety Codes, as necessary to achieve safe electrical clearances. All pruning and trimming shall be done in accordance with National Arbor Day Association Standards.

(2) Commercial growers. All commercial nurseries, botanical gardens, tree farms and grove operations shall be exempt from the provisions of this part, but only those trees and sites which are planted or managed for silvacultural or agricultural purposes.

(3) Surveyors. A licensed land surveyor in the performance of duties, provided such alteration or removal is limited to a swath of three (3) feet or less in width.

(4) Emergencies. During emergencies caused by natural disaster, the provisions of this section may be suspended by the mayor.

13-305. Protection of existing tree cover. Commercial and residential developments within the city should reflect the city's commitment to trees. This includes the preservation of existing trees whenever practical and the judicious planting of new tree materials. A permit will be required of a builder/developer for any construction work that will impact on existing trees.

(1) Tree protection - private land. (a) Undeveloped property. To prevent the unnecessary destruction of trees on undeveloped property, the destruction within any five (5) year period of fifteen percent (15%) or more of the live trees four (4) inches or more in DBH on any one parcel or real property located within the city, without prior approval of grading and tree protection plan (See Section "H," below) shall be prohibited. This provision shall not apply to any property which at the time of adoption of this chapter or at any time within the future is under protection of the "Agricultural Forest and Open Space Land Act of 1976," (See Tennessee Code, 67-5-1000).

(b) Tree protective zone. All lots utilized as sites for single and two family detached housing shall have a tree protective zone designated thereon. The tree protective zone shall correspond with that portion of a zone lot which lies outside the "buildable area" of such lot as defined by this chapter. To prevent the unnecessary destruction of trees during development or redevelopment of any tract or lot, trees shall not be cut, otherwise, damaged or destroyed within the tree protective zone, except in accordance with the provisions of this section; nor shall any person pave with concrete, asphalt, or other impervious material within the cover area of any tree.

(c) Protection during development. To assure the survival and health of protected trees that are not to be removed, the developer shall avoid the following kind of tree injuries during all development activities:

- Mechanical injuries to roots, trunk and branches;
- Injuries by chemical poisoning;
- Injuries by changes in grade;
- Injuries by excavations; and
- Injuries by paving.

During any building, renovating or razing operations, the builder shall erect and maintain suitable protective barriers around all trees specified to be maintained so as to prevent damage to said trees and shall not allow storage of equipment, materials, debris or fill to be placed in this area except as may be necessary for a reasonable time if no other storage space

is available. The type and nature of these protective barriers shall be indicated upon the approved site plan or grading and tree protection plan.

(d) Development limited within tree protection zone. All development activities, except those specifically permitted by this section shall be prohibited within the tree protection zone. All temporary construction activities shall also be prohibited within tree protection areas, including all digging, concrete washing, storage of construction material, and parking of construction vehicles. The following activities may be permitted within the designated tree protection zone or any residential lot:

(i) Utility excavation. Excavating or trenching for utilities shall be permitted within the tree protection zone, except where the trees are historic or specimen, in which case utility lines shall be tunneled beneath tree roots in order to protect feeder roots.

(ii) Drainage construction. Excavating or trenching for construction of drainage facilities shall be permitted within the tree protection zone, except where the trees are historic or specimen, in which case drainage facilities shall be designated so as to avoid covered areas of such trees.

(iii) Driveway construction. Excavating or trenching for construction of driveways shall be permitted within the tree protection zone, except where the trees are historic or specimen, in which case no person shall pave with concrete, asphalt, or other impervious material within the cover area of any such tree.

(2) Public tree protection. The provisions set forth below shall apply to trees located upon public right-of-ways and within public parks:

(a) No person shall, without the written permission of the city remove, destroy, break, cut or deface any tree or shrub that is growing in any public right-of-way or city park.

(b) No person shall directly or indirectly permit any toxic chemical or any toxic substance to seep, or drain or be emptied on or about any tree that is growing in public right-of-way or city parks.

(c) No person shall directly or indirectly place stone or cement or other substance about the tree growing in the street rights-of-way which will impede the tree entrance of water or air to the roots of such trees without leaving an open space of ground about the trunk of such tree of not less than sixteen (16) square feet.

(d) No person shall remove, damage or misuse, or attach any foreign object to any guard or device placed or intended to protect any tree, plant or shrub growing in any public right-of-way or city parks.

(e) No person shall attach or place any rope, wire, sign poster, handbill or any other thing on any tree or shrub growing in any public right-of-way or city parks.

(f) During the erection, demolition, or repair of any building or structure, the owner, thereof, shall place or cause to be placed guards around all nearby trees growing in the street right-of-way so as to prevent injury to them. (as added by Ord. #00-01, April 2000)

13-306. Site plan review. (1) Required tree density. On developments that are required to have site development plan approval the quality of trees located upon a site shall meet a minimum tree density criteria. A fixed formula will balance the number, size and category of trees preserved with the number and size of trees planted in order to retain minimum desired density factor. The resultant factor shall be no less than twenty (20) tree density units (TDU's) per acre. Existing trees and newly planted trees contribute to the total density with the minimum tree size considered for existing trees to be six (6) inches DBH, and the maximum tree size for existing trees to be forty (40) inches DBH.

The following tree value factors (TVF) shall be multiplied by the respective DBH or CI, for the total number of trees to arrive at the total tree density units (TDU) for the site. (See Appendix A,¹ for a list of trees by category.) Any tree type not listed shall have a TVF of Zero (0), unless approved, otherwise, by the tree board.

(2) Tree density unit (TDU) calculation. The tree value factors (TVF) presented below for various categories of trees shall be multiplied by the respective DBH or CI, for the total number of trees within each respective category to arrive at the tree density units (TDU) for each category.

Tree Value Factors

Category One	1.00
Category Two	0.75
Category Three	0.50

(TVF Category One) X (DBH or CI, for the total number of trees) = TDU Category One
 (TVF Category Two) X (DBH or CI, for the total number of trees) = TDU Category Two
 (TVF Category Three) X (DBH or CI, for the total number of trees) = TDU Category Three
 TDU Category One + TDU Category Two + TDU Category Three = Combined TDU

The TDU's for each of the three categories are then added to form the combined TDU, for the site. The combined TDU is applied as an average over the total acreage in the development site. The combined TDU, of existing and replacement trees, shall be a minimum of twenty (20) times the gross acreage of the development site. Ideally, the trees should be located upon the site so

¹Appendix A to this chapter can be found after the Appendix tab of this municipal code.

that each acre of the site comes as close as possible to the prescribed unit of tree density per acre.

(3) Payment in lieu. If the applicant demonstrates to the satisfaction of the planning commission that the site cannot accommodate the total number of required trees as a result of insufficient planting area, the applicant shall provide a monetary contribution to the Tree Protection and Related Expenses Trust Fund. The amount of such contribution shall be determined as follows: for every two (2) caliper inches, or fraction thereof, of replacement trees which would otherwise be required, the contribution shall be equal to the retail value of a planted two (2) inch caliper nursery grown shade tree. The retail value shall be calculated by taking the average of the median current wholesale price for a container grown, or a balled and burlapped two (2) inch caliper northern red oak, multiplied by two (2). The retail value shall be recalculated and adjusted annually on October 1st. (as added by Ord. #00-01, April 2000)

13-307. Residential subdivision development. Following adoption of this provision, in all residential subdivisions approved within the city at least one (1) "Category One" tree shall either exist or be planted in the front yard of every lot prior to final approval of the dwelling by the department of code enforcement. All trees planted to meet this requirement shall comply with the size, grade and height provisions of Section "I," of this chapter. (as added by Ord. #00-01, April 2000)

13-308. Grading and tree protection plan. A permit shall be required upon any site located within the city for all grading, earthmoving, changing of elevation of property, or removal of fifteen percent (15%) or more of the live trees four (4) inches or more in DBH.

(1) Permit required. Permits for work covered may be obtained after submission to the planning commission a written statement of the purpose of the work and a grading and tree protection plan prepared by a licensed surveyor, landscape architect, architect or engineer which shall include the following:

- (a) Location, size and variety of all trees with four (4) inch or greater DBH, to be removed or retained;
- (b) The nature and extent of the proposed grading, earthmoving or change in elevation; and
- (c) Applicant's plans for controlling on-site generated sedimentation, erosion and runoff.

(2) Plans to be approved. Any grading permit application shall be approved if it can be determined that:

- (a) That the grading plan, including tree removal, has been prepared and will be performed in accordance with good flood, erosion and sedimentation control practices and good forestry practices;
- (b) The application addresses the saving of existing trees;

(c) The application provides for sufficient and timely replanting of trees to compensate for trees removed. (as added by Ord. #00-01, April 2000)

13-309. Tree planting procedures. Tree planting shall be a required activity on public and private lands as specified in this chapter. For the purpose of this chapter, "public lands" shall be defined as all land owned by the City of Greenbrier. A planting program shall be developed by the city for public lands and conducted in a systematic manner to assure diversity of age classes and species.

(1) Species selection. All trees planted on public property shall be of a kind (species) referenced on the city's recommended tree list and approved by the city tree board.

(2) Size and grade. (a) Height classification. For purposes of this chapter, trees reaching up to twenty-five (25) feet in height at maturity are designated as small trees. Medium trees will mature at twenty-five to fifty (25-50) feet. Large trees will mature at heights greater than fifty (50) feet.

(b) Size. Unless, otherwise, specified by the city, all medium to large deciduous tree species and varieties, shall conform to American Association of Nurserymen Standards and be at least one and one-fourth (1 1/4) to one and one half (1 1/2) inches in caliper, six (6) inches above ground level, single stem, and at least eight (8) to ten (10) feet in height when planted. The crown shall be in good balance with the trunk. All small tree species and their cultivars or varieties, shall be at least five (5) to six (6) feet or more in height and have six (6) or more branches.

(c) Grade. Unless, otherwise, allowed for specific reasons, all trees shall have comparatively straight trunks, well developed leaders and tops, and root characteristic of the species or variety showing evidence of proper nursery pruning. All trees must be free of insects, disease, mechanical injuries and other objectionable features at the time of planting.

(3) Location and spacing. (a) Trees shall be planted at least forty (40) feet from street intersections or as directed by the department of public works.

(b) The following shall be used as a guide for tree planting on public rights-of-way, unless, otherwise, approved by the city:

<u>FIXED OBJECT</u>	<u>MINIMUM PLANTING DISTANCE</u>
Alleyways	15 Feet
Driveways	10 Feet

Fire Hydrants	10 Feet
Manholes in Grass Strips	5 Feet
Street Lights	15 Feet
Removed Tree Stumps	3 Feet
Utility Meters or Valves	5 Feet
Utility Poles	10 Feet

(4) Protection of utilities. No street tree with a mature height greater than twenty-five (25) feet shall be planted within ten (10) feet of any overhead utility wire. No public tree or street tree shall be planted over or within five (5) lateral feet of any underground water, sewer or other utility transmission line (excluding telephone, cable TV and other individual service lines). (as added by Ord. #00-01, April 2000)

13-310. Tree maintenance. The city shall be responsible for maintenance activities needed to keep public trees healthy and to minimize the risk of injury to people or property.

(1) Tree topping prohibited. The practice of tree topping is prohibited on all public trees or state trees and is strongly discouraged as a tree care practice on private streets.

(2) Tree pruning practices. Tree pruning shall be performed in a manner that protects the public. Street, public and private, trees growing along streets and sidewalks shall be pruned free of limbs to a height of eight (8) feet for sidewalks and twelve (12) feet for streets, except those that are subject to truck traffic which shall have a clearance of sixteen (16) feet. No lateral growth shall be permitted onto the sidewalk or street below this height. Tree branches shall not obstruct the view of any traffic sign or control device. No tree or shrub shall obstruct any visibility area required at the intersection of public streets or at the intersection of a private drive with a public street. (as added by Ord. #00-01, April 2000)

13-311. Tree removal. Any tree or shrub located on public or private property which obstructs a public street or sidewalk, or which suffers from a communicable disease or insect infestation, or which threatens the public welfare or the health of public trees as determined by the city is hereby declared to be a public nuisance.

When such a public nuisance exists, the city may cause appropriate action to be taken as follows:

(1) Determination of hazard. The department of code enforcement with assistance from other departments shall evaluate the tree(s) as to the

degree of potential hazard. The evaluation shall result in one of the following actions.

(a) An evaluation of "imminent danger" means that the hazard is immediate. If the property owner cannot be contacted or refuses to remove the hazard, the city will take action immediately.

(b) An evaluation of "dangerous" means that the hazard is present but not immediate. The property owner will be contacted and be given seventy-two (72) hours to remove the hazard. After this time the city will initiate action.

(c) An evaluation of "potentially dangerous" means that a hazard will exist in the near future. The property owner will be notified and should remove the future hazard within sixty (60) days or provide "expert opinion" information as to why the hazard does not exist.

(2) Expense recovery. If the owner fails to comply with such notice in the specified time, the city shall cause such trees or shrubs to be pruned, treated or removed as necessary to eliminate the public nuisance. The city shall record all expenses involved in such work and shall be authorized to collect such expenses from the owner or person responsible for causing the correction to be required. (as added by Ord. #00-01, April 2000)

CHAPTER 4

JUNKED VEHICLES ON PUBLIC AND PRIVATE PROPERTY

SECTION

- 13-401. Definitions.
- 13-402. Violations--a civil offense.
- 13-403. Exceptions.
- 13-404. Enforcement.
- 13-405. Penalty for violation.

13-401. Definitions. For the purpose of the interpretation and application of this chapter, the following words and phrases shall have the indicated meanings:

(1) "Building and codes inspector" and "property standards official" shall mean the individuals employed by the City of Greenbrier to act on behalf of the city in carrying out the duties and responsibilities as described in the applicable job descriptions for each position.

(2) "Hobby cars" shall mean vehicles used for the purpose of a hobby, i.e. race cars and car restoration activities.

(3) "Person" shall mean any natural person, or any firm, partnership, association, corporation or other organization of any kind and description.

(4) "Private property" shall include all property that is not public property, regardless of how the property is zoned or used.

(5) "Traveled portion of any public street or highway" shall mean the width of the street from curb to curb, or where there are no curbs, the entire width of the paved portion of the street, or where the street is unpaved, the entire width of the street in which vehicles ordinarily use for travel.

(6) (a) "Junked vehicle" shall mean a vehicle of any age that does not display a current license plate and vehicle registration and is damaged or defective in anyone or combination of any of the following ways that either makes the vehicle immediately inoperable or would prohibit the vehicle from being operated in a reasonably safe manner upon the public streets and highways under its own power if self-propelled or while being towed or pushed, if not self-propelled:

(i) Flat tires, missing tires, missing wheels, or missing or partially or totally disassembled tires and wheels;

(ii) Missing or partially or totally disassembled essential part or parts of the vehicle's drive train, including, but not limited to, engine, transmission, transaxle, drive shaft, differential or axle;

(iii) Extensive exterior body damage or missing or partially or totally disassembled essential body parts, including, but not limited to, fenders, doors, engine hood, bumper or bumpers, windshield or windows;

(iv) Missing or partially or totally disassembled essential interior parts, including, but not limited to, driver's seat, steering wheel, instrument panel, clutch, brake or gear shift lever;

(v) Missing or partially or totally disassembled parts essential to the starting or running of the vehicle under its own power, including but not limited to, starter, generator or alternator, battery, distributor, gas tank, carburetor or fuel injection system, spark plugs or radiator;

(vi) Interior is a container for metal, glass, paper, rags or other cloth, wood, auto parts, machinery, waste or discarded materials in such quantity, quality and arrangement that a driver cannot be properly seated in the vehicle;

(vii) Lying on the ground (upside down, on its side, or at another extreme angle), sitting on block or suspended in the air by any other method;

(viii) General environment in which the vehicle sits, including, but not limited to vegetation that has grown up around, in or through the vehicle, the collection of pools of water in the vehicle, and the accumulation of other garbage or debris around the vehicle.

(b) "Vehicle" shall mean any machine propelled by power other than human power, designed to travel along the ground by the use of wheels, treads, self-laying tracks, runners, slides or skids, including but not limited to automobiles, trucks, motorcycles, motor scooters, go-carts, campers, tractors, trailers, tractor-trailers, buggies, wagons, earth moving equipment and any part of the same. (as added by Ord. #05-10, Aug. 2005, and replaced by Ord. #07-11, July 2007)

13-402. Violations--a civil offense. It shall be unlawful and a civil offense for a person to:

(1) Park or in any other manner place and leave unattended on the traveled portion of any public street or highway a junk vehicle for any period of time, even if the owner or operator of the vehicle did not intend to permanently desert or forsake the vehicle.

(2) Park or in any other manner place and leave unattended on the untraveled portion of any street or highway, or upon any other public property, a junk vehicle for more than forty-eight (48) continuous hours, even if the owner or operator of the vehicle did not intend to permanently desert or forsake the vehicle.

(3) Park, store, keep and/or maintain on private property a junk vehicle for more than three (3) days. (as added by Ord. #05-10, Aug. 2005, and replaced by Ord. #07-11, July 2007)

13-403. Exceptions. (1) It shall be permissible for a person to park, store, keep and maintain a junked vehicle on private property under the following conditions:

(a) The junk vehicle is completely enclosed within a building where neither the vehicle nor any part of it is visible from the street or from any other abutting property. However, this exception shall not exempt the owner or person in possession of the property from any zoning, building, housing, property maintenance, and other regulations governing the building in which such vehicle is enclosed.

(b) The junk vehicle is parked or stored on property lawfully zoned for business engaged in wrecking, junking or repairing vehicles. However, this exception shall not exempt the owner or operator of any such business from any other zoning, building, fencing, property maintenance and other regulations governing business engaged in wrecking, junking or repairing vehicles.

(c) No person shall park, store, keep and maintain on private property a junk vehicle for any period of time if it poses an immediate threat to the health and safety of the citizens of the city.

(2) Hobby cars, if stored outside shall be limited to two (2) vehicles on the property and stored in one of the following methods or a combination thereof:

(a) Inside an enclosed building.

(b) Behind a metal or wood privacy fence where neither the vehicle nor any part of it is visible from the street or the abutting property. The fence must be in compliance with all current zoning regulations.

(c) Vehicles may be stored inside an enclosed vehicle trailer.

(d) Storage and maintenance areas must not create excessive noise or the accumulation of spare vehicle parts about the property.

(e) Vehicle fluids must be properly handled in accordance with all city, state, EPA and storm water regulations. (as added by Ord. #05-10, Aug. 2005, and replaced by Ord. #07-11, July 2007)

13-404. Enforcement. Pursuant to Tennessee Code Annotated, § 7-63-101, the building and codes inspector and the property standards official are authorized to issue ordinance summons for violations of this chapter on private property. The building and codes inspector and/or the property standards official shall upon the complaint of any citizen, or acting on his own initiative, investigate complaints of junked vehicles on private property. If, after such investigation, the building and codes inspector or the property standards official finds a junked vehicle or hobby car in violation of this chapter on private property, he shall issue an ordinance summons. The ordinance summons shall be served upon the owner or owners of the property, or upon the person or persons apparently in lawful possession of the property, and shall give notice to

the same to appear and answer charges against him or them. If the offender refuses to sign the agreement to appear, the building and codes inspector and/or the property standards official may (1) request a city judge to issue a summons or (2) request a police officer to witness the violation. The police officer who witnesses the violation may issue the offender a citation in lieu of arrest as authorized by Tennessee Code Annotated, § 7-63-101 et. seq. (as added by Ord. #05-10, Aug. 2005, and replaced by Ord. #07-11, July 2007, and Ord. #14-07, May 2014)

13-405. Penalty for violation. Any person violating this chapter shall be subject to a civil penalty of fifty (\$50.00) dollars plus court costs for each separate violation of this chapter. Each day the violation of this chapter continues, it shall constitute a separate violation. (as added by Ord. #05-10, Aug. 2005, and replaced by Ord. #07-11, July 2007)

CHAPTER 5

RESIDENTIAL RENTAL REGULATIONS

SECTION

- 13-501. Registration required.
- 13-502. Registration application.
- 13-503. Inspection required.
- 13-504. Property maintenance.
- 13-505. Frequency of inspections.
- 13-506. Registration certificate required.
- 13-507. Certificate registration date.
- 13-508. Certificate transferability.
- 13-509. Requests for additional inspections.
- 13-510. Exemptions.
- 13-511. Records.
- 13-512. Other actions, prosecutions, court cases.
- 13-513. Nuisances, injunction.
- 13-514. Enforcement.
- 13-515. Penalty for violation.
- 13-516. Saving clause.
- 13-517. Severability.

13-501. Registration required. All owners of residential property within the city shall register each rental unit owned or operated within the city. An owner of residential property shall file a registration application with the City of Greenbrier within thirty (30) days after assuming ownership or control of the property, or after altering the number of size of rental units at a previously registered property. All owners of residential rental property at the time of incorporation by ordinance of this chapter within the Greenbrier Municipal Code shall file a registration application for their property within sixty (60) days after the effective date of said ordinance. The owner shall be responsible for all sub-leasing of his rental property. (as added by Ord. #07-01, May 2007)

13-502. Registration application.¹ Registration shall be made upon forms furnished by the City of Greenbrier and shall specifically require the following minimum information:

- (1) Name, address, and telephone number of property owner.
- (2) The street address of the rental property.

¹The rental property registration application for the City of Greenbrier appears at the end of this chapter as Exhibit A.

(3) The name, address, and telephone number of the person authorized to make or order repairs or services to the property, if the person is different from the owner or local manager.

(4) The square footage of living rooms, dining rooms, and bedrooms to determine occupancy load. (as added by Ord. #07-01, May 2007)

13-503. Inspection required. All residential rental units shall be inspected yearly by the city for compliance with this chapter and all other applicable laws. (as added by Ord. #07-01, May 2007)

13-504. Property maintenance. All residential rental units shall comply with the International Property Maintenance Code, adopted by the city. (as added by Ord. #07-01, May 2007)

13-505. Frequency of inspections. All residential rental units subject to this chapter shall be inspected yearly; but nothing shall preclude the inspection of the residential rental unit upon a complaint being made under the provisions of other city ordinances or state laws. (as added by Ord. #07-01, May 2007)

13-506. Registration certificate required. No person shall rent or allow for the occupancy of any residential rental unit that is subject to this ordinance without having a valid, current certificate of registration¹ for that unit. The certificate shall be kept on the rental property at all times and shall state the maximum number of residents allowed to occupy the unit. The maximum occupancy number shall be established or confirmed by the city codes enforcement officer using standards contained within the property maintenance code. (as added by Ord. #07-01, May 2007)

13-507. Certificate registration date. The certificate of registration issued pursuant to this chapter shall expire three (3) years from the date of issuance. The expiration date shall be prominently displayed on its face. (as added by Ord. #07-01, May 2007)

13-508. Certificate transferability. A certificate of registration issued shall not be transferred to succeeding owners. Upon a transfer of ownership of the property, a new certificate of registration shall be required. (as added by Ord. #07-01, May 2007)

¹The rental property registrations certificate for the City of Greenbrier appears at the end of this chapter as Exhibit B.

13-509. Requests for additional inspections. The owner or designated property manager of any residential rental unit that is subject to this chapter may request additional inspections of the rental unit at any time. (as added by Ord. #07-01, May 2007)

13-510. Exemptions. This chapter shall not apply to the following:

- (1) Residential rental units owned and operated by any governmental agency;
- (2) Residential rental units licensed and inspected by the state;
- (3) Hotels that do not rent to permanent residents, and nursing homes or assisted living or retirement facilities; and
- (4) Apartment complexes that already keep the required registration information on file and accessible, have more than four (4) units and have on-site property managers. (as added by Ord. #07-01, May 2007)

13-511. Records. All records, files, and documents pertaining to the rental registration and rental unit inspection program shall be maintained by the City of Greenbrier and made available to the public as allowed or required by state law or city ordinance. (as added by Ord. #07-01, May 2007)

13-512. Other actions, prosecutions, court cases. Nothing in this chapter shall prevent the city from taking action under any of its fire codes, building codes, technical codes, zoning ordinances, or other safety and health codes, ordinances or laws for violations thereof to seek injunctive relief or criminal prosecution of such violation in accordance with the terms and conditions or particular code, ordinance or law under which the city would proceed against the property owner, designated property manager, or occupant of any residential unit covered by this registration and inspection ordinance. (as added by Ord. #07-01, May 2007)

13-513. Nuisances, injunction. Any violation of this chapter is hereby declared a nuisance. In addition to any other relief provided by this chapter, the city attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this chapter. Such application for relief may include seeking a temporary restraining order, temporary injunction, and permanent injunction. (as added by Ord. #07-01, May 2007)

13-514. Enforcement. Pursuant to Tennessee Code Annotated, § 7-63-101, the building and code inspector and/or the property standards officer are authorized to issue ordinance summons for violations of this chapter on private property. The building and codes inspection and/or the property standards officer shall upon the complaint of any citizen, or acting on their own initiative, investigate complaints of property maintenance codes on private property. If, after such investigation, the building and codes inspector and/or the

property standards officer find a violation, they shall issue an ordinance summons. The chapter summons shall be served upon the owner or owners of the property, or upon the person or persons apparently in lawful possession of the property, and shall give notice to the same to appear and answer charges against him or them. If the offender refused to sign the agreement to appear, the building and codes inspector and/or the property standards officer may:

- (1) Request a city judge to issue a summons; or
- (2) Request a police officer to witness the violation.

The police officer who witnesses the violation may issue the offender a citation, as authorized by Tennessee Code Annotated, § 7-63-101 *et. seq.* In addition to other penalties, the building and codes inspector and/or the property standards officer may order the discontinuance of utility service to any building in violation of this chapter. This may only be done when the owner of the property has been given at least ten (10) days notice by certified mail or posting of the violation at the premises and the owner has failed to make substantial progress toward correcting the violations. (as added by Ord. #07-01, May 2007)

13-515. Penalty for violation. Any person violating this chapter shall be subject to a civil penalty of fifty dollars (\$50.00) plus court costs for each separate violation of this chapter. Each day the violation of this chapter continues, it shall constitute a separate violation. (as added by Ord. #07-01, May 2007)

13-516. Saving clause. Nothing in this chapter shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed pursuant to this chapter, nor shall any just and legal right or remedy of any character be lost, impaired or affected by this chapter. (as added by Ord. #07-01, May 2007)

13-517. Severability. The various parts, sections, and clauses of this chapter are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the chapter shall not be affected thereby. (as added by Ord. #07-01, May 2007)

Exhibit A

CITY OF GREENBRIER

P.O. BOX 466 • 202 W. COLLEGE STREET
GREENBRIER, TENNESSEE 37073
PHONE (615) 643-4531 • FAX (615) 643-0357

Registration Number: _____

RENTAL PROPERTY REGISTRATION APPLICATION

Rental property address: _____

Property owner:

Name: _____

Address: _____

Phone number: _____

Person responsible for maintenance of property (if different from property owner):

Name: _____

Address: _____

Phone number: _____

Square footage of:

Bedroom 1 _____

Bedroom 2 _____

Bedroom 3 _____

Bedroom 4 _____

Living Room _____

Dining Room _____

Owner's Signature

(as added by Ord. #07-01, May 2007)

Date

Exhibit B

CITY OF GREENBRIER, TENNESSEE
RENTAL PROPERTY REGISTRATION CERTIFICATE

Rental Property Address _____

Unit Number _____

Owner's Name _____

Registration Number _____

Date of Issuance _____

Maximum Occupancy _____

Date of Expiration _____

This rental property registration certificate is good for a period of three (3) years and shall be kept on the property at all times. This certificate shall be presented to a City of Greenbrier code enforcement officer, upon request, at the time of property inspection. This certificate shall become invalid with a change of property ownership and must be surrendered to the City of Greenbrier.

Codes official
(as added by Ord. #07-01, May 2007)

Date

CHAPTER 6

SLUM CLEARANCE

SECTION

- 13-601. Findings of board.
- 13-602. Definitions.
- 13-603. "Public officer" designated; powers.
- 13-604. Initiation of proceedings; hearings.
- 13-605. Orders to owners of unfit structures.
- 13-606. When public officer may repair, etc.
- 13-607. When public officer may remove or demolish.
- 13-608. Lien for expenses; sale of salvaged materials; other powers not limited.
- 13-609. Basis for a finding of unfitness.
- 13-610. Service of complaints or orders.
- 13-611. Enjoining enforcement of orders.
- 13-612. Additional powers of public officer.
- 13-613. Powers conferred are supplemental.
- 13-614. Structures unfit for human habitation deemed unlawful.

13-601. Findings of board. Pursuant to Tennessee Code Annotated, § 13-21-101, et seq., the city commission finds that there exists in the town structures which are unfit for human occupation or use due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the town. (as added by Ord. #13-01, March 2013)

13-602. Definitions. (1) "Dwelling" means any building or structure, or part thereof, used and occupied for human occupation or use or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

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

(3) "Municipality" shall mean the Town of Greenbrier, Tennessee, and the areas encompassed within existing town 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 town or state relating to health, fire, building regulations, or other activities concerning structures in the town.

(8) "Public officer" shall mean the officer or officers who are authorized by this chapter to exercise the powers prescribed herein and pursuant to Tennessee Code Annotated, § 13-21-101, et seq.

(9) "Structure" means any dwelling or place of public accommodation or vacant building or structure suitable as a dwelling or place of public accommodation. (as added by Ord. #13-01, March 2013)

13-603. "Public officer" designated; powers. There is hereby designated and appointed a "public officer," to be the building official of the town, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the building official. (as added by Ord. #13-01, March 2013)

13-604. 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 town charging that any structure is unfit for human occupancy or use, or whenever it appears to the public officer (on his own motion) that any structure is unfit for human occupation or use, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of, and parties in interest of, such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer (or his designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the service of the complaint; and the owner and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint; and the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer. (as added by Ord. #13-01, March 2013)

13-605. Orders to owners of unfit structures. If, after such notice and hearing as provided for in the preceding section, the public officer determines that the structure under consideration is unfit for human occupation or use, he shall state in writing his finding of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order:

(1) If the repair, alteration or improvement of the structure can be made at a reasonable cost in relation to the value of the structure (not exceeding

fifty percent (50%) of the reasonable value), requiring the owner, within the time specified in the order, to repair, alter, or improve such structure to render it fit for human occupation or use or to vacate and close the structure for human occupation or use; or

(2) If the repair, alteration or improvement of said structure cannot be made at a reasonable cost in relation to the value of the structure (not to exceed fifty percent (50%) of the value of the premises), requiring the owner within the time specified in the order, to remove or demolish such structure. (as added by Ord. #13-01, March 2013)

13-606. When public officer may repair, etc. If the owner fails to comply with the order to repair, alter, or improve or to vacate and close the structure as specified in the preceding section hereof, the public officer may cause such structure to be repaired, altered, or improved, or to be vacated and closed; and the public officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human occupation or use. The use or occupation of this building for human occupation or use is prohibited and unlawful." (as added by Ord. #13-01, March 2013)

13-607. When public officer may remove or demolish. If the owner fails to comply with an order, as specified above, to remove or demolish the structure, the public officer may cause such structure to be removed and demolished. (as added by Ord. #13-01, March 2013)

13-608. Lien for expenses; sale of salvaged materials; other powers not limited. The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer shall be assessed against the owner of the property, and shall upon the filing of the notice with the office of the Register of Deeds of Robertson County, be a lien on the property in favor of the municipality, second only to liens of the state, county and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be collected by the municipal tax collector or county trustee at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes. In addition, the town may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The town may bring one (1) action for debt against more than one (1) or all of the owners of properties against whom said costs have been assessed and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a misjoinder of parties. If the structure

is removed or demolished by the public officer, he shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the Chancery Court of Robertson County by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the person found to be entitled thereto by final order or decree of such court. Nothing in this section shall be construed to impair or limit in any way the power of the town of to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (as added by Ord. #13-01, March 2013)

13-609. Basis for a finding of unfitness. The public officer defined herein shall have the power and may determine that a structure is unfit for human occupation or use if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants or users of such structure, the occupants or users of neighboring structures or other residents of the Town of Greenbrier. Such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; or uncleanliness. (as added by Ord. #13-01, March 2013)

13-610. Service of complaints or orders. Complaints or orders issued by the public officer pursuant to this chapter shall be served upon persons, either personally or by registered mail, but if the whereabouts of such persons are unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the town. In addition, a copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the Register's Office of Robertson County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (as added by Ord. #13-01, March 2013)

13-611. Enjoining enforcement of orders. Any person affected by an order issued by the public officer served pursuant to this chapter may file a bill in chancery court for an injunction restraining the public officer from carrying out the provisions of the order, and the court may, upon the filing of such suit, issue a temporary injunction restraining the public officer pending the final disposition of the cause; provided, however, that within sixty (60) days after the posting and service of the order of the public officer, such person shall file such bill in the court. The remedy provided herein shall be the exclusive remedy and

no person affected by an order of the public officer shall be entitled to recover any damages for action taken pursuant to any order of the public officer, or because of noncompliance by such person with any order of the public officer. (as added by Ord. #13-01, March 2013)

13-612. 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 town in order to determine which structures therein are unfit for human occupation or use;

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

(3) To enter upon premises for the purpose of making examination, provided that such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession and in compliance with legal requirements for gaining entry;

(4) To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this chapter; and

(5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate. (as added by Ord. #13-01, March 2013)

13-613. Powers conferred are supplemental. This chapter shall not be construed to abrogate or impair the powers of the town with regard to the enforcement of the provisions of its charter or any other ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by the charter and other laws. (as added by Ord. #13-01, March 2013)

13-614. Structures unfit for human habitation or use deemed unlawful. It shall be unlawful for any owner of record to create, maintain or permit to be maintained in the town structures which are unfit for human occupation or use due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the town. Violations of this section shall subject the offender to a penalty of fifty dollars (\$50.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (as added by Ord. #13-01, March 2013)