

## TITLE 13

### PROPERTY MAINTENANCE REGULATIONS<sup>1</sup>

#### CHAPTER

1. MISCELLANEOUS.
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3. UNSAFE BUILDINGS.
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7. HOTELS, MOTELS, AND EXTENDED STAY HOTELS/MOTELS.

#### CHAPTER 1

#### MISCELLANEOUS

#### SECTION

- 13-101. Health officer.
- 13-102. Smoke, soot, cinders, etc.
- 13-103. Stagnant water.
- 13-104. Dead animals.
- 13-105. Health and sanitation nuisances.

**13-101. Health officer.** The "health officer" shall be such city, county, or state officer as the board of mayor and aldermen shall appoint or designate to administer and enforce health and sanitation regulations within the city. (1972 Code, § 8-801)

**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. (1972 Code, § 8-805)

**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 effectively to prevent the breeding of mosquitoes. (1972 Code, § 8-806)

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

**13-104. 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. (1972 Code, § 8-808)

**13-105. 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. Any condition allowed to exist in violation of this section is declared to be a public nuisance which may be abated in the same manner as other public nuisances are abated. (1972 Code, § 8-809)

## CHAPTER 2

### WEEDS, ETC.

#### SECTION

13-201. Weeds and other vegetation prohibited.

13-202. Enforcement.

**13-201. Weeds and other vegetation prohibited.** (1) It shall be unlawful for any person or other entity owning, leasing, occupying or having control of property, regardless of whether the property is vacant or contains any form of structure, in the city, to permit the growth upon such property of weeds, grass, brush and all other rank or noxious vegetation to a height greater than twelve (12) inches when such growth is within two hundred (200) feet of occupied residential or commercial property or is within two hundred (200) feet of any street, thoroughfare, highway, within the city.

(2) Excluded from the provisions hereof shall be tracts of land of one acre or in unplatted, undeveloped areas (i.e. not in a platted subdivision), unless all property contiguous to said parcels of land front on public streets or roadways, or has improvements erected thereon. In this event, said vegetation prohibited herein shall be cleared to within 200 feet of the parcels on which said improvements are located or the parcels which front on public thoroughfares. Also excluded herefrom are natural wooded areas containing trees.

(3) The failure to cut and destroy such weeds, grass, brush and all other rank or noxious vegetation not subject to the exclusions above, shall constitute a violation of this section. (1972 Code, § 8-201)

**13-202. Enforcement.** Upon the owner or occupant's failure to observe the preceding section, the following procedure shall be adhered to and the following information shall be contained in a notice of those violations:

(1) A notice must be sent to the last known address of the record property owner as shown on the tax maps of the City of Manchester, Tennessee, as well as to any occupants of said premises.

(2) The notice shall state the violations complained of and action to be taken by the addressee and shall enclose a copy of Municipal Code §§ 13-201 and 13-202 and notify the addressee that if the provisions of the notice are not complied within a designated time period that the City of Manchester, by and through its appropriate agents, may take whatever action is required to correct the deficiencies or problems relating to that property.

(3) If the City of Manchester, Tennessee takes any action to correct the deficiencies or problems relating to the property, the owner or occupant to whom the notice is addressed shall be liable to the city for repayment of all labor and equipment costs incident to its work, based on the rates then charged the State of Tennessee, Department of Transportation (1 hour minimum charge), a copy

of which is available in the office of the finance director, plus fifteen (15%) percent for inspection and other incidental costs in connection therewith, and shall be charged to the addressee, owner and/or occupant of the property. Should those charges fail to be paid within thirty (30) days from the date of billing, a ten (10%) percent penalty shall be added and the total amount represented by the billing and penalty shall be placed on the real and/or personal property tax roles of the City of Manchester, Tennessee and assessed against the real estate, and shall be collected in the same manner as other city property taxes, or by civil action in the same manner as the collection of debt at the option of the city. If the charges are referred to the city attorney's office for collection as a civil debt, an attorney's fee may be added in the discretion of the court.

(4) The notice shall state that the addressee shall have ten (10) days from the date thereof to appeal to the Street and Sanitation Committee of the City of Manchester, Tennessee, in writing, to either obtain an extension of time or other relief from the provisions of said notice as might be sought in said appeal. The decision of the committee relative to said appeal shall be rendered in writing within five (5) days from the date of the next regularly scheduled committee meeting after receipt of said appeal.

(5) The notice shall state that the addressee shall have ten (10) days from the date of the written decision of the committee to appeal its decision to the board of mayor and aldermen. Within fifteen (15) days from the receipt of said notice of appeal, either the mayor or two (2) aldermen, in writing, may grant said party a hearing before the full board of mayor and aldermen. Failure of the mayor or two aldermen to act within said fifteen (15) day period shall constitute an affirmation of the decision of the committee and shall be final.

(6) Only one notice must be sent in any calendar year to enforce municipal code § 13-201 against a particular property, irrespective of the number of times the City of Manchester takes any action to correct the deficiency or mow the weeds or other vegetation within that calendar years. (1972 Code, § 8-202, as amended by Ord. #808, Jan. 1998)

## CHAPTER 3

### UNSAFE BUILDINGS

#### SECTION

13-301. Condemnation of unsafe buildings.

13-302. Notice.

13-303. Placard.

13-304. Court actions.

**13-301. Condemnation of unsafe buildings.** All buildings or structures which are unsafe, unsanitary, unfit for human habitation or not provided with adequate egress, or which constitute a fire hazard or are otherwise dangerous to human life or which constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment are declared to be unsafe buildings and illegal and shall be abated by repair and rehabilitation or by demolition in accordance with this chapter. (1972 Code, § 8-301)

**13-302. Notice.** When, in the judgment of the codes and health administrator or fire inspector, a building is determined in violation of this chapter, he shall give notice of such alleged violation to the person or persons responsible therefor, alleging those violations to constitute a nuisance. The notice shall be in writing and either served on the owner personally by the administrator or mailed to his last known address, and it shall include a statement of the reasons why it is being issued and shall allow one hundred twenty (120) days for the performance of any action requested. (1972 Code, § 8-302)

**13-303. Placard.** When notice is given by the health and codes administrator or fire inspector, he shall also place a placard on the building giving notice of such condemnation which requires the premises to be vacated within thirty (30) days after it is posted. No building condemned and placarded shall be used for human habitation after expiration of that time. No person shall deface or remove the placard until it shall have been repaired, reconstructed, altered or demolished as required by the health and codes administrator or fire inspector. (1972 Code, § 8-303)

**13-304. Court actions.** If, after the expiration of one hundred twenty (120) days after notice being given by the health and codes administrator or fire inspector, the building has not been repaired, reconstructed, altered or demolished according to his notice, the administrator or fire inspector shall instruct the city attorney to file suit for abatement of the nuisance against the

owner of the real estate, and such shall be filed within thirty (30) days thereafter without further authorization to the attorney. (1972 Code, § 8-304)

## CHAPTER 4

### MILK

#### SECTION

13-401. Milk code adopted by reference.

**13-401. Milk code adopted by reference.** Pursuant to authority granted by Tennessee Code Annotated, § 6-54-501, and for the purpose of prescribing regulations governing the production, transportation, processing, handling, sampling, examination, grading, labeling, and sale of all milk and milk products sold for ultimate consumption within the corporate limits of Manchester or its police jurisdiction; the inspection of dairy herds, dairy farms, and milk plants; and the issuance and revocation of permits to milk producers, haulers, and distributors, the provisions of Part I and II of the Grade A Pasteurized Milk Ordinance - 1965 Recommendations of the United States Public Health Service is hereby adopted by reference and included herein as part of this code. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of said Grade A pasteurized Milk Ordinance has been placed on file with the finance director and is available for public use and inspection. Said Grade A Pasteurized Milk Ordinance - 1965 Recommendations of the United States Public Health Service is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits.

Provided, that the words "municipality of" in said Grade A Pasteurized Milk Ordinance shall be understood to refer to the City of Manchester. Provided further, that in Section I, definitions A, Milk--milk shall be understood to contain not less than 8-1/2 percent milk solids-not-fat and not less than 3-1/2 percent milk fat and that not less than 8-1/4 percent milk solids-not-fat and that not less than 3-1/4 percent milk fat shall be deleted: D-Reconstituted or recombined milk and milk products: And: I-fortified milk and milk products shall be deleted: O-Milk Products, it shall be understood that cottage cheese and creamed cottage cheese has been added to this definition as defined in footnote No. Four (4) and that modified skim milk-modified flavored skim milk drink and modified cultured buttermilk as defined in the Tennessee Dairy Laws are included in this definition: Provided further, that in Section 3, the paragraph beginning with the words, "Upon written application of any person whose permit has been suspended \_\_\_\_\_" shall be deleted in its entirety, and any reference, elsewhere in this ordinance dealing with hearings before a permit can be suspended is also deleted: Provided further, that the last sentence in the first paragraph in Section 5 shall read "Any violation of the same requirement of Section 7 on such re-inspection shall call for permit suspension in accordance with Section 3 as amended, and/or court action: Provided further, that Sections 9, 16, and 17 of said unabridged ordinance shall be replaced respectively by subsections (1), (2), and (3) below."

(1) From and after the date on which this ordinance is adopted, only Grade A pasteurized milk and milk products shall be sold to the final consumer, or to restaurants, soda fountains, grocery stores, or similar establishments; Provided, that in an emergency, the sale of pasteurized milk and milk products which have not been graded, or the grade of which is unknown, may be authorized by the health authority; in which case, such milk and milk products shall be labeled "ungraded."

(2) It is hereby declared by the Board of Mayor and Aldermen of the City of Manchester, Tennessee, that the above rule or regulation has for its object the prevention, restriction, or extinction of epidemic and contagious diseases in the city and/or the promotion of the general good of the same, and therefore any person who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall be punished as provided by Tennessee Code Annotated § 53-303. Each day upon which such a violation occurs shall constitute a separate violation. In addition, such persons may be enjoined from continuing such violations.

(3) All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed, and this ordinance shall be in full force and effect upon its adoption and publication, as provided for by law, the public welfare of the City of Manchester, Tennessee, requiring it. (1972 Code, § 8-401, as amended by Ord. #808, Jan. 1998)



## CHAPTER 5

### REGULATIONS OF THE INSTALLATION AND REMOVAL OF UNDERGROUND TANKS

#### SECTION

13-501. Permit required.

13-502. Permit fee.

13-503. Deposit.

13-504. Tank installation or removal.

13-505. Penalty for failure to erect or maintain barricades.

13-506. Deposit refund.

13-507. Pending or previous construction.

**13-501. Permit required.** Before underground tanks are installed or removed from any public or private property within the corporate limits of the City of Manchester, Tennessee, a permit must first be obtained from the Health and Codes Administrator of the City of Manchester, Tennessee, on forms prescribed by his office. (1972 Code, § 8-501)

**13-502. Permit fee.** The cost for a permit for the installation or removal of underground tanks shall be \$25.00. If work begins before a permit is purchased, the cost shall be double the usual permit fee. (1972 Code, § 8-502)

**13-503. Deposit.** Before a permit is issued, or tank installation or removal begins, the party requesting the permit must post with the Health and Codes Administrator of the City of Manchester, Tennessee a cash deposit, corporate surety bond or irrevocable letter of credit in the amount of \$500.00, which shall be held by the city until the removal is completed. (1972 Code, § 8-503)

**13-504. Tank installation or removal.** During actual installation or removal of the tank, temporary barricades must be erected around the excavation, and after the underground tank is installed or removed, and until the excavation is backfilled, illuminated barricades and enclosure tape must be erected around the excavation, in accordance with regulations and specifications on file in the office of the Health and Codes Administrator of the City of Manchester, Tennessee. (1972 Code, § 8-504)

**13-505. Penalty for failure to erect or maintain barricades.** If the property owner, or person holding the permit fails or refuses to erect illuminated barricades and enclosure tape, as required by this chapter, or if the barricade or tape is removed or destroyed before the excavation is backfilled, then the City of Manchester, Tennessee shall erect suitable barricades around the excavation,

and the cost of the erection or maintenance of the barricade shall be the responsibility of the property owner and/or the party requesting the permit. (1972 Code, § 8-505)

**13-506. Deposit refund.** After the excavation has been backfilled, and inspected by the Health and Codes Administrator of the City of Manchester, Tennessee, and approved, the cash deposit shall be refunded, or the corporate surety bond or irrevocable letter of credit shall be cancelled and returned to the party requesting the permit; however, if the City of Manchester has expended any monies to erect or maintain a barricade around the excavation, then those costs will be deducted before a cash deposit is returned, or suit can be brought to enforce the corporate surety bond or irrevocable letter of credit to pay those expenses. If suit becomes necessary, the city shall recover the amount of its expenses, including any fees charged by the city attorney or court costs necessary to enforce this chapter. (1972 Code, § 8-506)

**13-507. Pending or previous construction.** If the installation or removal of underground tanks is in process at the time of the final passage of this chapter, or if installation or removal done previous to the passage of this chapter and the excavation has not been backfilled, then the Health and Codes Administrator of the City of Manchester, Tennessee shall give notice to the property owner of the passage of this chapter, and § 13-505 shall apply and can be enforced by the Health and Codes Administrator ten (10) days after notice is given to the owner, and suit can be brought by the city to recover its expenses, including any fees charged by the city attorney or court costs necessary to enforce this chapter if the owner fails to comply with the administrator's notice. (1972 Code, § 8-507)

## CHAPTER 6

### OUTSIDE DISPLAY OR STORAGE OF USED HOUSEHOLD GOODS OFFERED FOR SALE PROHIBITED

#### SECTION

13-601. Outside display or storage prohibited.

**13-601. Outside display or storage prohibited.** On properties zoned other than residential, no person or entity shall publicly display, outside of permanent structures for which there exists an appropriate certificate of occupancy, used household goods offered for sale or exchange.

Used household goods shall include, but not be limited to, items traditionally used and kept within the confines of one's residential dwelling, including clothes, furniture, decorations, appliances, exercise equipment, entertainment equipment, utensils, dishes, tools and other like items.

Used household goods shall not include complete automobiles, tractors, boats and lawn care equipment, which are typically stored in the elements.

A non-participating owner of any property being used in violation of this section shall be subject to all penalties and enforcement actions if, after adequate notice, he or she fails to take the appropriate action to comply with the requirements of this section.

The prohibition of this chapter shall not apply to:

- (1) Activities on properties zoned "commercial," which are actually and lawfully being used as a residential property, as permitted by Manchester Municipal Code § 14-702, as long as there is participation by a resident of the premises; or
- (2) To any properties owned by a school or church and being used as a school or church, as long as being used by a group affiliated with the school or church.

Violation of this chapter shall be punishable by a fine of up to fifty dollars (\$50.00) plus a civil penalty up to two thousand five hundred dollars (\$2,500.00) per violation. Any used household goods offered for sale in violation of the ordinance are subject to confiscation and forfeiture. The city court shall conduct a hearing before ordering any forfeiture. In addition to the fine imposed herein, the city court shall assess a civil penalty, as a remedial measure.

In assessing the civil penalty, the city court shall take into consideration:

- (1) Any loss to the city or its citizens;
- (2) Reimbursement to the city for its expenses of enforcement;
- (3) To disgorge any gains or benefit from the violation;
- (4) To provide restitution for harm; and/or
- (5) Ensure future compliance through execution of a bond or a prospectively coercive fine.

This chapter is supplementary to and does not limit any other ordinance addressing codes, cleanliness or maintenance of real estate. Codes department employees, as well as police officers, are authorized to issue citations for violations. (as added by Ord. #1477, Dec. 2015)

## CHAPTER 7

**HOTELS, MOTELS, AND EXTENDED STAY**  
**HOTELS/MOTELS****SECTION**

13-701. Hotel/motel and extended stay hotel/motel licensing and regulation definitions.

**13-701. Hotel/motel and extended stay hotel/motel licensing and regulation definitions.** (1) Definitions. (a) "Hotel" and "motel" shall mean any facility providing lodging for transients, as defined in the City of Manchester hotel/motel tax, established by the Charter of the City of Manchester, and shall include such facilities that may be exempt from the tax due solely to the durations of the period of lodging.

(b) "Extended stay room" means a room rented to a person or persons and continuously occupied by them for a period of twenty-eight (28) days or more.

(2) License required. (a) All hotels and motels must have a license to operate. The license shall be valid for one (1) year.

(b) Application for license shall be made upon a form developed by the finance director. It shall include the name of the owner of the real property upon which the facility is located; the name of the operator, if different; the number of and designation of rooms available for less than extended stay rental and the number and designation of rooms for extended stay rental and the name of an individual designated the "responsible individual" in charge of day to day operation and address and phone number of such individual. This individual must be able to provide access to the premises at reasonable times and the information required by this chapter. In the event this individual ceases to be available or is repeatedly unavailable, the codes and health administrator may suspend the facility's permit until an acceptable replacement is named.

(c) The license fee shall be one hundred dollars (\$100.00).

(3) Inspection of less than extended stay rooms (reserved).

(4) Inspection of "extended stay rooms. (a) The codes and health administrator or his designee shall inspect or cause to be inspected all rooms designated extended stay rooms no less frequently than semi-annually; when a room is designated or re-designated an extended stay room and when a room is discontinued as an extended stay room. It shall be the duty of the operator to notify the codes and health administrator at least five (5) days prior to any change in designation of a room from extended stay to less than extended stay or less than extended stay to extended stay.

(b) Failure to notify the codes and health director shall subject the facility to revocation of its license in addition to other sanctions as set forth herein.

(c) Scope of inspection. The codes and health administrator shall inspect the following:

- (i) Electrical system, including outlets, appliances, lamps, lighting and HVAC, as appropriate;
- (ii) Plumbing system;
- (iii) General cleanliness and sanitation, including but not limited to, carpet, mattresses, drapes, blinds and upholstery; and
- (iv) Absence of rodents and other insects, arachnids and vermin of any type.

(d) Suspension of occupancy. Should any room present a health or safety danger to a potential occupant or should the room not contain the posted notice described in subsection (5), the codes and health administrator may prohibit use of such room or rooms until remedied. If the operator disputes the decision of the codes and health administrator; he can, within fifteen (15) days, appeal that decision to the board of mayor and aldermen by lodging a written request with the finance director. This requirement is jurisdictional and the failure to so request waives any right of appeal of the decision of the codes and health administrator.

(e) Violations. Any violation of this chapter subjects the operator and the individual designated as the responsible individual to each of the following: alone or in combination:

- (i) Revocation or suspension of the hotel/motel license;
- (ii) A fine of fifty dollars (\$50.00) per day per room for each violation;
- (iii) An injunction, temporary or permanent, against such operator from operating a hotel or motel within the City of Manchester and/or serving as a manager or other responsible individual of same; and
- (iv) Padlocking the facility or such portions thereof until the re-inspection.

(f) Re-inspection fee. In the event any room or quarters are designated "not for habitation" by the codes and health administrator; a fee of fifty dollars (\$50.00) per room shall be paid in advance before any re-inspection.

(g) It is an offense to permit occupation of any premises designated "not for occupation" by the codes and health administrator. Any person so permitting occupation shall, upon conviction, be subject to a fine up to fifty dollars (\$50.00) for each violation. Each day of violation and each separate quarter constitute separate violations. Any person so

convicted may not be designated a "responsible individual" for one (1) year after such conviction.

(5) Notice to occupants. The operator must inform and obtain an acknowledgement in writing from each person renting an extended stay room that the room is subject to inspections to assure compliance with this chapter. In addition, the operator must post this notice in a prominent place in each extended stay room:

#### ROOM SUBJECT TO INSPECTION

This room, designated by the operator of this facility an 'extended stay room' is subject to inspection at any time by the City of Manchester Codes and Health Department to assure compliance with health and safety requirements. Any complaints about the condition of this room may be made to the Codes and Health Director of the City of Manchester at (931) 723-1464. (as added by Ord. #1553, June 2018 *Ch20\_5-7-19*)