TITLE 13

PROPERTY MAINTENANCE REGULATIONS

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2. ABANDONED, NON-OPERATING AND DISCARDED VEHICLES.
3. PORTABLE OUTDOOR STORAGE UNITS REGULATED.

CHAPTER 1

MISCELLANEOUS

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13-104. Dead animals.
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13-108. Civil penalty; violations.

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. (1975 Code, § 8-801)

13-102. Stagnant water. It shall be unlawful for any person to knowingly allow any pool of stagnant water to accumulate and stand on his property. (1975 Code, § 8-805)

13-103. Weeds. Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property, and it shall be unlawful for any person to fail to comply with an order by the city manager or chief of police to cut such vegetation when it has reached a height of over one (1) foot. (1975 Code, § 8-806)

1 Municipal code references
   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. (1975 Code, § 8-807)

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. (1975 Code, § 8-808)

13-106. **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. (1975 Code, § 8-804)

13-107. **City manager to abate certain conditions.** When refuse is allowed to accumulate or weeds or grass or other vegetation to grow to such height as to be in violation of any provision of this code, the city manager shall so notify the property owner(s) as shown by the county tax assessor's records and give to such owner a specified reasonable period of time within which to correct such condition. If such condition(s) be not corrected within the specified period of time, the city manager may have the work done and assess the owner with the costs of such compliance and with the costs of enforcement. The assessment and costs thereof shall thereby become a lien against the property and shall be enforced in a like manner as all other liens for property improvements and/or may be enforced or collected by notifying the county tax assessor and/or the county trustee of such lien so as to mathematically add the amount of such assessment and lien to the municipal ad valorem property taxes, to be collected by the county trustee in the same manner as other real property taxes. (1975 Code, § 8-809, as replaced by Ord. #00-819, July 2000)

13-108. **Civil penalty; violations.** In addition to abatement of any condition as prohibited by any of the sections of this chapter hereinabove or hereinafter set forth, failure to remedy any such condition after notice but prior to abatement is declared to be in violation of a particular ordinance or code section cited in the notice as to which the owners and/or occupants may be cited to city court for such violation(s). Each day of continued violation thereafter
shall constitute a separate offense and for each day that said condition is unremedied, the offending owner and/or occupant may be fined the sum of $50.00 by the city judge upon finding of guilt. Additionally, the city judge shall, upon proper proof, add the amount of the enforcement costs, including attorney fees and abatement cost(s), incurred by the city to the amount of the fine to be paid by the owner and/or occupant of the offending premises. (as added by Ord. #00-818, July 2000)
CHAPTER 2

ABANDONED, NON-OPERATING AND DISCARDED VEHICLES

SECTION
13-201. Abandoned and/or outside parking or storage of non-operating, partially dismantled or dismantled automobiles and/or unregistered vehicles declared a public nuisance.


13-203. Abandoning prohibited.

13-204. Leaving non-operating and/or junked and/or partially dismantled automobile on street prohibited.

13-205. Allowing on property.

13-206. Removal of abandoned and/or non-operating and/or unregistered motor vehicles required.

13-207. Notification and authority.

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13-210. Violations; penalty.

13-201. Abandoned and/or outside parking or storage of non-operating, partially dismantled or dismantled automobiles and/or unregistered vehicles declared a public nuisance. In enacting this chapter the city commission of the City of Red Bank finds and declares that the accumulation, and/or outside parking and/or storage and/or abandonment of wrecked, junked, partially dismantled and/or non-operating motor vehicles and/or unregistered vehicles on public or private property in the City of Red Bank is and are in the nature of rubbish and unsightly debris, violates, in many instances, the zoning regulations of the city, and constitute(s) a nuisance detrimental to the health, safety and welfare of the community in that such conditions tend to interfere with the enjoyment of and reduce the value of public and private property, create fire hazards, serve as a potential refuge for vermin and vectors, and create other health and safety hazards to the City of Red Bank. (as added by Ord. #98-765, March 1998, and amended by Ord. #13-997, Dec. 2013)

13-202. Definitions. The following definitions shall apply in the interpretation and enforcement of this chapter.

(1) "Abandoned motor vehicle" means a motor vehicle that is left unattended on public property for more than seven (7) days, or a motor vehicle that has remained illegally on public property for a period of more than forty-eight (48) hours, or a motor vehicle that has remained on private property without the consent of the owner or person in control of the property for more than forty-eight (48) hours.
(2) "Non-operating automobile." A vehicle, or various parts thereof, which is not reasonably presently capable of traveling along the ground, under its own power, by reason of being wrecked, scrapped, ruined, dismantled, partially dismantled, disassembled, without operating engine, transmission, or drive train, without wheels or tires, or without inflated tires, without a working battery and/or without present ability to start and run for at least two (2) consecutive minutes under its own power and/or by reason of any single factor or combination of the above enumerated factors and/or which for any other factor or factors is not reasonably in operating condition.

(3) "Property." Any real property, whether public or private, within the city which is not a street or highway, or a public right-of-way.

(4) "Unregistered vehicle." Any vehicle which does not have properly and lawfully displayed license tags from the State of Tennessee and/or from a state or territory of the United States of America and/or as to which the owner, registrant or person(s) in possession of said vehicle is unable to produce current valid registration documents from the State of Tennessee or a state or territory of the United States of America.

(5) "Vehicle." A machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners or slides, and transport persons or property, or pull machinery, and shall include without limitations, automobile, truck, trailer, motorcycle, tractor, buggy and wagon. (1975 Code, § 9-701, as replaced by Ord. #98-765, March 1998, and amended by Ord. #13-997, Dec. 2013)

13-203. Abandoning prohibited. No person shall abandon any vehicle within the city and no person shall leave any vehicle at any place within the city, for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned. (1975 Code, § 9-702, as replaced by Ord. #98-765, March 1998)

13-204. Leaving non-operating and/or junked and/or partially dismantled automobile on street prohibited. No person shall leave any partially dismantled, non-operating, wrecked, dismantled, partially dismantled or junked vehicle or any unregistered vehicle on any street, alley, or highway within the city, or on any public right-of-way or public property. (1975 Code, § 9-703, as replaced by Ord. #98-765, March 1998, and amended by Ord. #13-997, Dec. 2013)

13-205. Allowing on property. No person in charge or control of any public or private property within the city whether the owner, tenant, occupant, lessee, or otherwise, shall allow any partially or wholly dismantled or non-operating, wrecked, junked or discarded vehicle or any unregistered vehicle to remain on such property or properties longer than ten (10) days, whether consecutive or not, in any one hundred eighty (180) day period, except that this
section shall not apply with regard to any such vehicle in an enclosed building; to a vehicle on the premises of a building enterprise operated in a property zoned and lawful place and manner when necessary to operation of such business enterprise; or to a vehicle in an appropriately enclosed storage place, or depository maintained in a properly zoned and lawful place and manner by the city or governmental authority. It shall not be a defense to a charge of violation under this section to move any such vehicle from one parcel of property in this city to another. (1975 Code, § 9-704, as replaced by Ord. #98-765, March 1998, and Ord. #99-794, Aug. 1999, and amended by Ord. #13-997, Dec. 2013)

13-206. Removal of abandoned and/or non-operating and/or unregistered motor vehicles required. (1) The accumulation and/or outside parking and/or outside storage of one or more abandoned, wrecked, junked, or non-operating automobile or vehicle, or any unregistered vehicle as otherwise in violation of the provisions of this chapter shall constitute rubbish and unsightly debris and unsightly debris and a nuisance detrimental to the health, safety and general welfare of the citizens and inhabitants of the City of Red Bank and it shall be the duty of the registered owner of such motor vehicle and it shall also be the duty of the person in charge or control and/or the owner of the property upon which motor vehicle is located, whether as owner, tenant, occupant, lessee, or otherwise, to remove the same to a place of lawful storage and to have the vehicle housed within a building where it will not be visible from the street.

(2) Alternatively, and in addition to the prohibitions, remedies and procedures provided by this chapter, the city may avail itself of the processes and procedures set forth in Tennessee Code Annotated, § 15-16-101, et seq., as now enacted or as hereinafter amended, which provisions of the laws of the State of Tennessee are hereby adopted and incorporated herein by reference as an ordinance of this city. (1975 Code, § 9-705, as replaced by Ord. #98-765, March 1998, and amended by Ord. #99-794, Aug. 1999, and Ord. #13-997, Dec. 2013)

13-207. Notification and authority. Whenever any such public nuisance exists on occupied or unoccupied commercial or residential, private or public, property within the City of Red Bank, the owners of said property shall be notified by the city manager or his designee, to abate and to remove the same. Such order shall:

(1) Be in writing,
(2) Specify the public nuisance and its location,
(3) Specify the corrective measures required,
(4) Provide for compliance within ten (10) days from the date of notification and
(5) Advise the person entitled to notice of the possibility of enforcement and fined through the city court, including but not limited to posting the vehicle
with the written notice, which posting of the vehicle shall be deemed notice to
the owner for all purposes under this chapter of the Red Bank City Code.

The notification shall be served upon the owner or owners of said
premises and/or upon the owner or owners of said motor vehicle and/or upon the
occupant, lessee, or person controlling the premises by serving them personally
or by sending said notice by certified mail, return receipt requested, to their
address as shown on the current tax roles of the City of Red Bank and/or by any
other means available. If the owner or owners of the premises fail or refuse to
comply with the notice within a ten (10) day period after notification thereof, as
provided herein, such failure or refusal shall be deemed a violation of the
provisions of this chapter and said person or persons shall be subject to the
penalties herein provided. If the person or persons entitled to notice hereunder
fail or refuse to comply with the notice and order, as above provided, within the
ten (10) day period after notification thereof, as provided herein, city manager
or his authorized designee, including the police department, may enter upon
said property, take possession of such vehicle or vehicles, remove the same from
said property, dispose of same and cause such unlawful condition to be
remedied.

Upon completion of such removal and disposition, the reasonable costs
thereof, plus 15% for inspection fees and other incidental costs in connection
therewith, shall be paid by the owner or owners of said property to the City of
Red Bank and said costs and expenses, including attorney fees, shall be billed
to the owner or owners of said property. If the bill is not fully paid within sixty
(60) days after the mailing of said bill, a ten percent (10%) penalty shall be
added and fines, costs, penalties and fees shall be placed on the tax roles of the
City of Red Bank as a lien upon the property and collected in the same manner
as other city taxes are collected.

Provided, however, that prior to the removal of non-operating vehicle from
private property, such vehicle itself shall first be posted with a notice of the
intended removal and of the fact that the owner or possessor thereof shall be
entitled to a hearing before the city manager, if requested to the city manager,
within seven (7) days from the date of the notice. (as added by Ord. #98-765,

13-208. Notification of owners and lienholder. The police
department upon taking into custody an abandoned motor vehicle or non-
operating vehicle shall notify within fifteen (15) days thereof, by registered mail,
return receipt requested, the last known registered owner of the motor vehicle,
all lienholders of record, and, if applicable, the occupant of the premises from
which the non-operating vehicle was removed, that the vehicle has been taken
into custody. The notice shall describe the year, make, model, and vehicle
identification number of the abandoned motor vehicle; location of the facility
where the motor vehicle is being held; inform the owner and any lienholder of
their right to reclaim the motor vehicle within ten (10) days after the date of the
notice, upon payment of all towing, preservation and storage charges resulting from placing the vehicle in custody; and state that the failure of the owner or lienholder to exercise their right to reclaim the vehicle and consent of the sale of the abandoned motor vehicle at a public auction. (1975 Code, § 9-706, as amended by Ord. #98-765, March 1998, and Ord. #13-997, Dec. 2013)

13-209. Auction and disposition of abandoned and/or non-operating vehicles. (1) If an abandoned or non-operating vehicle has not been reclaimed as provided for in § 13-208, the police department or city manager shall sell the abandoned motor vehicle at a public auction.

(2) As authorized by Tennessee Code Annotated, § 55-16-106, et seq., the purchaser of the motor vehicle shall take title to the motor vehicle free and clear of all liens and claims of ownership, shall receive a sales receipt from the police department, and, upon presentation of such sales receipt, the department of revenue shall issue a certificate of title to the purchaser.

(3) The sales receipt only shall be sufficient title for purposes of transferring the vehicle to a demolisher for demolition, wrecking or dismantling, and, in such case no further titling of the vehicle shall be necessary.

(4) The proceeds of the sale of an abandoned motor vehicle shall be used for payment of the expenses of the auction, the cost of towing, preserving and storing the abandoned vehicle, and all notice of publication costs incurred pursuant to § 13-207.

(5) (a) Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lienholder for forty-five (45) days, and then shall be deposited in a reserve account in the general fund which shall remain available for the payment of auction, towing, preserving, storage and all notice and publication costs which result from placing other abandoned or non-operating vehicles in custody whenever the proceeds from a sale of such other abandoned motor vehicles are insufficient to meet these expenses and costs.

(b) Whenever the chief fiscal officer of the city finds that moneys in the reserve account are in excess of reserves likely to be needed for the purposes thereof, he may transfer the excess to the general fund, but in such event, claims against the reserve account, if the reserve account is temporarily exhausted, shall be met from the general fund to the limit of any transfer previously made thereto pursuant to this section. (1975 Code, § 9-707, as amended by Ord. #98-765, March 1998)

13-210. Violations; penalty. In addition to the abatement and removal provisions of this chapter, any person(s) violating any of the provisions of this chapter shall be deemed guilty of violation of city ordinance, and upon conviction thereof shall be fined a fine of up to $50.00 per each day of violation. Each day that such violation is committed, or continues after notification is provided hereinabove, shall constitute a separate offense and shall be punishable as such.
Failure to pay fine(s) and court costs may result in a sentence of confinement in the county jail for up to ten (10) days in the discretion of the judge and failure to pay the fine and court costs shall constitute a separate offense. (1975 Code, § 9-708, as amended by Ord. #98-765, March 1998)
CHAPTER 3

PORTABLE OUTDOOR STORAGE UNITES REGULATED

SECTION
13-301. Enactment of chapter.
13-304. Regulations, placement and maintenance.
13-305. Violations, citations, penalties.

13-301. **Enactment of chapter.** In enacting these regulations and this chapter, the City Commission for the City of Red Bank finds and declares that there is a reasonable demand for the utilization of and access to Temporary Portable Outdoor Storage Units (TPOSUs) for residents and businesses and other entities in the City of Red Bank. The city commission also finds and declare that a reasonable system of regulation is necessary to address the health, safety and general welfare of the citizens of Red Bank and of the owners of real property in the City of Red Bank in that lack of reasonable regulation of TPOSUs as to size, timing, placement, duration of placement and manner of usage of such TPOSUs will tend to interfere with and reduce the enjoyment, utility and value of publicly and/or privately owned real properties in the City of Red Bank and/or would potentially and likely impede traffic flows and thereby potentially create dangerous conditions in the city. (as added by Ord. #15-1024, April 2015)

13-302. **Definitions.** (1) Temporary Portable Outdoor Storage Unit(s) (TPOSUs) are defined as a movable or otherwise reasonably portable storage unit, container, utility trailer, shed like container or structure or other portable covered or uncovered or partially covered structure or container that can or may be used for storage of personal property by a person, business, or entity of any kind and which is located, for such purposes outside of an enclosed building other than an otherwise permitted any properly zoned accessory structure(s). TPOSUs are typically intended to be located temporarily for loading and/or unloading of or for offsite storage of personal property and then moved to an offsite location for lawful storage and/or keeping and/or later relocation. Trailers (subject to size limitations hereinafter defined), whether covered, enclosed, and/or uncovered and/or partially covered are TPOSUs, for the purposes of this chapter when used or utilized, or where capable of being utilized, for temporary portable outdoor storage. Moving vans, trucks or tractor/trailer combinations are not necessarily but may be TPOSUs and are otherwise subject to regulation and/or other provisions of the Red Bank city code.
(2) **Size.** TPOSUs as defined herein shall not exceed sixteen feet (16') in length, eight feet (8') in height, or eight feet (8') in width. (as added by Ord. #15-1024, April 2015)

13-303. **Placement, permits and duration.** (1) (a) TPOSUs may be temporarily placed or utilized upon any property, parcel, tract or real estate in the City of Red Bank only for the general purposes of loading and/or unloading personal property from or to the premises, address or parcel upon which the TPOSUs is temporarily located and for the subsequent purpose(s) of coming from and/or going to an offsite lawfully operated and zoned and enclosed and permitted storage lot, warehouse and/or facility.

(b) No TPOSUs may be placed, outside an enclosed building or otherwise located upon any tract, parcel, lot or property in the City of Red Bank except and unless a permit therefore has been granted by the city manager and/or by his designee, and upon written application and upon such terms, provisions and conditions as determined by the city manager. To defer the administrative costs of regulation and of the application and permit process, a reasonable fee shall be charged by the city and may be revised in amount, from time to time, by resolution of the city commission acting in open session. The application fee is, subject to future modification by resolution as herein provided, initially established at twenty-five dollars ($25.00).

(c) Permits; duration. (i) Permits shall expire no later than fourteen (14) consecutive days after the date of issuance. After issuance and prior to expiration, and conditioned upon no then existing violation of the terms, provisions or conditions of the permit, and subject to the payment of an additional permit processing fee as established hereinabove, the permit may be extended for an additional period of up to fourteen (14) days or for such lesser amount of time as may be specified in the extended and/or reissued permit.

(2) Permits for TPOSUs may not be issued for any parcel, property address or tract for more than twenty-eight (28) days in any running three hundred sixty-five (365) day (1 year) period. (as added by Ord. #15-1024, April 2015)

13-304. **Regulations, placement and maintenance.** (1) No TPOSUs shall be placed or located on any street and/or city right-of-way.

(2) No TPOSUs shall be placed and/or located in the front yard of any property or within the front setback line from the street of any property and/or so as to block or restrict any driveway or sidewalk access by or to any property.

(3) TPOSUs must be placed in the driveway of the property and all placement locations must be paved, graveled, or concrete off-street surfaces.
(4) TPOSUs placement shall not, in the judgment of the city manager and/or the police chief and/or the designee of either of them, impede traffic flow on any public street or sidewalk, nor shall placement in any manner restrict the view field or sight line(s) of or with respect to any street or intersection or to any driver going into or out of driveway, traversing the public rights-of-way and/or parking lots in or on any adjoining parcel. (as added by Ord. #15-1024, April 2015)

13-305. Violations, citations, penalties. Violations of this chapter and/or of the failure to adhere to the terms or time periods of any permit issued hereunder, including specifically but not limited to holding over and/or continued placement of occupancy beyond the time period of any permit issued hereunder, shall result in the imposition of civil penalty/fine in an amount not to exceed fifty dollars ($50.00) per day per each TPOSUs, by the city court. Each day of violation and/or continued violation shall constitute a separate offense as to each TPOSU placed and/or permitted on any parcel(s). (as added by Ord. #15-1024, April 2015)