TITLE 13

PROPERTY MAINTENANCE REGULATIONS

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CHAPTER 1

MISCELLANEOUS

SECTION
13-101. Vacant buildings to be kept locked.

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

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

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

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1Municipal code reference
Oak Ridge Housing Code: title 12.
CHAPTER 2

OAK RIDGE PROPERTY MAINTENANCE CODE

SECTION
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13-205. Structures unfit for human occupation or use.
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13-201. Generally. (1) Title. The provisions within this chapter shall be known and may be called as the "Oak Ridge Property Maintenance Code."

(2) International Property Maintenance Code adopted. The International Property Maintenance Code, 2003 edition, as published by the International Code Council, Inc., is hereby adopted by reference and shall become a part of this chapter as if copied herein verbatim, except as such code may be in conflict with other provisions of this chapter, in which event such other provisions of this chapter shall prevail. (Ord. #7-01, Sept. 2001, as replaced by Ord. #7-08, Jan. 2008)


(2) Deletions. (a) Section 101.1 of the IPMC, titled "Title," is hereby deleted in its entirety.

(b) Section 103 of the IPMC, titled "Department of Property Maintenance Inspection," is hereby deleted in its entirety.

(c) Section 106 of the IPMC, titled "Violations," is hereby deleted in its entirety.

(d) Section 107 of the IPMC, titled "Notices and Orders," is hereby deleted in its entirety.

(e) Section 108 of the IPMC, titled "Unsafe Structures and Equipment," is hereby deleted in its entirety.

(f) Section 109 of the IPMC, titled "Emergency Measures," is hereby deleted in its entirety.

(g) Section 110 of the IPMC, titled "Demolition," is hereby deleted in its entirety.

(h) Section 111 of the IPMC, titled "Means of Appeal," is hereby deleted in its entirety.
(i) Section 302.2 of the IPMC, titled "Grading and drainage," is hereby deleted in its entirety.

(j) Section 302.8 of the IPMC, titled "Motor Vehicles," is hereby amended by deleting the phrase "or unlicensed."

(k) Section 303.2 of the IPMC, titled "Enclosures," is hereby deleted in its entirety.

(l) Section 304.3 of the IPMC, titled "Premises identification," is hereby deleted in its entirety.

(m) Section 507 of the IPMC, titled "Storm Drainage," is hereby deleted in its entirety.

(n) Section 602.2 of the IPMC, titled "Residential occupancies," is hereby modified by deleting the words "based on the winter outdoor design temperature for the locality indicated in Appendix D of the International Plumbing Code" in its entirety.

(o) Section 602.3 of the IPMC, titled "Heat supply," is hereby modified by deleting the following sentence set forth in Exception 1: "The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code" in its entirety.

(p) Chapter 7 of the IPMC, titled "Fire Safety Requirements," is hereby deleted in its entirety.

(3) Insertions. (a) Section 202 of the IPMC, titled "General Definitions," is hereby amended by adding the following new definitions:

(i) "Abandoned motor vehicle." A motor vehicle that is over four (4) years old and left unattended on public property for more than ten (10) days; is in an obvious state of disrepair and is left unattended on public property for more than three (3) days; has remained illegally on public property for a period of more than forty-eight (48) hours; 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; or has been stored, parked, left in a garage, trailer park, or any type of storage or parking lot for more than thirty (30) consecutive days.

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

(iii) "Combustible waste material." Magazines; books; trimmings from lawns, trees, and flower gardens; pasteboard boxes; rags; paper; straw; sawdust; packing material; and shavings.

(iv) "Motor vehicle." Any self-propelled vehicle which is designed for use upon the highway, including trailers and semitrailers.
(b) May 1 is hereby inserted into the first blank space and November 1 is hereby inserted into the second blank of Section 304.14 of the IPMC, titled "Insect screens."

(c) November 1 is hereby inserted into the first blank space and May 1 is hereby inserted into the second blank of Section 602.3 of the IPMC, titled "Heat supply."

(d) November 1 is hereby inserted into the first blank space and May 1 is hereby inserted into the second blank of Section 602.4 of the IPMC, titled "Occupiable work spaces."

(4) Code references. All references to the following codes within the IPMC shall be replaced as follows:

(a) ICC Electrical Code shall become the National Electrical Code.

(b) International Zoning Code shall become the Zoning Ordinance of the City of Oak Ridge, Tennessee.

(5) Exceptions to IPMC Section 604.2 and 605.2. Section 604.2, titled "Service," and Section 605.2, titled "Receptacles," of the IPMC shall not apply to dwelling units disposed of under the Atomic Energy Disposal Law of 1955 (Public Law 221) unless and until structural changes, repairs or renovations for the dwelling unit of a value exceeding fifty percent (50%) of its then physical value are undertaken. (Ord. #7-01, Sept. 2001, as replaced by Ord. #7-08, Jan. 2008)

13-203. Code enforcement organization. (1) Enforcement officer. The city manager or the city manager's duly authorized designee shall be responsible for enforcement of the Oak Ridge Property Maintenance Code. Whenever the Oak Ridge Property Maintenance Code refers to the "code official," "public official" or the "city manager," it shall be read to mean the city manager or the city manager's duly authorized designee.

(2) Rules and regulations. The city manager is hereby empowered to promulgate such rules and regulations as necessary to implement, carry out and enforce the provisions of the Oak Ridge Property Maintenance Code. Such rules and regulations shall be approved by city council and any amendments thereto shall be similarly approved. A copy of such rules and regulations shall be kept on file with the city clerk.

(3) Conflict of interest. No city employee having investigative or enforcement responsibilities under the Oak Ridge Property Maintenance Code shall be financially benefitted or involved in the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or in the making of plans or specifications thereof, unless he or she is the owner of such building.

(4) Records. The city shall keep or cause to be kept a record of inspections, communications or actions taken pursuant to the Oak Ridge Property Maintenance Code.
(5) Powers. The city manager is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of the Oak Ridge Property Maintenance Code, including the following powers in addition to others herein granted, to:

(a) Investigate conditions in the city in order to determine which structures therein are unfit for human occupation or use;

(b) Administer oaths, affirmations, examine witnesses and receive evidence;

(c) Enter upon premises for the purpose of making examinations; provided, that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession;

(d) Appoint and fix the duties of such officers, agents and employees as the city manager deems necessary to carry out the purposes of the Oak Ridge Property Maintenance Code; and

(e) Delegate any of the city manager's functions and powers under the Oak Ridge Property Maintenance Code to such officers and agents as the city manager may designate. (Ord. #7-01, Sept. 2001, as amended by Ord. #7-08, Jan. 2008)

13-204. Board of building and housing code appeals. (1) Board of building and housing code appeals; appointment. (a) There is hereby created a board of building and housing code appeals consisting of seven (7) members, which shall be residents of the City of Oak Ridge and shall consist of the following: one physician or person from a health-related field; one architect or engineer; one building-related contractor or building supply dealer; one realtor; and three members from the public at large; provided that, if no individuals meeting these criteria apply for appointment, city council may appoint persons who do not possess such qualifications.

(b) Appointment to the board shall be for staggered three (3) year terms, provided the terms of members of the initial board shall be as follows:

(i) Three members from the public at large 3 years
(ii) Physician or other member from health related field and architect or engineer 2 years
(iii) Realtor and building-related contractor or building supply dealer 1 year

(c) Members of the board may be removed by city council for good cause shown.

(d) Vacancies on the board shall be filled by city council for the unexpired term of such vacancy.

(e) The members of the board shall serve without compensation.

(f) As soon as practical after appointment, the members of the board shall meet and organize by electing a chairperson, vice-chairperson
and secretary. Thereafter, officers of the board shall be elected by the members at the first annual meeting of the board. Four (4) members shall constitute a quorum and the affirmative vote of at least four (4) members shall be required to take any action, except to continue a meeting where no quorum is present. A member shall not act in a case in which such member or his or her family member or his or her employer has a personal or financial interest. The board shall establish such other written rules and regulations for its own procedure not inconsistent with the provisions of the Oak Ridge Property Maintenance Code and a copy shall be kept on file with the city clerk.

(g) Any reference in any provision of the Code of Ordinances, City of Oak Ridge, Tennessee to the board of building code appeals or the board of housing appeals shall be deemed to refer to the board of building and housing code appeals.

(2) Board of building and housing code appeals to hear appeals. All appeals from the Oak Ridge Property Maintenance Code shall be heard by the board of building and housing code appeals.

(3) Duties of the board of building and housing code appeals. (a) The board shall meet monthly to hear cases of structures unfit for human occupation or use and shall hear appeals of notices for housing violations, if any have been filed, but in any event shall meet within fifteen (15) days after receipt of a notice of appeal if so requested by the city manager or by the appellant.

(b) At such hearings, the board shall hear and receive such relevant testimony and evidence as presented by the city manager or by the appellant.

(c) The board shall determine whether the structure is unfit for human occupation or use, whether a violation exists, whether the city manager's notice of violation is proper and/or whether a request for an extension of time or waiver shall be granted.

Extensions of time may be granted only upon a showing of undue hardship, or that such is necessary to complete the abatement of violation, and shall not exceed ninety (90) days from the date of the board's decision. One additional extension, not to exceed ninety (90) days, may be granted by the board, after a hearing, if requested at least thirty (30) days prior to the expiration of the initial extension, provided such additional extension shall only be granted where the owner shows that he or she has been making a good faith effort and progress toward completing the abatement of violation, and that such additional time is necessary.

Anything herein to the contract notwithstanding, no more than one thirty (30) day extension of time may be granted to complete repairs or demolition to any residential structure that constitutes an imminent or immediate threat to the health, safety or general welfare of any persons
or to the public. As a condition of granting such extension, the board may impose restrictions on the owner to secure the property or to take other measures to protect the health, safety and general welfare of the public.

(d) Upon application, the board is empowered to grant a waiver from specific minimum requirements of this ordinance, provided however, waivers shall be granted only for unique or special conditions of the dwelling or that imposition of the minimum requirement to the applicant would impose an extreme and undue hardship; and that waiver of the particular requirement would not endanger the health, safety or welfare of the occupants or the general public, or would not cause or threaten an imminent deterioration of property values in the area in which such structure is located. It is the intent of this provision that waivers are not to be liberally granted, but rather are intended only for the purposes specifically enumerated herein. Economic hardship alone shall be insufficient reason for the granting of a waiver.

(e) The board shall issue a written decision upholding or dismissing the notice of the city manager, or modifying the notice to the extent the board determines the order was improper, or granting or denying an extension of time for compliance or granting or denying a waiver, or declaring a structure unfit for human occupation or use. Copies of all such decisions shall be given to the city manager and the appellant, and filed with the city clerk.

(f) The board shall also hear appeals under the building code or any other city code wherein the board is designated to hear appeals.

(g) The board shall further have the duty, in accordance with § 11-105 of the Code of Ordinances, City of Oak Ridge, Tennessee, to receive and investigative complaints of discrimination in housing, and to recommend ways of eliminating any injustices caused thereby. (Ord. #7-01, Sept. 2001, as amended by Ord. #7-08, Jan. 2008)

13-205. Structures unfit for human occupation or use.

(1) Definitions. As used in this section, the following words and phrases have the meanings ascribed to them, unless the context otherwise requires:

(a) "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;

(b) "Owner" means the holder of the title in fee simple and every mortgagee of record;

(c) "Parties in interest" means all individuals, associations, corporations and others who have interests of record in a structure and any who are in possession thereof;
(d) "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;  
(e) "Structure" means any dwelling or place of public accommodation or vacant building or structure suitable as a dwelling or place of public accommodation.

(2) Reasons for unfitness; power to repair, vacate or demolish. Under Tennessee Code Annotated, § 13-21-102, the city has the power to exercise its police powers to repair, vacate or demolish structures found to be unfit for human occupation or use 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 structures unsafe or unsanitary, or dangerous or detrimental to the health, safety or morals, or otherwise inimical to the welfare of the residents of the city, in the manner herein provided.

(3) Unfit for human occupation or use; defined. A structure is unfit for human occupation or use if any or all of the following conditions, which are dangerous or injurious to the health, safety, morals or general welfare of the occupants of such structure, the occupants of neighboring structures or other residents of the city, exist:

(a) Defects in the structure which increase the hazards of fire, accident or other calamities;  
(b) Structural defects, including but not limited to: those whose interior vertical walls or other vertical structural members list, lean or buckle to such an extent that a plumbline passing through the center of gravity falls outside the middle third of its base; or those which exclusive of the foundation show thirty-three percent (33%) or more of damage or deterioration of the supporting member(s) or fifty percent (50%) or more of damage or deterioration of the nonsupporting portions of the structure or outside walls or coverings; or those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used;  
(c) Lack of adequate ventilation, light, air, heat or sanitary facilities;  
(d) Dilapidation or decay;  
(e) Disrepair, including having parts which are so attached that they may fall and injure persons on or off the property; and  
(f) Lack of adequate facilities for egress in case of fire or panic, or those having insufficient stairways, elevators, fire escapes or other means of egress in the case of an emergency.

(4) Nuisance. All structures which are unfit for human occupation or use within the terms of § 13-205(3) are hereby declared unlawful and a public nuisance, and shall be repaired, vacated, demolished or otherwise abated as provided herein or by other applicable law.
(5) **Standards for repair, vacation or demolition.** The following standards shall be followed in substance by the board of building and housing code appeals in ordering repair, vacation or demolition of a structure unfit for human occupation or use:

(a) If the structure can reasonably be repaired, altered or improved so that it will no longer exist in violation of the provisions of the Oak Ridge Property Maintenance Code, it shall be ordered repaired, altered or improved to render the structure fit for human occupation or use or to vacate and close the structure as a place of human occupation or use.

(b) If the structure is fifty percent (50%) or more damaged, decayed or deteriorated from its original condition or value, it shall be ordered vacated and demolished or removed.

(c) In any case where the structure is in such a condition as to make it dangerous to the health, safety or general welfare of its occupants or the general public, it shall also be ordered vacated and the board of building and housing code appeals may additionally order the structure and the property to be secured in such a manner to protect the health, safety or general welfare of the public or persons on the property until such repairs or demolition has been completed, or may order other immediate actions reasonably necessary.

(6) **Duties of the city manager.** (a) Whenever a petition is filed with the city manager by at least five (5) residents of the city that a structure is unfit for human occupation or use or is in violation of the Oak Ridge Property Maintenance Code, or whenever it appears to the city manager (upon the city manager's own motion) that a structure is unfit for human occupation or use, the city manager shall, if the city manager's preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner and parties in interest of such structure a complaint stating the specific charge(s) and containing a notice that:

(i) The owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and to give testimony at the hearing.

(ii) The rules of evidence prevailing in a court of law or equity shall not be controlling at the hearing.

(b) If, after such notice and hearing, the board of building and housing code appeals determines that the structure is unfit for human occupation or use, the board shall issue written findings of fact in support of such determination and shall issue and cause to be served upon the
owner thereof an order to repair, vacate or demolish the structure, in accordance with § 13-205(5), and shall provide for a reasonable time for compliance not to exceed ninety (90) days.

(c) If the owner fails to comply with an order to repair or to vacate and close the structure, the board of building and housing code appeals may cause such structure to be repaired or to be vacated and closed and shall cause to be posted at the main entrance to the structure so closed a placard stating:

"This building is unfit for human occupation or use. The use or occupation of this building for human occupation or use is prohibited and unlawful."

(d) If the owner fails to comply with an order to demolish or remove the structure, the city manager may cause such structure to be demolished or removed.

(e) For any structure that has been ordered vacated during the repairs or demolition of the structure, the owner of the structure shall cause to be posted at the main entrance to the structure a placard stating:

"This structure has been found to be unfit for human occupation or use. This notice is to remain posted conspicuously on the property until the structure is repaired or demolished."

(7) Complaints, notices or orders; service and filing. Complaints, notices or orders issued by the city manager or the board of building and housing code appeals 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 city manager or the board in the exercise of reasonable diligence, and the city manager or the board shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the city. A copy of such complaint, notice or order shall be posted in a conspicuous place on the premises affected by the complaint, notice or order. A copy of such complaint, notice or order shall also be filed for record in the office of the register of deeds of the county in which the structure is located, and such filing of the complaint, notice or order shall have the same force and effect as other lis pendens notices provided by law. (Ord. #7-01, Sept. 2001, as amended by Ord. #7-08, Jan. 2008)

13-206. Notice of violation. (1) Notice to owner or responsible person(s). Except for complaints of structures unfit for human occupation or use which are addressed in § 13-205 above, when the city manager determines that there has been a violation of the Oak Ridge Property Maintenance Code or has grounds to believe that a violation has occurred, notice shall be given to the owner or the person(s) responsible therefore in the manner set forth in this section.
(2) **Form of notice.** Such notice shall be in accordance with the following:

(a) Be in writing;
(b) Include a description of the property sufficient for identification;
(c) Include a statement of the violation(s);
(d) Include a reasonable time frame for compliance; and
(e) Inform the person of their right to appeal the notice to the appropriate department or board.

(3) **Service of notice.** Such notice shall be delivered either in person or by registered mail, return receipt requested, addressed to the last known address. If the notice is returned undelivered, a copy of the notice shall be conspicuously placed on the property affected by the notice. (Ord. #7-01, Sept. 2001, as amended by Ord. #7-08, Jan. 2008, and Ord. #9-08, March 2008)

13-207. **Right to appeal.**

(1) **Right to appeal a notice.** Any person receiving or aggrieved by a notice issued by the city manager pursuant to the Oak Ridge Property Maintenance Code, except environmental violations (including but not limited to weeds, motor vehicles and accumulation of rubbish and garbage) which appeals are handled by the community development department, may appeal such notice to the board of building and housing code appeals. The appeal may contest the fact of the violation(s) set forth in the notice or may request additional time to comply with the notice.

(a) **Form.** The appeal shall be made on a form prescribed by the board or the city, which form shall minimally identify the name of the appellant, the property on which the violation(s) is said to exist, the date of the notice and shall contain a statement of why the appeal is made and what relief is sought.

(b) **Timeframe.** Such appeal must be filed with the city manager within ten (10) days of the receipt of the notice, or within three (3) days of the receipt of the notice to environmental violations.

(c) **Extension of time to complete.** If the owner has undertaken in good faith to correct the violation as set forth in the notice, the owner may request an extension of time to complete the cleanup, repairs or demolition provided the owner files such a request with the city manager at least ten (10) days prior to the date such cleanup, repairs or demolition were ordered to be completed. While the board may waive this ten (10) day requirement for good cause shown, no request for an extension of time shall be filed after the expiration of the time of completion set forth in the notice. The decision made by the community development department will be final and an extension of time will not be granted.

(2) **Right to appeal an order declaring a structure unfit for human occupation or use.** (a) As set forth in state law, any person affected by an order declaring a structure to be unfit for human occupation or use may file a
bill in the chancery court for an injunction restraining the board of building and housing code appeals from carrying out the provisions of the order, and the court may, upon the filing of such bill, issue a temporary injunction restraining the board pending the final disposition of the cause; provided, that within sixty (60) days after the posting and service of the order of the board, such person shall file such bill in the court.

(b) The court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require. In all such proceedings, the findings of the board as to facts, if supported by evidence, shall be conclusive. Costs shall be in the discretion of the court. The remedies herein provided shall be exclusive remedies, and no person affected by an order of the board shall be entitled to recover any damages for action taken pursuant to any order of the board, or because of noncompliance by such person with any order of the board. (Ord. #7-01, Sept. 2001, as amended by Ord. #9-05, Aug. 2005, and Ord. #7-08, Jan. 2008)

13-208. Failure to comply with notice or order; penalty.
(1) **Penalty.** It shall be unlawful for an owner, lessee, occupant or any other person, corporation or other entity to fail to comply with any notice or order by the city manager, the board of building and housing code appeals, or the community development department. Failures to comply with such notice or order may be punishable as provided in § 1-107 of this code of ordinances. The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. Each day such failure to comply continues beyond the date fixed for compliance constitutes a separate offense.

(1) **Recovery of cost.** If any person fails to comply with any order or notice given under the Oak Ridge Property Maintenance Code, the city manager may cause such structure to be repaired, altered, improved, vacated and closed or demolished or removed and the cost of the same shall be assessed against the owner and shall, upon filing of a notice of lien on the property in the office of the register of deeds in the county in which the property is located, constitute a lien on the property in favor of the city, second only to liens of the state, county and municipality for taxes, or any other special assessments and any other valid lien, right or interest in such property duly recorded or duly perfected prior to the filing of such notice. These costs shall be placed upon the tax roll of the city as a lien, and shall be added to the property tax roll to be collected at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected, and shall be subject to the same penalty and interest as delinquent property taxes. Any cost recovered by the sale of any of the materials of a structure demolished or removed hereunder
shall be credited to the cost of demolition or removal, and any balance remaining shall be deposited in the chancery court and shall be disbursed by such court to such person(s) found to be entitled thereto. Nothing in this section shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

(2) **Legal action.** The city attorney or the city attorney's duly authorized designee may institute appropriate legal action to compel necessary repairs, vacating or demolition as provided by notice or order of the city manager or the board of building and housing code appeals under the Oak Ridge Property Maintenance Code.

(3) **Removal of notice.** It shall be unlawful for any person to remove an official notice or order issued under the Oak Ridge Property Maintenance Code. (Ord. #7-01, Sept. 2001, as amended by Ord. #7-08, Jan. 2008)

13-209. **Miscellaneous.** (1) **Administrative liability.** No officer, agent or employee of the city shall render himself or herself personally liable for any damage that may occur to persons or property as a result of any act required or permitted by the discharge of his or her duties under the housing code, and the city shall defend any such suit on behalf of such officer, agent or employee.

(2) **Presumption.** There is hereby created a rebuttable presumption that the person listed upon the most recent city tax roll as the owner of a dwelling or dwelling unit is the owner for purposes of enforcement of the housing code. (Ord. #7-01, Sept. 2001)
CHAPTER 3

JUNKED VEHICLES

SECTION
13-301. Definitions.
13-303. Notice to remove.
13-305. Exemptions from chapter.

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

   (1) "City manager." "City manager" shall mean the city manager or the city manager's duly authorized designee.
   (2) "Junked vehicle." Any motorized or non-motorized vehicle, including but not limited to campers, trailers and semi-trailers, the condition of which is one or more of the following: wrecked, abandoned, discarded, in a state of disrepair, lacking vital component parts, or poses a safety hazard.
   (3) "State of disrepair." Exhibiting one (1) or more of the following characteristics: inoperable under its own power (if a motor vehicle), without one (1) or more wheels or inflated tires, burned throughout, with more than one (1) broken window, or in a generally unusable condition. (Ord. #16-03, July 2003)

13-302. Declared public nuisance. The location or presence of any junked vehicle on any street, roadway, right-of-way, lot, tract, or parcel of land, or portion thereof, occupied or unoccupied, improved or unimproved, within the city, shall be deemed a public nuisance and it shall be unlawful for any person to cause or maintain such public nuisance on the property of another, or to suffer, permit or allow the same to be placed, located, maintained or to exist upon his or her own real property. (Ord. #16-03, July 2003)

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

1 Municipal code reference
Motor vehicle regulations generally: title 15.
premises, or owner of the vehicle, to fail, neglect or refuse to obey such notice within ten (10) days after service of the same. (Ord. #16-03, July 2003)

13-304. **Removal by city.** If the premises on which a junked vehicle is located contrary to this chapter is unoccupied and the owner or agent thereof cannot be found, or by permission of the owner of the premises, the city manager shall abate such public nuisance by having said vehicle impounded. If any junked vehicle is located on a roadway or public right-of-way and has not been removed within ten (10) days of notice, the city manager shall abate such public nuisance by impounding the vehicle. If any junked vehicle is located on a roadway or public right-of-way causing a safety hazard, the city manager may immediately remove said vehicle for safety purposes. Such impoundment and disposition shall not relieve any person from liability for penalty upon conviction for violating other provisions of this chapter, but is in addition to any other penalty. (Ord. #16-03, July 2003)

13-305. **Exemptions from chapter.** This chapter, as well as the motor vehicle provisions contained in chapter 2 of this title, shall not apply to:

1. Any vehicle that is confined within a completely enclosed structure that is an approved structure within the zoning district it is located upon, such as a garage.
2. Any vehicle in an appropriate storage place maintained in an officially designated place and manner by the city.
3. Vehicles retained by the owner for antique collection purposes rather than for salvage or for transportation.
4. Vehicles stored by a member of the armed forces of the United States who is on active duty assignment and stored with the permission of the property owner. (Ord. #16-03, July 2003, as amended by Ord. #10-08, March 2008)

13-106. **Penalty for violation.** Any person violating this chapter, upon conviction, shall be fined no more than fifty dollars ($50.00). (Ord. #16-03, July 2003)
CHAPTER 4

TREES

SECTION

13-401. Unlawful to cut.
13-402. Public tree care.
13-403. Tree topping.
13-404. Pruning and clearance.
13-405. Dead or diseased tree removal on private property.

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

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

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

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

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

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1Municipal code reference
Tree board: title 2, chapter 3.
shrub, bush or flower on public or private property when such interferes with the proper spread of light along the street from a street light, or interferes with the visibility of any traffic control device or sign, or interferes with pedestrian travel, or interferes with the safe line of sight along any street or roadway, or which is injurious or a potential threat to sewers, electrical power lines, gas lines, water lines, or other public improvement.

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

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

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

13-406. Interference. It shall be unlawful for any person to prevent, delay or interfere with the city or any of its agents while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any trees as authorized in this chapter. (1969 Code, § 16-8)
CHAPTER 5

RESIDENTIAL RENTAL DWELLING UNIT INSPECTIONS

SECTION
13-501. Purpose.
13-502. Authority.
13-504. Residential rental inspection districts.
13-505. Notice requirements.
13-506. Inspection program.
13-507. Exemptions.
14-509. No fee schedule.
13-510. Appeals.
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13-501. Purpose. The purpose of this chapter is to promote the public health, safety and welfare of the citizens of Oak Ridge by providing for the establishment of residential rental inspection districts and providing for inspection of residential rental dwelling units that are deteriorated or are in the process of deteriorating for compliance with applicable housing, building, plumbing, electrical, fire, health, and related codes. (as added by Ord. #1-07, Jan. 2007)

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

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

(1) "City." City means the City of Oak Ridge, Tennessee.

(2) "Deteriorated." Deteriorated means any structure or vacant or unimproved lot or parcel in a predominately built-up neighborhood:

(a) Which, because of physical condition or use, is regarded as a public nuisance at common law or has been declared a public nuisance in accordance with local housing, building, plumbing, electrical, fire, health, or related codes;

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

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

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

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

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

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

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

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

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

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

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

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

(9) "Structure." Structure means any dwelling or place of public accommodation or vacant building or structure suitable as a dwelling or place of public accommodation. (as added by Ord. #1-07, Jan. 2007)

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

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

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

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

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

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

(a) Highland View Redevelopment Area. The geographic area of this district is bordered by West Outer Drive to the north, Pennsylvania/North Tulane Avenue to the east, Illinois Avenue to the west, and Providence Road/Oak Ridge Turnpike to the south. A map of this area is contained in the "Highland View Redevelopment and Urban Renewal Plan," dated May 2004, as prepared by Knoxville's Community Development Corporation and as approved by city council through resolution No. 5-74-04, and is labeled as Exhibit A.

(b) (Intentionally left blank)

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

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

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

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

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

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

13-507. Exemptions. Following the initial or periodic inspection of a residential rental dwelling unit found to be deteriorated or in the process of
deteriorating, and provided that there are no violations of applicable codes and ordinances, or such violations are remedied in a timely manner, the director shall provide to the owner or party in interest of such residential rental dwelling unit an exemption from this chapter for a minimum of four (4) years. For the purposes of this section, timely manner shall be construed to mean less than ninety (90) days after the owner has been given notice of violation. If a residential rental dwelling unit has been issued a certificate of occupancy within the last four (4) years, an exemption shall be granted for a minimum period of four (4) years from the date of the issuance of the certificate of occupancy by the city. If the residential rental dwelling unit becomes in violation of housing, building, plumbing, electrical, fire, health or related codes during the exemption period, the director may revoke the exemption granted by this section. (as added by Ord. #1-07, Jan. 2007)

13-508. Powers of the director. The director is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the following powers to:

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

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

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

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

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

13-509. No fee schedule. No fee schedule shall be established to administer the provisions of this chapter. In addition, no fee shall be charged to an owner or party in interest for an inspection of a dwelling unit subject to this chapter who has submitted a written notification to the director as to the identity of such unit owner or party in interest as provided in § 13-505(2), nor shall a fee be charged for a subsequent inspection of a residential dwelling unit that has received an exemption from the residential inspection ordinance for a
minimum of four (4) years pursuant to § 13-507. (as added by Ord. #1-07, Jan. 2007)

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

13-511. Powers supplemental. Nothing in this chapter shall be construed to abrogate or impair the powers of the courts or of any department of the city to enforce any provisions of its charter or its ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by any other law. (as added by Ord. #1-07, Jan. 2007)

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