

ORDINANCE 13-25

ORDINANCE TO AMEND TITLE 12 AND TITLE 13, OF THE SPRING HILL MUNICIPAL CODE RELATED TO PROPERTY MAINTENANCE REGULATIONS

WHEREAS, the Property Maintenance Regulations are currently found in two (2) separate Titles, in the City of Spring Hill Municipal Code, and;

WHEREAS, it is advantageous, for clarity, to consolidate all Property Maintenance Regulations into one Title of the City of Spring Hill Municipal Code, and;

THEREFORE BE ORDAINED, by the City of Spring Hill Board of Mayor and Aldermen, that the contents of Title 12, Chapter 7 of the City of Spring Hill Municipal Code, be moved to Title 13, Chapter 1, and;

BE IT FURTHER ORDAINED, by the City of Spring Hill Board of Mayor and Aldermen, that Title 12, Chapter 7 of the City of Spring Hill Municipal Code, be renamed “UNTITLED”, and;

BE IT FURTHER ORDAINED, by the City of Spring Hill Board of Mayor and Aldermen, that the City of Spring Hill Municipal Code, Title 13, Chapter 1, be retitled “PROPERTY MAINTENANCE CODE”, and;

BE IT FURTHER ORDAINED, by the City of Spring Hill Board of Mayor and Aldermen, that the City of Spring Hill Municipal Code, Title 13, Chapter 1, is amended in it’s entirety to read:

TITLE 13

PROPERTY MAINTENANCE REGULATIONS

CHAPTER

1. PROPERTY MAINTENANCE CODE.
2. JUNKYARDS.
3. SLUM CLEARANCE FOR BOARDING/ROOMING HOUSES.
4. ALARM SYSTEMS.

CHAPTER 1

PROPERTY MAINTENANCE CODE

SECTION

- 13-101. PROPERTY MAINTENANCE CODE ADOPTED.
- 13-102. MODIFICATIONS.

13-103. ADDITIONAL PROPERTY MAINTENANCE REGULATIONS.

13-104. AVAILABLE IN RECORDER'S OFFICE.

13-105. VIOLATIONS.

13-101. Property Maintenance Code adopted. Pursuant to authority granted by Tennessee Code Annotated § 6-54-501 through 6-54-506 and for the purpose of regulating and governing the conditions and maintenance of all property, buildings and structures, including the standards for supplied utilities and facilities, conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use, the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures, the International Property Maintenance Code¹, 2006 edition (IPMC), as prepared and adopted by the International Code Council, Inc., is hereby adopted and incorporated, by reference, as a part of this code, with the additions, insertions, revisions, exclusions and changes, if any, prescribed in Section 12-702 of this code and/or Title 13, and is hereinafter referred to as the property maintenance code, (2010 Code, § 12- 701, modified)

13-102. Modifications.

- (1) Responsible Official. When within the property maintenance code reference is made to the duties of certain officials designated therein, that the Building Inspector of the City of Spring Hill shall be deemed the responsible official insofar as enforcing the provisions of the property maintenance code are concerned. (2010 Code. § 12-702, modified)
- (2) Exclusions. The following sections of the 2006 IPMC are hereby excluded:
 - a. IPMC Chapters 4, 5, 6, and 7
 - b. IPMC Section 111
 - c. IPMC Section 304.14
 - d. IPMC Sections 304.18.1, 304.18.2, 304.18.3
 - e. IPMC Section 305
- (3) Insertions. The following sections of the 2006 IPMC are hereby revised:
 - a. Section 101.1: Insert "City of Spring Hill" for "[NAME OF JURISDICTION]"
 - b. Section 302.4: Insert "Twelve inches (12)" for "jurisdiction to insert height in inches"
- (4) Amendments. The following sections of the 2006 IPMC are hereby amended:
 - a. IPMC Section 103.5. Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be indicated in a fee schedule, a copy, as maintained and amended time to time, is available for inspection by the City through the Building and Codes Office. The City Administrator shall have the discretion to place an additional charge for administrative expense of not more than one hundred dollars (\$100.00) on each parcel of real estate involved and, with the approval of the board, the same shall be assessed as a part of the municipal taxes and as a lien upon the real estate. (2010 Code, § 13-104, as amended by Ord.#02-06, April 2002, modified)
 - b. IPMC Section 106.2. Notice of Violation. The code official shall serve a notice of violation or order in accordance with Section 107. The notice of violation or order shall inform the offender that they have ten (10) days to remedy the violation. The code official has the authority to grant extensions based on his judgement of the situation at hand.

- c. IPMC Section 106.3. Prosecution of Violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate. The expense shall, thereupon become and constitute a lien and charge upon the property which shall be payable with interest at the rate of six percent (6%) per annum from the date of such certification, until paid, collectable at the time ad valorem taxes on said property become due and payable to the city. Such expense and charge shall be first and prior lien against the property, subject only to the lien for taxes to the county and of the same character as the lien of the city for municipal taxes. Upon failure of the owner of the property to pay the lien, it may be enforced in the same manner as tax liens in favor of the city and shall be certified by the city recorder to the city attorney along with the certification of ad valorem taxes assessed against the property in the city and not paid when due. (2010 Code, § 13-104, modified)
- d. IPMC Section 106.4. Violation Penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws, and shall be subject to a fine of fifty dollars (\$50.00), plus any court costs. Each occurrence constitutes a separate offense. (Ord. #02-06, April 2002)
- (3) Exemptions. The following items are exempt from the 2006 IPMC Section 302.4.
- a. Cultivation of plants or cover crops for agricultural purposes including pastures.
 - b. Those portions of properties lying forty feet (40') or more from boundary lines or public rights-of-way on tracts of land containing a minimum of one (1) acre.
 - c. Those properties under current active damage claims from a licensed insurance carriers, or properties sustaining immediate damage caused as a result of catastrophic weather, fire, or natural disaster events. (2010 Code, § 13-104 (3), modified)

¹ Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213

13-103. Additional Property Maintenance Regulations. Lots, tracts, and parcels of land within the city shall be maintained and action is to be taken by the city according to § 13-103, subsections one (1) through six (6) inclusive.

- (1) Stagnant water. It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property without treating it so as to effectively prevent the breeding of mosquitoes. (2010 Code, § 13-103)
- (2) 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. (2010 Code, § 13-102)
- (3) Recorder to keep files and records. The city recorder shall keep a complete set of files and records relating to such liens, and shall include the amount of such liens in tax statements for ad valorem taxes thereafter submitted to the owners of lots, tracts, or parcels of land subject to such liens. (2010 Code, § 13-104)
- (4) Dead animals. Any person owning or having possession of any dead animal not intended for use as food shall promptly bury it or notify the health officer and dispose of such animal in such manner as the health officer shall direct. (2010 Code, § 13-105)
- (5) 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 city and unless a permit therefor shall have been first duly issued by the city recorder. (2010 Code, § 13-107)
- (6) Storage. It is a further violation of this section to allow the storage of items on or adjacent to, any property, or in any public roadway or alleyway, such as, but not limited to: Dilapidated furniture, appliances, cleaning products, unused landscaping materials, paint or chemical products, machinery, equipment, building materials, construction materials and/or tools, automobile parts, tires, or any other item(s) which are in a wholly or partially rusted, wrecked, junked, dismantled, or inoperative condition, which are not completely enclosed within a building, dwelling, or opaque fencing or screening, and as such are not visible to the general public from a common public roadway, residence, parking lot, empty lot, school, city park, and/or gathering area, and such items are stored as to not endanger or cause injury to the residents or occupants of nearby properties. (Ord. #13-25, November 2013)

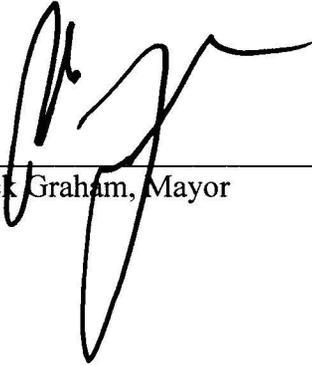
13-104. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated § 6-54-502 one (1) copy of the property maintenance code has been placed on file in the city recorder's office and shall be kept there for the use and inspection of the public. (2010 Code. § 12-703, modified)

13-105. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the property maintenance code as herein adopted by reference and modified. (2010 Code. § 12-704, modified)

BE IT FURTHER ENACTED, that any ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

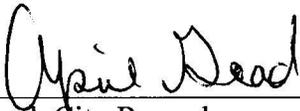
BE IT FURTHER ENACTED, that this ordinance shall take effect from and after its adoption, the public welfare requiring it.

Passed and adopted by the Board of Mayor and Aldermen of the City of Spring Hill, Tennessee on the 18th day of November, 2013.



Rick Graham, Mayor

ATTEST:



April Goad, City Recorder

LEGAL FORM APPROVED:



Patrick Carter, City Attorney

1st Reading Approval: September 16, 2013

(Deferred on October 21, 2013)

2nd Reading Approval: November 18, 2013