

ORDINANCE NO. 2022-05

AN ORDINANCE OF THE CITY OF FRIENDSVILLE, TENNESSEE, ADOPTING THE 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE

WHEREAS, the Board of Commissioners desire for the City of Friendsville to adopt the 2018 International Property Maintenance Code as amended herein; and

WHEREAS, it has been determined that the adoption of this ordinance is necessary and proper for the health, safety and welfare of citizens of the City of Friendsville;

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF FRIENDSVILLE, TENNESSEE, AS FOLLOWS:

1. Property maintenance code adopted. Pursuant to the authority granted by Tennessee Code Annotated, §§6-54-501 through 6-54-510 and for the purpose of regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures, the International Property Maintenance Code, 2018 Edition as prepared and adopted by the International Code Council is hereby adopted and incorporated herein by reference as a part of the ordinances of the City of Friendsville. This code shall hereinafter be known as property maintenance code. It is adopted subject to the changes and additions set forth herein.

2. Local Modifications: The following sections of the International Property Maintenance Code, 2018 Edition, are hereby amended in the City of Friendsville, as hereinafter provided:

- (1) Chapter 1, Scope and Administration: Section 101.1 Title. is hereby amended locally the City of Friendsville by inserting "City of Friendsville" as the name of the jurisdiction.

- (2) Chapter 1, Scope and Administration: Section 101.2 Scope. is hereby amended locally the City of Friendsville by inserting at the end:

“The provisions of this code shall not apply to any particular parcel of real property that is 5 (five) acres or larger and is being actively engaged in farming or agricultural activity as defined by the Tennessee Code Annotated.”

- (3) Chapter 1, Scope and Administration: Section 103.5 Fees. is hereby amended locally in the City of Friendsville by deleting the section in its entirety with no replacement.

- (4) Chapter 1, Scope and Administration: Section 104.2 Inspections. Is hereby amended locally in the City of Friendsville by deleting the section in its entirety and replacing with:

“Inspections. Inspections under this code shall be made upon written notice of alleged violation unless a condition presents an imminent danger to the health, safety or welfare of an individual. The codes official shall make all of the required inspections or shall accept reports of inspections by approved agencies or individuals. All reports of such inspections shall be in writing and certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.”

- (5) Chapter 1, Scope and Administration: Section 106.3 Prosecution of violation. Is hereby amended locally in the City of Friendsville by deleting the section in its entirety and replacing with:

“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 and of a violation of the City Code. If the notice of violation is not complied with, the Code Official may in his discretion 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.”

- (6) Chapter 1, Scope and Administration: Section 106.4 Violation of penalties. is hereby amended locally in the City of Friendsville by deleting the section in its entirety and replacing with:

“Violation Penalties. Any person who shall violate a provision of this Code or fail to comply therewith or of any of the requirements thereof shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense regardless of whether an additional citation has been issued. If the city must resort to the equitable relief to abate a violation, the violator should be liable to the city for the City’s reasonable attorney’s fees and litigation expenses in bringing and prosecuting the equitable action.”

- (7) Chapter 1, Scope and Administration: Section 111.2 Membership of Board. is hereby amended locally in the City of Friendsville by inserting at the end:

“The Board of Commissioners shall sit as the board of appeals until such time as a board is duly appointed and operational.”

- (8) Chapter 1, Scope and Administration: Section 112.4 Failure to comply. is hereby amended locally in the City of Friendsville by deleting the section in its entirety and replacing with:

“Failure to comply. Any person who shall continue any work after having been served with a stop-work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.”

- (9) Chapter 3, General Requirements. Section 301.3 Vacant structures and land. is hereby amended locally in the City of Friendsville by deleting the section in its entirety and replacing with:

“Vacant structures and land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to adversely affect the public health or safety.”

(10) Chapter 3, General Requirements. Section 302.4 Weeds. is hereby amended locally in the City of Friendsville by inserting in the first sentence (in excess of) “12 inches”.

(11) Chapter 3, General Requirements: Section 302.8 Motor Vehicles. is hereby amended locally in the City of Friendsville by deleting the section in its entirety and replacing with:

“Motor Vehicles. Except as provided for in other regulations, no inoperable or unlicensed motor vehicle, except in the active state of repair for a period of time not to exceed 60 days, shall be parked, kept stored on the exterior of any premises or any vacant land, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles on the exterior of any premises or vacant land is prohibited unless conducted inside an approved special booth.”

(12) Chapter 3, General Requirements: Section 302.9 Defacement of property. is hereby amended locally in the City of Friendsville by inserting at the end:

“All graffiti shall be removed or the surface repainted to match the existing surfaces.”

(13) Chapter 3, General Requirements: Section 302 Exterior property areas. is hereby amended locally in the City of Friendsville by inserting at the end a new section as follows:

302.10 Junkyards. All junkyards and other places where vehicles or scrap is collected before being discarded, reused or recycled shall be operated and maintained subject to the following regulations:

(1) All vehicles, junk and/or scrap stored or kept in such yard shall be kept so that they will not catch and hold water in which mosquitos may breed

and so that they will not constitute a place in which rats, mice, or other vermin may be harbored, reared, or propagated.

(2) All such junkyards shall be enclosed within close fitting plank or metal solid fences touching the ground on the bottom and being not less than six (6) feet in height. Such fence is to be built so that it will be impossible for stray cats and/or stray dogs to have access to such junkyards. Additionally, such fence shall be subject to any other regulations that are provided in the City of Friendsville Municipal Code or Friendsville Zoning Ordinance.

(3) All such junk yards within one thousand (1,000) feet of any right-of-way within the municipality shall be screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the right-of-way. Additionally, such screening, plantings, or fences shall be subject to any other regulations that are provided in the City of Friendsville Municipal Code or Friendsville Zoning Ordinance.

(4) Such yards shall be so maintained as to be in sanitary condition and so as not to be a menace to public health or safety.

- (14) Chapter 3, General Requirements: Section 303 Swimming Pools, Spas and Hot Tubs, Section 303.2 Enclosures, is hereby amended locally in the City of Friendsville by deleting the section in its entirety and replacing with:

Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches in depth, shall be completely surrounded by fence or barrier at least 48 inches in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors to such barriers shall be lockable or self-closing and self-latching. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.”

- (15) Chapter 3, General Requirements: Sections 304 Exterior Structure, 305 Interior Structure, and 306 Component Serviceability, are hereby amended locally in the City of Friendsville by deleting the sections in their entirety.

- (16) Chapter 3, General Requirements: Section 308.3.1 Garbage Facilities, and Section 308.2 Containers, are hereby amended locally in the City of Friendsville by deleting the sections in their entirety.

- (17) Chapter 4, Light, Ventilation and Occupancy Limitations is hereby amended locally in the City of Friendsville by deleting the Chapter in its entirety.
- (18) Chapter 6, Mechanical and Electrical Requirements is hereby amended locally in the City of Friendsville by deleting the Chapter in its entirety.
- (19) Chapter 7, Fire Safety Requirements, Section 702.3 Locked doors. Is hereby amended locally in the City of Friendsville by deleting the section in its entirety and replacing with:

“All means of egress doors shall be readily openable from the side from which egress is to be made.”

- (20) Chapter 7, Fire Safety Requirements, Sections 704.6.3 Power Source and 704.6.2 Interconnection are hereby amended locally in the City of Friendsville by deleting the sections in their entirety.

3. Available in recorder's office. The Board of Commissioners of the City of Friendsville hereby declares that (1) copy of the aforesaid Code and Revisions, as modified, has been filed with the City Recorder for a period of (15) days prior to the passage of this Ordinance and that all public hearing and notice requirements in Tennessee Code Annotated Section 6-54-501 et seq. have been or will be met by the time of the final passage of this ordinance.

4. Violations. Any person, firm, corporation, tenant, occupant or agent who shall violate a provision of this code or fail to comply therewith or with any of the requirements thereof or cause such action to be taken in violation of the provisions of this code adopted by reference or locally adopted as modified shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation is committed or continued. Upon being found guilty of such violation, such person shall be prosecuted within the limits provided by state or local laws or punished through injunctive remedies in state or federal court as appropriate. In the event court action is taken, the City shall be entitled to recover from any person adjudicated to have violated this Chapter the City's reasonable attorney fees and litigation costs incurred in bringing the action(s) to enforce the provisions of this Chapter.

Effective date. This Ordinance takes effect from and after its final passage on second reading, the public welfare requiring it.

Passed first reading April 7, 2022
Passed second reading June 2, 2022



Mayor Andy Lawhorn



City Recorder Janet Ledbetter