

TITLE

AN ORDINANCE TO AMEND TITLE 13, TITLED "PROPERTY MAINTENANCE REGULATIONS," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING CHAPTER 3, TITLED "JUNKED VEHICLES," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW CHAPTER 3, TITLED "JUNKED VEHICLES," FOR THE PURPOSE OF UPDATING THE PROVISIONS.

WHEREAS, the Community Development and Police Departments are responsible for enforcement of the junked vehicle provisions in the City Code (Title 13, Chapter 3); and

WHEREAS, the City desires to amend the junked vehicle provisions to provide greater clarity, improve effectiveness of reducing blighted conditions, improve quality of life in neighborhoods, and enhance effective enforcement.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

Section 1. Title 13, titled "Property Maintenance Regulations," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby deleting Chapter 3, titled "Junked Vehicles," in its entirety and substituting therefor a new Chapter 3, titled "Junked Vehicles," which new chapter shall read as follows:

**CHAPTER 3
JUNKED VEHICLES**

Section 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, boats 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; economically impractical to restore to operating condition; poses a safety hazard; or declared a public nuisance.
- (3) "Inoperable, obsolete or in a state of disrepair." Any vehicle or device in, upon or by which a person or property may be transported or drawn upon a highway or street, excepting devices moved by human power or used exclusively upon stationary rails or tracks, and shall include, but not be limited to, motor vehicle, automobile, truck, trailer, motorcycle, tractor, buggy, wagon, camper, boat trailer or any combination thereof, which exhibits any one of the following characteristics is considered a public nuisance:
 - (A) Any vehicle or part of a vehicle with a broken windshield beyond minor crack(s) or any other broken glass that constitutes a safety hazard;
 - (B) Any vehicle or part of a vehicle with a broken or loose fender, door, bumper, hood, wheel, steering wheel, hood/trunk top or exhaust system;
 - (C) Any vehicle lacking an engine, one or more wheels or other structural parts which renders such vehicle unsafe to operate;

- (D) Any vehicle or part of a vehicle which is a habitat for rats, mice or snakes or any other vermin or insects;
 - (E) Any vehicle or part of a vehicle which, because of its defective or obsolete condition, constitutes a threat to the public health and safety;
 - (F) Any vehicle that is not capable of moving by its own intended power source in both forward and reverse directions;
 - (G) Any vehicle that is being used for excessive storage thereby causing unsafe operation or nuisance;
 - (H) Any vehicle that cannot be driven legally on public streets under city ordinance and/or state law.
- (4) "Abandoned Vehicle." A vehicle is classified as abandoned when the vehicle:
- (A) Is otherwise in good working condition left unattended on public property or right-of-way for more than fifteen (15) calendar days; or
 - (B) Has remained illegally placed on public property for a period of more than forty-eight (48) hours; or
 - (C) Has remained on private property without the consent of the owner or person in control of the property for forty-eight (48) hours or more.

Section 13-302. Declared public nuisance.

The location or presence of any junked, inoperable vehicle or otherwise in violation of other city ordinance(s) relating to parking 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. 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, and maintained or to exist upon his or her own real property.

Section 13-303. Correction Process.

- (1) Private Property. Whenever any declared public nuisance, junked or inoperable vehicle not deemed an imminent danger to property occupants or natural environment is found to be in violation of city ordinances, the City Manager shall issue a notice of violation to the vehicle owner or to the property occupant or owner which the vehicle is located to either remediate or remove such vehicle within seven (7) calendar days after service of such notice. It shall be unlawful for the owner or occupant of the premises, or owner of the vehicle to fail, neglect, or refuse to obey such notice with seven (7) calendar days after service of the same.
- (2) Public Property. Whenever any declared public nuisance, junked or inoperable vehicle located on a public right-of-way, sidewalk, roadway, on-street parking, or other public space is found to be in violation of city ordinances, the City Manager shall place a notice of violation on the vehicle to remediate or remove such vehicle within seventy-two (72) hours.

Section 13-304. Removal by the City.

- (1) Private Property. If the owner of the declared public nuisance, junk, inoperable or abandoned vehicle or owner of the property upon which such vehicle is located shall fail

to abate the nuisance as prescribed in this chapter, the City Manager shall abate such public nuisance by having said vehicle towed/impounded by whatever means necessary to abate the violation.

- (2) **Public Property.** If any declared public nuisance, junked or inoperable vehicle is located on a roadway or public right-of-way and has not been removed within seventy-two (72) hours of the notice, the City Manager shall abate such public nuisance by towing/impounding the vehicle. If any junked or inoperable 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, the general welfare requiring it. 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.
- (3) **Disposal of "Abandoned Motor Vehicles" as Defined by Statute.** "Abandoned motor vehicles," as defined by Tennessee Code Annotated §55-16-103, shall be impounded and disposed of by the Police Department in accordance with the provisions of Tennessee Code Annotated §55-16-101 et seq.

Section 13-305. Right of Entry.

The City Manager, and the person, firm or corporation designated to abate violations pursuant to the City Code, are hereby authorized to access any property upon which a public nuisance, junk or inoperable vehicle is located for the purposes of carrying out any and all actions required by this chapter. The City's Community Development Department, Police Department, and Fire Department shall have the right to be shown that the suspect vehicle is capable of being operated under its own power in accordance with this chapter.

Section 13-306. Exemptions from Chapter.

This chapter, as well as the motor vehicle provisions contained in chapter 2 of this title, shall not apply to:

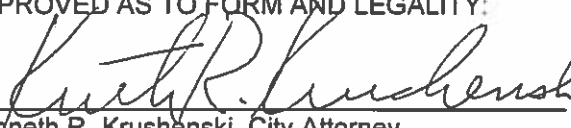
- (1) Any vehicle that is confined within a completely enclosed structure that is an approved structure within the zoning district it is located upon, such as a garage (not including carports).
- (2) Any vehicle in an appropriate storage place maintained in an officially designated place and manner by the City.
- (3) Any vehicle that is legally parked and stored in a clean and safe condition on private property, to include carports, and not used for salvage; unless said vehicle constitutes a hazard or otherwise is deemed a public nuisance.
- (4) Vehicles stored on private property by a member of the armed forces of the United States who is on active duty assignment and stored with the permission of the private property owner.

Section 13-307. Penalty for Violation.

Any person violating this chapter may be cited to City Court or to the City's Administrative Hearing Officer where fines and penalties not to exceed authorized limits may be imposed.

Section 2. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney



R.G. Chinn, Jr., Mayor Pro Tem



Mary Beth Hickman, City Clerk

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