

ORDINANCE 20-011

AN ORDINANCE AMENDING TITLE 12, CHAPTER 3, OF THE KINGSTON SPRINGS MUNICIPAL CODE

WHEREAS, by Ordinance 18-005, the Town of Kingston Springs Board of Commissioners adopted the 2015 International Property Maintenance Code, among other items, codifying such 2015 International Property Maintenance Code under Title 12, Chapter 3 of the Town of Kingston Springs Municipal Code; and

WHEREAS, the Town of Kingston Springs Board of Commissioners desires to amend such Chapter to provide for local modifications of such 2015 International Property Maintenance Code.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF KINGSTON SPRINGS, TENNESSEE, THAT:

1. Title 12, Chapter 3 of the Town of Kingston Springs Municipal Code shall be deleted in its entirety and the following substituted in lieu thereof:

SECTION	Property Maintenance Code Adopted.
12-301	Local Modifications.
12-302	Available in Recorder’s Office.
12-303	Violations.
12-304	

12-301. 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 occupancy 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, 2015 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated herein by reference as a part of this code, except as otherwise specifically stated in this chapter, and is hereinafter referred to as the "Property Maintenance Code." (Ord. # 18-005, Nov. 15, 2018 and as amended Ord. #20- ____, Nov. 19, 2020)

12-302. Local modifications. The following sections and appendices of the International Property Maintenance Code, 2015 edition, are hereby amended in the Town of Kingston Springs, as hereinafter provided:

- (1) Definition of “Codes Official.” Wherever the Property Maintenance Code refers to the “Codes Official,” it shall mean the person appointed or designated by the City Manager to administer and enforce the provisions of this Section.
- (2) Chapter 1, Scope and Administration: Section 101.1 Title. is hereby amended locally in the Town of Kingston Springs by inserting “Town of Kingston Springs” as the name of the jurisdiction.
- (3) Chapter 1, Scope and Administration: Section 103.5 Fees. is hereby amended locally in the Town of Kingston Springs by deleting the section in its entirety with no replacement.
- (4) Chapter 1, Scope and Administration: Section 106.3 Prosecution of violation. is hereby amended locally in the Town of Kingston Springs 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 Town Code. If the notice of violation is not complied with the Code Official may in his or her 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."

(5) Chapter 1, Scope and Administration: Section 106.4 Violation Penalties. is hereby amended locally in the Town of Kingston Springs 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 and may be penalized pursuant to the general penalty clause of the Town of Kingston Springs Municipal Code or Ordinances. Each day that violation continues after due notice has been served shall be deemed a separate offense regardless of whether an additional citation has been issued. Additionally, violators may in the discretion of the Town be subject to fines and penalties to be imposed by the Administrative Hearing Officer pursuant to T.C.A. §6-54-1001 et seq. as adopted locally in the Town of Kingston Springs Municipal Code."

(6) Chapter 1, Scope and Administration: Section 109.6 Hearing. is hereby amended locally in the Town of Kingston Springs by deleting the last sentence in its entirety with no replacement.

(7) Chapter 1, Scope and Administration: Section 111 Means of Appeal. is hereby amended locally in the Town of Kingston Springs by deleting the section and all of its subsections in their entirety with no replacement.

(8) Chapter 1, Scope and Administration: Section 112.4 Failure to comply. is hereby amended locally in the Town of Kingston Springs 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 302.4 Weeds. is hereby amended locally in the Town of Kingston Springs by inserting "twelve inches (12")" as the height to be inserted.

(10) Chapter 3, General Requirements: Section 304.14 Insect screens. is hereby amended locally in the Town of Kingston Springs by inserting "January 1 to December 31" as the dates to be inserted.

(11) Chapter 6, Mechanical and Electrical Requirements: Section 602.3 Heat supply. is hereby amended locally in the Town of Kingston Springs by inserting "January 1 to December 31" as the dates to be inserted.

(12) Chapter 6, Mechanical and Electrical Requirements: Section 602.4 Occupiable work spaces. is hereby amended locally in the Town of Kingston Springs by inserting "January 1 to December 31" as the dates to be inserted.

12-303. Available in recorder's office. The Commission of the Town of Kingston Springs hereby declares that one (1) copy of the aforesaid code and revisions, as modified, has been filed with the recorder of the Town for a period of fifteen (15) days prior to the passage of this ordinance and that all public hearing and notice requirements in Tennessee Code Annotated, § 6-54-501 et seq. have been or will be met by the time of the final passage of this ordinance. (Ord. # 18-005, Nov. 15, 2018 and as amended Ord. #20-____, Nov. 19, 2020).

12-304. Violations. Any person who shall violate a provision of this Section 12-301 et seq of the Town of Kingston Springs Municipal Code, adopting by reference the International Property Maintenance Code, 2015 Edition, with local modifications, or fail to comply therewith or of any of the requirements thereof shall be prosecuted and may be penalized pursuant to the general penalty clause of the Town of Kingston Springs Municipal Code of Ordinances. Each day that violation continues after due notice has

been served shall be deemed a separate offense regardless of whether an additional notice, order, or citation has been issued. Additionally, violators may in the discretion of the Town be subject to fines and penalties to be imposed by the Administrative Hearing Officer pursuant to T.C.A. §6-54-1001 et seq. as adopted locally in the Town of Kingston Springs Municipal Code or may be subject to injunctive remedies in state or federal court as appropriate. ((Ord. # 18-005, Nov. 15, 2018 and as amended Ord. #20-____, Nov. 19, 2020)).

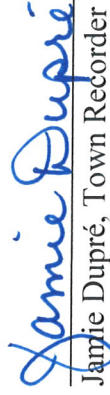
This Ordinance shall take effect the later of the date that is 15 days after its passage or upon publication of this Ordinance or its caption, the public welfare demanding it.

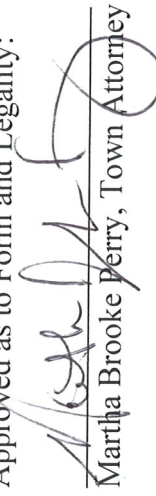
Passed First Reading: October 15, 2020

Public Hearing: NA

Passed Second Reading: Nov. 19, 2020


Tony Gross, Mayor

Attest:

Jamie Dupré, Town Recorder

Approved as to Form and Legality:

Martha Brooke Perry, Town Attorney