



## Ordinance No. 2020-271

### AN ORDINANCE ESTABLISHING STANDARDS FOR PROPERTY MAINTENANCE WITHIN THE TOWN OF UNICOI

**WHEREAS**, The Board of Mayor and Aldermen of the Town of Unicoi is responsible to its citizens and the public to regulate the safety and conditions of property within the Town of Unicoi; and

**WHEREAS**, in order to ensure safety within the Town of Unicoi, promote and protect property values within the Town of Unicoi, and protect and preserve the natural beauty with which the Town of Unicoi has been abundantly blessed, it is appropriate for the Town of Unicoi to establish property maintenance standards within the Town of Unicoi;

**NOW THEREFORE**, be It Ordained by the Board of Mayor and Aldermen of the City of Town of Unicoi as follows:

**Section 1. Littering Generally.** It is unlawful for any person to throw or deposit or permit to be deposited or scattered upon any sidewalk, alley, street, bridge or public passageway, or or rubble of any kind or to allow these items to accumulate upon public property immediately adjacent to and abutting that person's private property and between the private property and the public streets or alleyways upon which the property fronts. It is the responsibility of all owners and occupants of private property to keep abutting rights of way free and clear of rubbish, trash, etc. It is further the responsibility of private property owners and occupants to keep the rights of way upon which the property fronts mowed and clear of weeds, tall grass, etc. Littering, allowing the accumulation of litter and the failure to clean up and remove such litter is a violation of this ordinance and violators are subject to the general penalty provisions of this code.

**Section 2. Accumulation of rubbish.** It is unlawful for any person owning, leasing, occupying, or having control of property, regardless of whether the property is a vacant lot or contains any form of structure to permit the accumulation upon the property of garbage, trash, rubbish or other refuse in any form or nature, including but not limited to inoperable, untagged automobiles without tires whether or not set on blocks. All such accumulations are declared to be a public nuisance. The failure to clean up and remove such rubbish is a violation of this ordinance and violators are subject to the general penalty provisions of this code.

**Section 3. Weeds and other vegetation.**

(1) It is unlawful for any person or other entity owning, leasing, occupying or having control of property in the Town, regardless of whether the property is vacant or contains any form of structure, to permit the growth upon the property of weeds, grass, brush and all other rank or noxious vegetation to a height greater than twelve (12) inches when the growth is within two hundred (200) feet of other improved and/or occupied property or is within two hundred (200) feet of the right of way of any street, thoroughfare, or highway within the city.

(2) Excluded from these provisions are tracts of land of five (5) acres or larger in unplatted, undeveloped areas (i.e., not in a subdivision approved by the Town of Unicoi Planning Commission, and the plat of which is recorded with the register of deeds, or in a subdivision developed prior to the creation of the Planning Commission, a plat of which is of record with the register of deeds) or tracts that are being used for current agricultural purposes.

(3) Property not exempt due to its size or the active practice of agriculture which is contiguous to parcel(s) of land that front on public streets or roadways, or contain any improvements shall be cleared of all weeds, tall grass and other noxious vegetation in the area within two hundred (200) feet of the property line of the developed property adjoining the subject tract and/or front property line adjoining the right of way of any street or roadway.

(4) As to these naturally wooded areas, containing trees, the clearing requirements of this section extend only to the line of woods or trees adjoining developed (improved) property or public thoroughfares.

**Section 4.** It is also unlawful for any person or other entity to permit poison vines or plants injurious because of pollination or a menace to health, to grow in the Town of Unicoi where they may cause injury or discomfort to any person, regardless of height, which plants are hereby declared to be a public nuisance. The failure to destroy poison vines or other such plants constitutes a violation of this ordinance and violators are subject to the general penalty provisions of this code.

**Section 5.** It is unlawful to plant, maintain, or allow any vegetation, shrubbery, hedge rows, etc., so near or upon public road rights of way as to obstruct the view of a person driving in the roadway or otherwise constitute a hazard to vehicular and/or pedestrian traffic. Failure of owners of property adjoining the rights of way or owners of property upon which the vegetation exists to trim or remove it is guilty of a violation of this ordinance and violators are subject to the general penalty provisions of this code.

**Section 6.** The failure to cut and destroy, weeds, grass, brush and all other rank or noxious vegetation not subject to the exclusions above constitutes a violation of this ordinance and violators are subject to the general penalty provisions of this code.

**Section 7.** It is unlawful to begin exterior painting, exterior renovation, facade changes, or other changes to the exterior of buildings within the Town of Unicoi and then fail to finish such changes within the next six month period without first obtaining from the Town of Unicoi Planning Commission approval for good cause of such extended exterior renovation and



changes. Beginning such exterior painting, exterior renovation, facade changes or other changes to the exterior of buildings within the Town of Unicoi and then failing to finish such changes within the next six month period without first obtaining from the Town of Unicoi Planning Commission approval for good cause of such extended exterior renovation and changes is a violation of this ordinance and violators are subject to the general penalty provisions of this code.

**Section 8.** It is unlawful to maintain improved property within the Town of Unicoi in a dilapidated or unsafe condition as prohibited by Tennessee Code. All regulatory and enforcement provisions of Tennessee Code concerning dilapidated or unsafe buildings are adopted within the Town of Unicoi. Maintaining improved property in dilapidated or unsafe condition is a violation of this ordinance and violators are subject to the general penalty provisions of this code.

**Section 9.** It is unlawful to transfer title to property that has a notice of violation posted on it violators are subject to the general penalty provisions of this code.

**Section 10.** General Penalty: Violators of this ordinance shall be subject to a \$50 fine plus the cost for remedial measures necessary to bring the property into compliance with the requirements set forth herein

**Section 11.** The provisions of this ordinance include and are supplemental to other regulations and provisions adopted by the Town of Unicoi or allowed by state law.

The Town of Unicoi hereby specifically adopts by reference T.C.A. § 6-54-113; T.C.A. § 13-21-101 through 13-21-110, finding that conditions of the character described in § 13-21-102 exist within the Town of Unicoi, T.C.A. § 13-21-301 through 13-21-314, T.C.A. § 55-16-103 through 109; and T.C.A. § 68-120-117 as fully as if typed herein *verbatim*.

**Section 12.** This ordinance becomes effective immediately upon second and final passage by the Town of Unicoi Board of Mayor and Alderman, the public welfare requiring same. This ordinance shall be published in a newspaper of local circulation within the Town of Unicoi Tennessee and posted on the Town's website.

Approved 1<sup>st</sup> Reading January 21, 2020

Approved 2<sup>nd</sup> Reading February 18, 2020

  
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Mayor

  
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Attest: Town Recorder