

TITLE 13**CHAPTER 1****PROPERTY MAINTENANCE CODE****SECTION**

- 13-101. Property Maintenance Code adopted.
- 13-102. Amendments.
- 13-103. 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 establishing a current property maintenance code, the International Property Maintenance Code¹, 2006 edition, as prepared and adopted by the International Code Council, is hereby adopted by reference and incorporated herein as the Hendersonville Property Maintenance Code, just as if the same were incorporated herein verbatim.

13-102. Amendments. The International Property Code adopted by reference in 12-401 is hereby amended as follows:

- (1) Section 101.1 is deleted and replaced with the following:

“101.1 Title. These regulations shall be known as the Property Maintenance Code of Hendersonville, Tennessee, hereinafter referred to as ‘this code.’”

- (2) Section 102.1 is hereby amended by deleting the last sentence and replacing with the following:

“Where, in a specific case, different sections of this code specify different requirements or where State law may conflict with certain provisions of this code, the most restrictive shall apply.”

- (3) Section 103 is hereby amended by deleting all references to “Department of Property Maintenance Inspection” and replacing it with “Department of Building and Codes”.

¹Copies of this code (and any amendments) may be purchased from the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Creek, VA 22041-3405

- (4) Section 103.5 is deleted and replaced with the following:

“103.5 Fees. The department may establish necessary fees for the activities and services performed by the department in carrying out its responsibilities under this code. Those fees shall be made available for public inspection.”

- (5) Delete Sections 111.2 - 111.8, replace with the following and renumber the following sections:

“111.2 Board of Appeals. The Board of Appeals referred to in this code shall be the Board of Appeals as established by Section 12-102 of the Hendersonville Municipal Code.”

- (6) Section 302.4 is amended by replacing the first paragraph with the following language and adding new subsections 302.4.1 and 302.4.2.

“302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of ten (10) inches. For undeveloped properties the growth shall not exceed eighteen (18) inches. For large tracts refer to Section 302.4.1. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.”

302.4.1 Large Tracts. For properties involving more than two (2) acres the following provisions shall apply.

- (a) Properties located adjacent to improved properties of less than two (2) acres shall be maintained at less than eighteen (18) inches in height to a depth of twenty five (25) feet along property lines that abut a public right of way, public property or adjacent improved property. Improved properties shall also be required to maintain a minimum distance of fifty (50) feet around any structure.
- (b) Properties located adjacent to unimproved properties of less than two (2) acres shall be maintained at less than eighteen (18) inches in height to a depth of twenty five (25) feet along property lines that abut a public right of way or public property.

302.4.2 Right of Ways. All property owners shall maintain the portion of the public right-of-way abutting their property in accordance with Section 16-109 of the Hendersonville City Code. No weeds or other growth

shall be permitted on corner lots which may cause a reduction in traffic visibility at intersections.”

- (7) Section 302.8 is deleted and replaced with the following:

“302.8 Motor Vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception 1. On non-residential property a vehicle of any type is permitted to undergo major overhaul, including bodywork, provided that such work is performed in a structure, or similarly enclosed area, designed and approved for such purpose. Vehicles being repaired, to be repaired, or already repaired may be stored on the premises only in an approved manner and location. Vehicles may not be stored for parts or salvage unless located on property approved for such use. Unlicensed motor vehicles may be parked or stored on a premise where sales of motor vehicles have been approved. This exception is not intended to override or set aside other regulations limiting or authorizing these activities.

Exception 2. On residential property a privately owned vehicle, owned by the owner and/or tenant of the property, is permitted to undergo major overhaul including bodywork, or be stored, provided it is done in a fully-enclosed structure designed and approved for such purpose. This exception is not intended to override or set aside other regulations limiting these activities.”

- (8) Add the following language at the end of Section 304.3:

“This provision is to be applied in conjunction with any and all other regulations controlling this issue.”

- (9) Modify Section 304.14 by adding the following dates:

“May 1” to “September 31”

- (10) Delete Section 404.5 and add the following new Section:

“404.5 Overcrowding. The number of persons occupying a dwelling unit shall not create conditions that, in the opinion of the code official,

endanger the life, health, safety or welfare of the occupants. Occupancy of a dwelling unit by more occupants than permitted by the provisions of Table 404.5 and Sections 404.5.1 and 404.5.2 shall be deemed to be overcrowding and therefore not permitted.

**TABLE 404.5
MINIMUM AREA REQUIREMENTS**

SPACE	MINIMUM AREA IN SQUARE FEET		
	1-2 occupants	3-5 occupants	6 or more occupants
Living room ^{a,b}	No requirements	120	150
Dining room ^{a,b}	No requirements	80	100
Bedrooms	Shall comply with Section 404.4		

For SI: 1 square foot = 0.093 m².

a. See Section 404.5.2 for combined living room/dining room spaces.

b. See Section 404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes.

404.5.1 Sleeping area. The minimum occupancy area required by Table 404.5 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with Section 404.4.

404.5.2 Combined spaces. Combined living room and dining room spaces shall comply with the requirements of Table 404.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.”

13-103. Violations. It shall be unlawful for any person to violate or fail to comply with any provisions of the property maintenance code as herein adopted by reference and modified. (Ord. # 2003-13, April 2003, Ord. # 2004-42, October, 2004, Ord. 2007-29, September 2007)

CHAPTER 2

ABANDONED PERSONAL PROPERTY

SECTION

- 13-201. Chief of police to receive lost property.
- 13-202. Presumption of abandonment.
- 13-203. Storage of abandoned property.
- 13-204. Notification of owner.
- 13-205. Dispute concerning ownership of property.
- 13-206. Property to be held three months.
- 13-207. Certificate to city judge.
- 13-208. Advertisement.
- 13-209. Proceeds of sale.
- 13-210. Records of sale.
- 13-211. Sales without warranty.
- 13-212. Motor vehicle.

13-201. Chief of police to receive lost property. All employees of the City of Hendersonville who come into possession of abandoned, stolen, confiscated or mislaid personal property while working or on duty or as a result of their position with the city shall turn the property over to the chief of police or his designated representative with a report as to how the property came into the possession of the City of Hendersonville together with the name of the true owner if known. (Ord. #1976-42, Nov. 1976)

13-202. Presumption of abandonment. All personal property left unattended upon public property within the City of Hendersonville for more than 24 hours or upon private property without the permission of the owner of the private property may be taken into the protective custody of the City of Hendersonville at the discretion of its agents and employees. Personal property left unattended for less than twenty-four (24) hours under such circumstances as may indicate that it has been lost or abandoned may also be taken into the protective custody of the City of Hendersonville. (Ord. #1976-42, Nov. 1976)

13-203. Storage of abandoned property. The chief of police shall cause all abandoned, lost, stolen, confiscated or mislaid personal property to be inventoried, stored and safeguarded until it can be reclaimed by its lawful owner or be disposed of in accordance with this chapter. (Ord. #1976-42, Nov. 1976)

13-204. Notification of owner. When sufficient information concerning the owner of the property is available the owner shall be notified of the location of his property and when and where he may claim the property. (Ord. #1976-42, Nov. 1976)

13-205. Dispute concerning ownership of property. When ownership of property is in dispute or when a claimant cannot prove ownership of the property to the satisfaction of the chief of police each claimant shall be notified that the property will be retained by the city pending proof of ownership or an order by a court having jurisdiction over the property or the parties to the dispute. (Ord. #1976-42, Nov. 1976)

13-206. Property to be held three months. All abandoned, lost, stolen, confiscated or mislaid property remaining in the possession of the chief of police for three months without any party making claim thereto shall be deemed abandoned property and disposed of in accordance with this chapter. (Ord. #1976-42, Nov. 1976)

13-207. Certificate to city judge. As frequently as he may desire, the chief of police shall submit to the city judge a list of all abandoned property held by the city for more than three months together with an affidavit that he has made a reasonable search for the true owner thereof and that the true owner cannot be located or that the true owner has been notified when and where he may claim the property and has failed to claim the property within three months of notice. (Ord. #1976-42, Nov. 1976)

13-208. Advertisement. Upon receipt of a property list from the chief of police the city judge shall determine whether the property may be disposed of as abandoned property and his order shall set forth the manner in which the property is to be advertised and sold. Advertisement may be by notice posted in public places or by one advertisement placed in any newspaper published in Hendersonville, Tennessee. The sale shall be conducted by the chief of police or his designated representative and shall be by public auction. (Ord. #1976-42, Nov. 1976)

13-209. Proceeds of sale. The proceeds of any sale of abandoned property shall be paid over to the city recorder and placed in an escrow account of interest for six months. During the time the funds are held in escrow the owner of the property sold may claim the proceeds derived the sale of his property by proving ownership to the satisfaction of the city recorder. All funds remaining in escrow for six months shall become the property of the City of Hendersonville and shall be transferred to the general fund to be used for education and training by the police department. (Ord. #1976-42, Nov. 1976)

13-210. Records of sale. Records of sales shall be maintained by the City of Hendersonville for two (2) years. (Ord. #1976-42, Nov. 1976)

13-211. Sales without warranty. All sales shall be without warranty of any nature. (Ord. #1976-42, Nov. 1976)

13-212. Motor vehicles. This chapter shall not control the disposition of motor vehicles the disposition which are controlled by Tennessee Code Annotated, title 55, chapter 16 or title 13, chapter 4. (Ord. #1976-42, Nov. 1976)

CHAPTER 3

JUNKED OR ABANDONED MOTOR VEHICLES

Deleted without replacement (Ord. 2006-45, September 2006)