

**ORDINANCE NO. 2023-5**

**AN ORDINANCE TO INSERT A NEW CHAPTER 11, NEIGHBORHOOD AND COMMUNITY PRESERVATION, AND AMEND CHAPTER 9 (ENVIRONMENT), CHAPTER 15 (SOLID WASTE), SECTION 6-111, AND SECTION 12-104 OF THE GERMANTOWN MUNICIPAL CODE**

**WHEREAS,** for the purposes of promoting the public health, safety, comfort, convenience, well-being, and general welfare of the residents of Germantown, the Board of Mayor and Aldermen ("BMA") is authorized to prescribe regulations and standards that encourage and advance the quality of life within the City; and,

**WHEREAS,** the BMA of the City of Germantown seeks to adopt and maintain a unified and comprehensive set of property maintenance code requirements to assure the safe and effective maintenance of property within the City of Germantown; and

**WHEREAS,** the City of Germantown has determined it is necessary and prudent to establish uniform property maintenance code requirements; and

**WHEREAS,** the Neighborhood Preservation Commission on November 17, 2022, discussed and recommended that the regulations on property maintenance be consolidated to create a new Chapter 11, Neighborhood and Community Preservation, and all related regulations of the City Code be amended accordingly; and,

**WHEREAS,** the City of Germantown BMA now deems it in the best interest of the City to insert a new Chapter 11 (Neighborhood and Community Preservation), and amend Chapter 9 (Environment), Chapter 15 (Solid Waste), Section 6-111, and Section 12-104, of the City Code; and

**WHEREAS,** a public hearing was held on the 24th day of April, 2023, pursuant to a publication in a newspaper of general circulation within the community on 5th day of April, 2023.

**NOW THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen that this Ordinance shall become effective upon its passage by the Board of Mayor and Aldermen of the City of Germantown, Tennessee, the public welfare demanding it.**

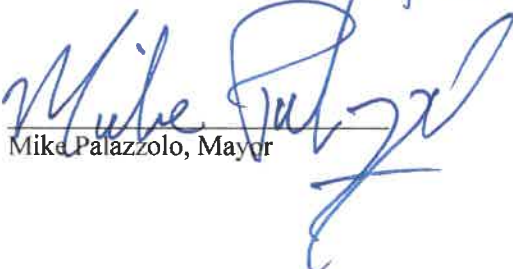
Section 1. The City Code is amended to insert a new Chapter 11, Neighborhood and Community Preservation, in its entirety and Chapter 9 (Environment), Chapter 15 (Solid Waste), Section 6-111, and Section 12-104, of the City Code are amended with the attached language.

Section 2. BE IT FURTHER ORDAINED that this ordinance shall take effect upon its passage on third and final reading, the health, safety and welfare of the citizens requiring it.

First Reading                      March 27, 2023

Second Reading                      April 24, 2023

Third Reading                      May 22, 2023

  
Mike Palazzolo, Mayor

  
Michele Betty, City Clerk

**~~Sec. 6-111.— Maintenance of fences and landscaping double frontage lots.~~**

~~(a) Fence material; condition.~~ All such fences shall at all times be maintained and kept in good repair by the lot owner of such double frontage lot.

~~(b) Grass, shrubs, trees; condition; height of grass.~~ All shrubs, trees and other landscaping located between the curbline or paved edge of the roadway and the fence on such double frontage lots and all grass or planted surfaces shall be maintained at all times by the lot owner of such double frontage lot. All grass, weeds and noxious growths shall be mowed, cut or clipped, as frequently as necessary to ensure that weeds, grass, and noxious growths do not exceed a height of nine inches. Cuttings and clippings and other debris shall not be allowed to accumulate and shall be placed adjacent to the property line from which garbage and trash collection are customarily made.

~~(c) Maintenance of shrubbery.~~ All trees, shrubs, grasses and other landscaping as required by this article on double frontage lots shall be properly maintained to remain in a healthy growth state. Any dead growth shall be removed and replaced by such trees, shrubs, grasses and other landscaping as complies with this article and which is substantially identical with such previous landscaping material or with other landscaping material as approved by the design review commission.

~~(d) Enforcement.~~ It shall be the duty of the city code enforcement officer to administer and enforce the provisions of this article.

~~(e) Penalty.~~ Any person violating any provision of this article shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than \$500.00. Each day's continuance of a violation shall be considered a separate offense. The owner of any premises, or a part thereof, where anything in violation of this article be placed, or shall exist, and any person who may have knowingly assisted in the commission of any such violation or shall have permitted such violation to occur shall be guilty of a separate offense. Persons in violation of this article shall also be subject to injunctive proceedings to enforce compliance therewith.

~~(f) Notice of alleged violation; assessment against lot owner if convicted.~~ In addition to the penalty set forth in this article, upon the failure of any lot owner to maintain such fences and landscaping as required by this article, upon ten days' written notice from the city code enforcement officer to the last known address of such lot owner, the city code enforcement officer is authorized and directed to have such maintenance or repairs performed with the cost and expenses thereof to be assessed as provided in this section. Such notice shall be served personally on the lot owner or may be posted on the lot or may be mailed by registered or certified mail. Such maintenance may be performed by city forces or by retention of services from a private contractor to perform on the city's behalf in accordance with the city's contracting and purchasing procedures. All costs and expenses, including inspections and other expenses, incurred by the city pursuant to this section, but not less than the minimum amount established by the administration for such maintenance, shall be assessed against the lot. It shall be the duty of the appropriate city official or his designee to collect, as a special tax, the amount so assessed at the time that city taxes are levied against properties on which such maintenance work was performed. Such special tax shall constitute a special assessment against such offending lot and shall be collected as general taxes levied by the city.

~~(g) Conflict with other ordinances. In case of conflict between other provisions of this article or between this article and any existing or future ordinance of the city, the most restrictive shall apply.~~

**Sec. 6-111. Nonconforming fences and landscaping.**

Any fences or landscaping on double frontage lots which do not conform to the provisions of this article, but which were erected or planted in compliance with previous articles shall be regarded as nonconforming fences and landscaping. The location, size, material and other structural characteristics of such nonconforming fences and landscaping shall be governed by the provisions of Sec. 6-104. The maintenance standards and requirements imposed on such nonconforming fences and landscaping pursuant to previous articles applicable prior to the passage of this article may be continued for a period of one year from the passage of this article, provided such nonconforming fences and landscaping are not determined to be an imminent threat to the safety or health of the community. Any nonconforming fences or landscaping which are found to contain maintenance deficiencies in violation of this section shall be brought into compliance within one year from the passage of this article. If the owner of the lot on which such nonconforming fences or landscaping exists fails to correct such maintenance deficiencies within one year from the passage of this article, the city code enforcement officer shall cause such maintenance and corrective action to be taken with the costs and expenses to be assessed against the lot owner as a special assessment as provided in the foregoing sections of this article.

(Code 1986, § 9-9; Ord. No. 2005-10, 5-23-05)

PART II - CODE OF ORDINANCES  
Chapter 9 - ENVIRONMENT  
ARTICLE III. NUISANCES

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**ARTICLE III. NUISANCES**

**DIVISION 1. GENERALLY RESERVED**

**~~Sec. 9-61. Abandoned iceboxes, refrigerators and other similar containers.~~**

~~It shall be unlawful for any person to leave outside of any building or dwelling, in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator or other container without first removing therefrom any door attached thereto.~~

~~(Code 1986, § 14-1)~~

~~State law reference(s)—Similar provisions, T.C.A. § 39-17-103.~~

**~~Sec. 9-62. Leaving unguarded excavations.~~**

~~It shall be unlawful for any person to permit any well, cistern or other excavation to remain open, unguarded or uncovered to the danger of others.~~

~~(Code 1986, § 14-2; Ord. No. 2013-11, § 1, 9-9-13)~~

**~~Sec. 9-63. Notice to remove refuse from property.~~**

~~(a) Upon the failure of any owner of property within the city to remove rubbish or refuse from his property and dispose of it in accordance with the law, the city shall serve a notice on the owner of such property to clean the property within five days of the effective date of such notice. Such notice may be given by personal service on the owner or one of the owners, or the duly authorized agent of such owner, or upon any person of suitable age and discretion residing in the owner(s)'s usual place of residence, or by first-class letter addressed to the last known place of residence of such owner(s). Proof of the mailing of such first class letter by the city shall be a complete compliance with this section. In addition to the foregoing, the notice shall be posted on the property where the violation exists by taping or affixing same on or near the front door of the dwelling an envelope containing the notice, or in the case of a vacant lot, by placing a sign containing the notice on the property.~~

~~(b) The effective date of notice shall be the date when notice is delivered by personal service and posted on the property, and the effective date when notice is mailed shall be two days after mailing, presuming that mail is delivered on such second date, otherwise the next day that mail is delivered.~~

~~(Code 1986, § 14-56; Ord. No. 2013-11, § 2, 9-9-13)~~

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### **~~Sec. 9-64. Cleaning by city.~~**

- ~~(a) In addition to the fine, upon failure of any owner of lots or lands in the city to clean the property described in the notice mentioned in section 9-63 within five days of the effective date of such notice, the city is authorized to have such work done, and the costs plus an administrative fee in the amount of \$100.00 and any cost of recording a lien against the property as set out in subsection (b) of this section shall also be assessed against the owner. A statement of such costs, administrative fee, and recording fee shall be filed with the finance director of the city.~~
- ~~(b) There shall be recorded in the Register's Office of Shelby County, Tennessee, a notice of lien for the costs, including said administrative fee and recording fee, incurred by the city as set out in section 9-63. A copy of such notice shall be forwarded to the last known address of the owner of the property. This lien shall affix to the parcel of real estate immediately. It shall be the duty of the finance director to collect, in the same manner as for taxes, the amount due pursuant to this section at the time city taxes levied against such properties for the next succeeding year are collected.~~

~~(Code 1986, § 14-57; Ord. No. 2013-11, § 2, 9-9-13)~~

### **~~Sec. 9-65. Acts or conditions which create a nuisance.~~**

- ~~(a) No owner or tenant of property within the city shall commit an act, or allow a condition to exist on property within the city, which act or condition endangers life or health, violates the laws of decency, obstructs or interferes with the reasonable and comfortable use of other property in the vicinity, and/or causes the value of property in the near vicinity to be diminished in value. Any person or entity who or which violates this section shall be guilty of committing a nuisance or allowing a nuisance to exist. A violation of this section shall subject the offender to a fine not to exceed \$50.00 or the maximum amount allowable by law. Each violation on a separate day shall constitute a separate offense.~~
- ~~(b) The existence of any of the following conditions on buildings, accessory structures, or property, where same has an adverse impact on safety, health, environment, aesthetics or property values of properties in the near vicinity as a result of being visible from outside the property, is declared to be a nuisance under subsection (a) above:~~
- ~~(1) Broken windows;~~
  - ~~(2) Window shutters that are damaged or not secured properly;~~
  - ~~(3) Rain gutters and down spouts that are rusted, sagging, or improperly fastened;~~
  - ~~(4) A roof with missing or deteriorated roofing materials such that repair or replacement is required;~~
  - ~~(5) Any garage door that is inoperable, broken, sagging, lacking paint or missing visible parts or materials;~~
  - ~~(6) Any driveway that is deteriorated, crumbling, weed-infested, or lacks adequate covering of asphalt, brick, or concrete or is missing portions thereof;~~
  - ~~(7) Exterior light fixtures in need of repair or replacement;~~
  - ~~(8) Exterior light fixtures that shine directly toward adjacent property, with the exception of front entrance general illumination lights, shall be shielded, redirected, or relocated to prevent the light source from illuminating neighboring property;~~
  - ~~(9) Exterior walls that have exposed, rotten or deteriorated materials;~~
  - ~~(10) Screens on doors or windows that are torn or in need of repair or replacement;~~

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- ~~(11) Stairs or railings affixed to the exterior of buildings that are in need of repair or replacement;~~
  - ~~(12) Peeling, flaking or chipped paint and mildew;~~
  - ~~(13) Metal surfaces showing rust or corrosion;~~
  - ~~(14) Property damaged or destroyed by fire or acts of nature that has not been demolished or repaired within a reasonable time period and debris or refuse from fires or natural disasters remaining on property for an unreasonable period of time;~~
  - ~~(15) Torn or ripped window awnings;~~
  - ~~(16) Inadequately secured antennas;~~
  - ~~(17) Damaged, rotted, or decayed mailboxes or mailbox posts;~~
  - ~~(18) Graffiti;~~
  - ~~(19) Scattered building or repair material in a yard;~~
  - ~~(20) Storage of construction, repair or maintenance material or equipment on a premises that is not to be used on the premises;~~
  - ~~(21) Construction debris and refuse remaining on property for an unreasonable period;~~
  - ~~(22) Lumber or construction materials (excluding materials for a construction project on the property with a current valid permit), salvage items, including but not limited to auto parts, scrap metals, tires and the like, stored on property in excess of 72 hours;~~
  - ~~(23) Missing bricks on exterior walls and chimneys;~~
  - ~~(24) Windows, doors, or building exteriors covered with inappropriate materials including, but not limited to, aluminum foil, cardboard, plywood, or plastic, except during construction or pending permanent repairs;~~
  - ~~(25) Lawn areas that are not properly planted and maintained to prevent soil erosion, excessive dust or mud, or the accumulation of stagnant water;~~
  - ~~(26) Piles of dirt;~~
  - ~~(27) Scattered or rotted firewood;~~
  - ~~(28) Erosion caused by lack of ground cover, resulting in dirt accumulation on sidewalks, streets, or adjacent properties;~~
  - ~~(29) Discarded garbage, rubbish, refuse, or recyclable items placed near the street for collection by city contractors that have not been collected within seven days of being deposited because such do not meet the criteria for collection established by the city;~~
  - ~~(30) Oil, grease, paint, other petroleum products, hazardous materials, volatile chemicals, pesticides, herbicides, fungicides, or waste (solid, liquid, or gaseous) that is determined to constitute a fire or environmental hazard, or to be detrimental to human life, health, or safety; and~~
  - ~~(31) Any other condition existing on or in a building, accessory structure, or property that is a safety or health hazard whether or not same is visible from outside the property.~~
- ~~(c) Garage doors shall be kept closed when no one is on the premises and between the hours of 11:00 p.m. and 5:00 a.m., except when immediately entering or exiting the garage.~~
  - ~~(d) Because the use of carports for other than vehicle and trailer parking may encourage the accumulation of unreasonable amounts of personal property that are unsightly when viewed from outside the property, materials, equipment, or other items of personal property shall not be stored inside a carport to the extent~~

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that such storage prevents the use of a carport for the parking of the number of vehicles for which the carport is designed.

- ~~(e) Materials, equipment, or other items, except for appropriate furniture, shall not be stored on a porch, breezeway, or balcony if the porch, breezeway, or balcony is visible from the street.~~
- ~~(f) Property owners shall be responsible for the maintenance of the owner's property and premises in a manner consistent with the provisions of this Code; provided, however, that an owner may require by written agreement that a tenant, lessee, or occupant of the owner's property maintain same in accordance with this Code; but the failure of such tenant, lessee, or occupant to so maintain the owner's property shall not relieve the owner of the owner's responsibilities hereunder.~~
- ~~(g) If the city determines that there is a violation of this chapter, a notice shall be given to the property owner. Such notice may be given by personal service on the owner, or the owner's duly authorized agent, or upon any person of suitable age and discretion residing in the owner's usual place of residence, or by first class letter addressed to the last known place of residence of such owner. Proof of the mailing of such first class letter by the city shall be a complete compliance with this section. In case of failure to locate the owner, the notice of violation shall be posted on the property where the violation exists by taping or affixing on or near the front door of the dwelling an envelope containing the notice. If a property owner fails to correct the condition set forth in the notification within the time specified in the notice to the owner, the owner shall be subject to a fine as provided in subsection (a) above.~~
- ~~(h) In addition to the fine provided in subsection (a) above, if a property owner fails to correct a violation under this chapter, the city shall have the right to enter upon the property and correct said violation. There shall be recorded in the Register's Office of Shelby County, Tennessee, a notice of lien for the cost incurred by the city to correct a violation. A copy of such notice shall be forwarded to the last known address of the owner of the property. This lien shall affix to the parcel of real estate immediately. It shall be the duty of the finance director to collect, in the same manner as for taxes, the amount due pursuant to this section at the time city taxes levied against such properties for the next succeeding year are collected.~~
- ~~(i) This chapter shall be enforced by the director of community development, his or her designee(s), or by other duly authorized officials of the city. Such officials shall have the power to make inspections of buildings, accessory structures and property upon reasonable notice to the property owner or occupant, taking into consideration all existing circumstances, and as may be reasonably necessary to carry out the requirements of this chapter.~~
- ~~(j) If any section of this chapter as now enacted or as subsequently amended or as applied to any person or circumstances is held invalid, the invalidity shall not affect other sections that can be given effect without the invalid section or application. If any portion or application of this section is held invalid, the invalidity does not affect the remainder of this section unless:
  - ~~(1) The remainder is so essentially and inseparably connected with and so dependent upon the invalid provision or application that it cannot be presumed that the remainder would have been enacted without the invalid provision or application; or~~
  - ~~(2) The remainder is incomplete and incapable of being executed in accordance with the legislative intent without the invalid provision or application.~~~~

~~(Ord. No. 2000-7, 5-8-00; Ord. No. 2005-9, § 4, 9-12-05; Ord. No. 2013-11, §§ 3, 4, 9-9-13)~~

## **~~Sec. 9-66. Holiday/seasonal decorations.~~**

~~Residential holiday and seasonal decorations, including, but not limited to, holiday lights on houses or in the yard or shrubbery, yard ornaments or decorations, and the like, shall not be installed or placed more than 45 days~~

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~~before the date of the holiday for which said decorations are intended and shall be removed within a reasonable period of time, not to exceed 30 days, following the date of the holiday for which said decorations were intended. Holiday lights, even if not illuminated, are not permitted to remain on any house or structure year round.~~

~~(Ord. No. 2005-9, § 5, 9-12-05)~~

**~~Secs. 9-67—9-80. Reserved.~~**

***DIVISION 2. MAINTENANCE OF FENCES AND LANDSCAPING ON DOUBLE FRONTAGE LOTS***

**Sec. 9-81. Fence material; condition.**

All fences on double frontage lots shall comply with the provisions of article VI of Chapter 6 of this Code. In addition, thereto, all such fences erected on double frontage lots shall be of such material as to be resistant to disease and decay or shall be treated with substances to prevent such disease or decay. All such fences shall at all times be maintained and kept in good repair by the lot owner of such double frontage lot.

(Code 1986, § 14-73)

**Sec. 9-82. RESERVED**

**~~Sec. 9-82. Grass, shrubs, trees; condition; height of grass.~~**

~~All shrubs, trees and other landscaping located between the curbline or paved edge of the roadway and the fence on such double frontage lots and all grass or planted surfaces shall be maintained at all times by the lot owner of such double frontage lot. Except as provided in chapter 22 of this Code, as such chapter may be renumbered or amended from time to time, all grass, weeds and noxious growths shall be mowed, cut or clipped, as frequently as necessary to ensure that weeds, grass and noxious growths do not exceed a height of six inches. Cuttings and clippings and other debris shall not be allowed to accumulate and shall be placed adjacent to the property line from which garbage and trash collections are customarily made.~~

~~(Code 1986, § 14-74; Ord. No. 2005-9, § 6, 9-12-05)~~

**Sec. 9-83. RESERVED**

**~~Sec. 9-83. Maintenance of shrubbery.~~**

~~All trees, shrubs, grasses and other landscaping as required by article VI of chapter 6 of this Code on double frontage lots shall be properly maintained to remain in a healthy growth state, and any dead growth shall be removed and replaced by such trees, shrubs, grasses and other landscaping as complies with article VI, chapter 6 of this Code and which is substantially identical with such previous landscaping material or with other landscaping material as approved by the design review commission.~~

~~(Code 1986, § 14-75)~~



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**Sec. 9-84. Enforcement of article.**

It shall be the duty of the code enforcement officer to administer and enforce the provisions of this article.  
(Code 1986, § 14-76)

**Sec. 9-85. Penalty for violation of article.**

Any person violating any provision of this article shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to the penalties of section 1-10. The owner of any premises, or a part thereof, where anything in violation of this article is placed, or shall exist, and any person who may have knowingly assisted in the commission of any such violation, or shall have permitted such violation to occur, shall be guilty of a separate offense. Persons in violation of this article shall also be subject to injunctive proceedings to enforce compliance therewith.

(Code 1986, § 14-77)

**Sec. 9-86. Notice of alleged violation; assessment against lot owner if convicted.**

- (a) In addition to the penalty set forth in this article, upon the failure of any lot owner to maintain such fences and landscaping as required by this article, upon ten days' written notice from the code enforcement officer to the last known address of such lot owner, the code enforcement officer is authorized and directed to have such maintenance or repairs performed with the cost and expenses thereof to be assessed as provided in this section.
- (b) Such notice shall be served personally on the lot owner or may be posted on the lot or may be mailed by registered or certified mail. Such maintenance may be performed by city forces or by retention of services from a private contractor to perform on the city's behalf in accordance with the city's contracting and purchasing procedures. All costs and expenses, including inspections and other expenses, incurred by the city pursuant to this section, but not less than the minimum amount established by the administration for such maintenance shall be assessed against the lot. It shall be the duty of the appropriate city official to collect, as a special tax, the amount so assessed at the time that city taxes are levied against properties on which such maintenance work was performed. Such special tax shall constitute a special assessment against such offending lot and shall be collected as general taxes levied by the city.

(Code 1986, § 14-78)

**Sec. 9-87. Conflict with other ordinances.**

In case of a conflict between provisions of this article or between this article and any existing or future ordinance of the city, the most restrictive shall apply.

(Code 1986, § 14-79)

**Sec. 9-88. Nonconforming fences and landscaping.**

- (a) Any fences or landscaping on double frontage lots which do not conform to the provisions of this article, but which were erected or planted in compliance with previous ordinances shall be regarded as nonconforming fences and landscaping. The location, size, material and other structural characteristics of such nonconforming fences and landscaping shall be governed by the provisions of section 6-107. The

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maintenance standards and requirements imposed on such nonconforming fences and landscaping pursuant to previous ordinances applicable prior to June 3, 1985, may be continued for a period of one year, provided that such nonconforming fences and landscaping are not determined to be an imminent threat to the safety or health of the community.

- (b) Any nonconforming fences or landscaping which are found to contain maintenance deficiencies in violation of this section shall be brought into compliance by June 3, 1986. If the owner of the lot of which the nonconforming fences or landscaping exists fails to correct the maintenance deficiencies by June 3, 1986, the code enforcement officer shall cause such maintenance and corrective action to be taken with the costs and expenses to be assessed against the lot owner as a special assessment as provided in the foregoing sections of this article.

(Code 1986, § 14-80)

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GERMANTOWN CODE OF ORDINANCES  
Chapter 11 – NEIGHBORHOOD AND COMMUNITY PRESERVATION

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## ARTICLE I. - IN GENERAL

### Sec. 11-1. - Purpose and scope.

- (a) This Chapter is enacted to ensure public health, safety, welfare, and quality of life insofar as they are adversely affected by nearby activity and/or by the continued occupancy, operation, or maintenance of certain residential and non-residential structures and premises.
- (b) In case of conflict with other provisions of this Chapter or between this Chapter and any existing or future ordinance of the City, the most restrictive shall apply.
- (c) If any section of this Chapter as now enacted or as subsequently amended or as applied to any person or circumstances is held invalid, the invalidity shall not affect other sections that can be given effect without the invalid section or application.

### Sec. 11-2. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Ambient noise** means the all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources, near and far.

**Administrative fee** means those cost clearly prescribed in the adopted Resolution on Revenue or specially assessed by the Board of Mayor and Aldermen.

**City** shall mean the City of Germantown, Tennessee.

**City arborist** means a city employee whose duties include the application of a management plan, including planting, pruning, protecting, and removal programs, for public trees and associated vegetation; budget preparation; and interaction with the community (both private and public), elected officials and other agencies.

**Code** means the Code of Ordinances of the City of Germantown.

**Code Official** means the official who is charged with the administration and enforcement of this Chapter of the Code, or any other duly authorized individuals.

**Commercial** means and shall include areas of the City of Germantown zoned as such and any subsequent commercial zone created by ordinance.

**Construction** means the on-site erection, fabrication, installation, alteration, demolition, or removal of any structure, facility, or addition thereto, including all related activities, but not restricted to, clearing of land, earth moving and landscaping.

**Easement** means that portion of land or property reserved for present or future use by a Person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above said lot or lots.

**Emergency work** means work made necessary to restore property to a safe condition following a public calamity, including, without limitation, an Act of God, or work required to protect persons or property from any imminent exposure to danger, irrespective of the cause.

**Exterior Property** means the open space on the Premises and on adjoining property under the control of owners or operators of such Premises.

**Infestation** means the presence, within or contiguous to, a structure or Premises of insects, rodents, vermin or other pests.

**Invasive plant** see, *Noxious growth*.

**Noxious growth** shall refer to any weed or plant defined as a pest or invasive plant or weed by the Tennessee Department of Agriculture and/or listed on the USDA's Federal Noxious Weed List.

**Nuisance** is the unreasonable or unlawful use by a person of his real or personal property, or the unreasonable, indecent or unlawful personal conduct which substantially interferes with or otherwise endangers the health, safety, prosperity, quiet enjoyment of property or welfare of others, offends common decency or public morality, or obstructs or interferes with the free use of public ways or places.

**Owner** means any Person, agent, operator, firm, business, trustee, or corporation having legal or equitable interest in the property; or recorded in the official records of the state, county or City as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such Person.

**Person** means any Person, Person's firm, association, co-partnership, joint venture, business, corporation or any other entity, public or private in nature.

**Premises** means a lot, plot or parcel of land, Easement or public way, including any structures thereon.

**Private tree** means a tree growing in an area that is not owned by a governmental entity.

**Public Premises** means all real property, including appurtenances thereon, which is owned or controlled by any public governmental entity and shall include streets, alleys, parks and navigable waterways, but shall not include any publicly owned property leased to any nongovernmental entities.

**Public tree** means a tree growing on land owned by a unit of government (federal, state, county, City or any agency thereof).

**Real property boundary** means a line along the ground surface, and its vertical extension, which separates the real property owned by one Person or entity from that owned by another Person or entity, but not including intrabuilding real property divisions.

**Recreational vehicle** means boats, personal watercrafts, motor homes, truck campers, travel trailers, tent trailers, camping trailers, motorized dwellings, fifth wheels, mobile homes, house trailers, trailers, semi-trailers, horse trailers, airplanes, airplane gliders, off-highway motor vehicles, snowmobiles, sand buggies, dune buggies, all-terrain vehicles, tractors, implements of husbandry, special mobile equipment, golf carts, or any other major recreational equipment.

**Residential** means and shall include areas the City of Germantown zoned as such and any subsequent residential zone created by ordinance.

**Sound amplification device** means any apparatus for the amplification of sounds from any radio, phonograph, band, orchestra or other sound-making or sound-producing device, including any apparatus for the amplification of the human voice.

**Vehicle** means a machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners or slides, and transport persons or property or pull tractors, buggies, trailers, and/or wagons.

**Sec. 11-3. - Acts or conditions which create a Nuisance.**

- (a) No Owner or tenant of property within the City shall commit an act, or allow a condition to exist on property within the City, which act or condition endangers life or health, violates the laws of decency, substantially obstructs or interferes with the reasonable and comfortable use of other property in the vicinity and/or causes the value of property in the near vicinity to be significantly diminished in value. Any Person or entity that violates this section shall be guilty of creating a nuisance or allowing a nuisance to exist.
- (b) In addition to the violations outlined in this Chapter, any other condition existing on or in a building, accessory structure, or property that is a safety or health hazard, whether or not the same is visible from outside the property, is declared to be a nuisance.

(Code 1986, § 14-1)

**Sec. 11-4. - Property owner responsibility.**

- (a) Property Owners shall be responsible for the maintenance of the Owner's property and Premises in a manner consistent with the provisions of this Code; provided, however, that an Owner may require by written agreement that a tenant, lessee, or occupant of the Owner's property maintain same in accordance with this Code; but the failure of such tenant, lessee, or occupant to so maintain the Owner's property shall not relieve the owner of the Owner's responsibilities hereunder.
- (b) It shall be unlawful for the Owner of any structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such Owner or the Owner's authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the Code Official and shall furnish to the Code Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

**Sec. 11-5. - Enforcement.**

This Chapter shall be enforced by the Director of Economic and Community Development, the Chief of Police, or his or her designee(s), or by other duly authorized officials of the City.

**Sec. 11-6. - Duties and powers of the Code Official.**

The Code Official is hereby authorized and directed to enforce the provisions of this Chapter. The Code Official shall have the authority to render reasonable interpretations of this Chapter and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent of this Chapter. Such interpretations, policies and procedures shall not have the effect of waiving requirements specifically provided for in this Chapter.

- (a) **Inspections.** The Code Official shall have the power to make inspections of exterior buildings, accessory structures and all exterior areas of the property with 24-hour notice to the Owner or occupant of the property, taking into consideration all existing circumstances, and as may be reasonably necessary to carry out the requirements of this Chapter. The Code Official shall make all of the required inspections, or shall accept the report of inspection by approved agencies or individuals.
- (b) **Right of Entry.** Where it is necessary to make an inspection to enforce the provisions of this Chapter, or whenever the Code Official has reasonable cause to believe that there exists upon a premises a condition in violation of this Chapter, the Code Official is authorized to enter the premises at reasonable times to inspect or perform the duties imposed by this Chapter, provided that if the structure or premises is occupied, the Code Official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the Code Official shall make a reasonable effort to locate the Owner, Owner's authorized agent or other person having charge or control of the structure or premises and request entry. If entry is refused, the Code Official shall have recourse to the remedies provided by law to secure entry.
- (c) **Modifications.** Whenever there are practical difficulties involved in carrying out the provisions of this Chapter, the Code Official shall have the authority to grant modifications for individual cases upon application of the Owner or Owner's authorized agent, provided that the Code Official shall first find that a particular individual reason makes the strict letter of this Chapter impractical, the modification is in compliance with the intent and purpose of this Chapter and that such modification does not lessen health, life and fire safety requirements. Any such modification shall not conflict with other applicable codes, e.g. building, zoning, etc. The details of action granting modifications shall be recorded and entered in the department files.
- (d) **Identification.** The Code Official shall carry proper identification when inspecting structures or premises pursuant to this Chapter.
- (e) **Notices and orders.** The Code Official shall issue all necessary notices or orders to ensure compliance with this Chapter.
- (f) **Department records.** The Code Official shall keep official records of all business and activities of the appropriate City department specified in the provisions of this Chapter. Such records shall be retained in the official records for the period required for retention of public records.

**Sec. 11-7. - Notice of violation.**

- (a) Upon the failure of any Owner of property within the City to meet any of the provisions of this Chapter, the City shall serve a notice of violation on the Owner of such property to bring the property into compliance within the specified time period as noted on such notice. Such notice shall be mailed to the person(s) shown on the records of the Shelby County Tax Assessor as the Owner(s) of the property. Such notice may, alternatively, be given by personal service on the Owner or one of the Owners, or the duly authorized agent of such Owner, or upon any person of suitable age and discretion residing in the Owner(s)'s usual place of residence, or by certified or first-class letter addressed to the last known place of residence of such Owner(s). Proof of the certified or first-class mailing of such letter by the City shall constitute complete compliance with this section. In the event the notice is returned in the mail, the notice shall be posted on the property where the violation exists by taping or affixing same on or near the front door of the dwelling an envelope containing the notice, or in the case of a vacant lot, by



placing a sign containing the notice on the property. Such notice shall include a description of the location of the violation; a statement of violation or violations; a correction order with a reasonable time to correct the violation; and, if applicable, a statement of the right to file a lien in accordance with the provisions outlined in Section 11-9 (b). If a property Owner fails to correct the condition set forth in the notification within the time specified in the notice, the Owner shall be subject to a fine and liens as provided for in Section 11-9 .

- (b) The effective date of notice shall be the date when notice is delivered by personal service or posted on the property, and the effective date when notice is mailed shall be five days after mailing, presuming that mail is delivered on such second day, otherwise the next day that mail is delivered.
- (c) Notices in the form of signs, tags or other items posted or affixed by the Code Official shall not be removed, mutilated, destroyed or tampered with without authorization from the Code Official.

**Sec. 11-8. - Violations and penalty.**

- (a) A Code Official is authorized to issue a citation to a person when, based upon personal investigation, the Code Official has reasonable cause to believe that the person has committed a violation of this Chapter. If the notice of violation is not complied with, the City shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation. The citation will be filed and heard in the City municipal court.
- (b) Any person found in violation of any provision of this Chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined up to the maximum amount allowed by law. Each day's continuance of a violation shall be considered a separate offense. The Owner of any premises, or a part thereof, where anything in violation of this Chapter be placed, or shall exist, and any person who may have knowingly assisted in the commission of any such violation or shall have permitted such violation to occur shall be guilty of a separate offense. Persons in violation of this Chapter shall also be subject to injunctive proceedings to enforce compliance therewith.

**Sec. 11-9. - Abatement by City.**

- (a) Upon failure of any Owner of lots or lands in the City to bring the property described in the notice referenced in Section 11-7 above into compliance by the date stated in said notice, the City shall have the right, but not the obligation, to enter upon the property and perform said maintenance or repairs to correct said violation. Such maintenance or repairs may, in the City's discretion, be performed either by City staff or private contractor(s) engaged to perform such maintenance or repairs on the City's behalf in accordance with the City's contracting and purchasing procedures. All costs and expenses, including inspections and other expenses, incurred by the City pursuant to this section, but not less than the minimum amount established by the City for such maintenance, shall be assessed against the lot and/or its Owner. The costs of this abatement plus an administrative fee as set by the Board of Mayor and Aldermen and any cost of recording a lien against the property as set out in subsection (b) hereof shall also be assessed against the Owner. A statement of such costs, administrative fee, and recording fee shall be filed with the Finance Director of the City.

- (b) In addition to the fine provided for in Section 1-10 of the City Code, if a property Owner fails to correct a violation under this Chapter there shall be recorded in the Register's Office of Shelby County, Tennessee, a notice of lien for the costs, including said administrative fee and recording fee, incurred by the City as set forth hereinabove. A copy of such notice shall be forwarded to the last known address of the Owner of the property. This lien shall affix to the parcel of real estate immediately upon recording thereof. It shall be the duty of the Finance Director to collect, in the same manner as for taxes, the amount due pursuant to this section at the time City taxes levied against such properties for the next succeeding year are collected.

(Code 1986, § 14-57; Ord. No. 2013-11, § 2, 9-9-13)

**Sec. 11-10. – 11-15. – Reserved**

**ARTICLE II. - PROPERTY MAINTENANCE**

**Sec. 11-16. - In General.**

The provisions of this Article shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property. Unless specified elsewhere in this Article, any repairs should be completed in a time frame to be determined by the Code Official, but not to exceed ninety (90) days from date of original inspection/violation.

**Sec. 11-17 – 11-19. - Reserved**

**DIVISION 1. EXTERIOR STRUCTURE**

**Sec. 11-20. - In General.**

The exterior of all structures shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

**Sec. 11-21. - Exterior walls and chimneys.**

- (a) Exterior walls shall be maintained in sound condition and shall be free from holes, breaks, and loose, deteriorated or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.
- (b) Chimneys and similar appurtenances shall be maintained structurally safe and sound, and in good repair.
- (c) Antennas and satellite dishes affixed to exterior walls shall be safely secured and installed according to manufacturer's instructions and installed in compliance with Section 23-2.

**Sec. 11-22. - Roofs, gutters and downspouts.**

- (a) The roof and flashing of structures shall be sound, tight and not have defects that admit rain. Missing or deteriorated roof materials shall be repaired or replaced with matching or similar materials and color.
- (b) Roof drains, gutters and downspouts shall be maintained in good repair. Rain gutters and downspouts that are rusted, sagging, or improperly fastened shall be repaired or replaced.
- (c) Roofs and gutters shall be kept clean and free from obstructions, including, but not limited to, leaves, branches, pine needles, and other debris.
- (d) Rain barrels shall not be located in front of the building line on the principal structure and shall be maintained in good working order.
- (e) Antennas and satellite dishes affixed to exterior roofs shall be safely secured and installed according to manufacturer's instructions and installed in compliance with Section 23-2 of the City Code .
- (f) The drainage of roof water and stormwater runoff shall conform with Section 11-35(a) of the City Code.

**Sec. 11-23. - Stairs, decks, porches, balconies and handrails.**

- (a) Every exterior stairway, deck, porch, balcony, and other appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting imposed loads.
- (b) Every handrail shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
- (c) Antennas and satellite dishes affixed to decks, porches or balconies shall be safely secured and installed according to manufacturer's instructions and installed in compliance with Section 23-2 of the City Code.

**Sec. 11-24. - Windows and doors.**

- (a) Every window, skylight, door and frame shall be kept in sound condition and good repair.
- (b) Window shutters shall be secured properly and maintained in sound condition with no broken or missing components.
- (c) Window awnings or similar structures shall be kept clean and in sound condition with no torn or missing components. Faded or weathered awnings shall be restored or replaced.
- (d) Screens on doors or windows shall be kept in good repair with no tears or other defects.
- (e) Windows, doors, or building exteriors shall not be covered with inappropriate materials, including, but not limited to, aluminum foil, cardboard, plywood, or plastic, except during construction or pending permanent repairs. In certain cases of construction or repair, materials, including colors, may be determined by the department.
- (f) Exterior doors and hardware shall be maintained in good condition.
- (g) Garage doors shall be operable, and maintained in sound condition with no broken, dented or sagging components, lacking paint or missing visible parts or materials.

- (h) Garage doors shall be kept closed when no one is on the premises and between the hours of 11:00 p.m. and dawn, except when immediately entering or exiting the garage.

**Sec. 11-25. - Protective treatment.**

- (a) Exterior surfaces, including, but not limited to, walls, doors, door and window frames, cornices, porches, trim, balconies and decks shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be promptly eliminated and surfaces repainted. Exterior surfaces should be free from mildew, mold, and algae.
- (b) Siding and masonry joints and the perimeter of windows, doors and skylights shall be maintained weather resistant and water tight.
- (c) Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust or corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.
- (d) Protective treatments should be applied according to the manufacturer's specifications and should cover surfaces evenly.

**Sec. 11-26. - Defacement of property.**

A person shall not willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any carving or unauthorized graffiti, as approved by the city.

**Sec. 11-27. - Premises identification.**

Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. The numbers shall contrast with their background. Address numbers shall be Arabic numerals. Numbers shall not be less than 4 inches in height with a minimum stroke width of 0.5 inch.

(Ord. No. 2005-9, § 5, 9-1

**Sec. 11-28. – 11-29. - Reserved**

**DIVISION 2. - EXTERIOR PROPERTY AREAS**

**Sec. 11-30. - Unguarded excavations.**

- (a) It shall be unlawful for any person to permit any well, cistern or other excavation to remain open, unguarded or uncovered.
- (b) All premises shall be free of holes and depressions that may cause injury to any person.

(Code 1986, § 14-2; Ord. No. 2013-11, § 1, 9-9-13)

**Sec. 11-31. - Mailboxes**

Mailboxes shall conform with the installation standards established by the United States Postal Service and shall be maintained in a structurally sound condition. Mailbox structures and posts shall be in a vertical, upright position. Mailbox structures and posts shall be replaced when damaged or rotted due to age and any other damaged, rotted or decayed portions thereof shall be repaired. Chipped, peeling or faded paint on the exterior of mailboxes shall be promptly repainted.

**Sec. 11-32. - Exterior lighting.**

- (a) Exterior light fixtures shall be maintained in a structurally sound condition and in good repair.
- (b) Exterior light fixtures that shine directly toward adjacent property, with the exception of front entrance general illumination lights, shall be shielded, redirected, or relocated to prevent the light source from excessively illuminating neighboring property.

**Sec. 11-33. - Holiday/seasonal/special event decorations.**

- (a) Holiday and seasonal decorations, including, but not limited to, holiday lights on houses or in the yard or shrubbery, yard ornaments or decorations, and the like, shall not be installed or placed more than 45 days before the date of the holiday for which said decorations are intended and shall be removed within a reasonable period of time, not to exceed 30 days, following the date of the holiday for which said decorations were intended. Holiday lights, even if not illuminated, are not permitted to remain on any house or structure year-round.
- (b) Temporary residential and non-residential lighting displays shall not be installed or placed more than 10 days prior to the special event and no more than 30 days total.

**Sec. 11-34. - Exterior storage**

The storage of materials not being used in conjunction with the structure is prohibited. In addition, the following restrictions shall apply:

- (a) The storage of construction, repair or maintenance material or equipment on the premises that is not to be used on the structure or premises is prohibited.
- (b) Debris and refuse from construction shall be contained and shall not be allowed to remain on the property for an unreasonable period.
- (c) The storage of salvage items, including, but not limited to, auto parts, scrap metals, tires and the like, on the premises is prohibited.
- (d) Firewood shall be stacked and not scattered about the yard.
- (e) Piles of dirt, sand, mulch, etc. shall not be placed on the premises for an extended period of time.
- (f) Storage of oil, grease, paint, other petroleum products, hazardous materials, volatile chemicals, pesticides, herbicides, fungicides, or waste (solid, liquid, or gaseous) that is determined to constitute a fire or environmental hazard, or to be detrimental to human life, health, or safety, is prohibited except in properly licensed locations.

- (g) Materials, equipment, or other items of personal property intended for indoor use shall not be stored in a carport, front or side yards.
- (h) Materials, equipment, or other items of personal property intended for outdoor use shall not be stored inside a carport to the extent that such storage prevents the use of a carport for the parking of the number of vehicles for which the carport is designed.
- (i) Materials, equipment, or other items, except for appropriate furniture, shall not be stored in a front or side yard, or on a porch, breezeway, or balcony that is visible from the street.
- (j) Storage of recreational vehicles shall be limited to no more than one vehicle. With the exception of lots zoned RE and RE-1, such vehicle shall not be longer than twenty (20) feet in length and eight (8) feet in height. Parking /storage of permissible recreational vehicles shall conform with the provisions of the zoning code.
- (k) The storage of materials shall be maintained in a way that does not change or obstruct established stormwater drainage paths to and from the premises.

**Sec. 11-35. - Grading and drainage.**

- (a) The Owner and/or property manager shall provide and maintain drainage of roofs and paved areas, yards, and other open areas within the premises so that stormwater runoff is not discharged in a manner that creates a nuisance. The grading of a premise shall be maintained in a way that does not change or obstruct established stormwater drainage paths to and from the premises and remains in conformance with the approved grading plan of the recorded subdivision plat.
- (b) Premises shall be graded and stabilized with pavement, stone screenings, other solid or semi-pervious material, or vegetative growth in a manner that prevents the erosion of soil that would result in excessive dust or mud; the accumulation of dirt on sidewalks, streets or adjacent properties and the accumulation of stagnant water thereon, or within any structure thereon, with the exception of approved retention or detention areas.

**Sec. 11-36. – Sidewalks and driveways.**

Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions.

- (a) Driveways, parking pads, etc. shall be paved and maintained in good condition free of any deteriorated, cracked or crumbling materials, or lacking an adequate covering of approved materials.
- (b) Driveways shall conform with other provisions in the Code, including, without limitation, Section 23-88.
- (c) Sidewalk maintenance shall conform with other provisions in the Code, including, without limitation, Chapter 16, Article III, Division 2.
- (d) Sidewalk Inspection Permit. Prior to the transfer of any property; within the City, an approved sidewalk inspection permit must be obtained from the ECD Director or his designee.

1. At least one week prior to the closing date for the sale of any real property located within the City, real property owners shall make application for a sidewalk inspection, to the ECD department. The administrative fee therefor shall be established by the Board of Mayor and Aldermen in the adopted Resolution of Revenues.
2. Prior to closing, property owners shall be notified, per the sidewalk inspection permit, that sidewalks abutting or adjacent to their property are in need of repairs in conformance with Chapter 16, Article III, Division 2 of the City Code.
3. The ECD department shall provide to the Finance Department a record of damaged sidewalks that are repaired by the City due to failure of the property owner to repair per the applicable provisions of the City Code. Such notice shall be filed on the tax records for the property and will provide a notification of such to all parties requesting tax data during the sale of transfer of the property.
4. *Right of appeal.* The board of mayor and aldermen shall appoint a committee to hear and determine protest, appeals or hardship cases. The code appeals board shall have the power to waive administrative costs in the event a hardship is proven by the property owner. The remedies and procedure set forth there in shall be without prejudice to the City rights to seek recourse in municipal court.

**Sec. 11-37. - Grounds maintenance.**

- (a) All trees, shrubs, and other landscaping shall be properly maintained to remain in a healthy growth state and any dead growth shall be removed. Any vegetation, including native and/or wild vegetation in lawn areas or adjacent to a building or structure, that is so overgrown or lacking maintenance as to be unsightly to neighboring property or not in character with the neighborhood because of size and lack of maintenance shall be removed or trimmed. Landscaping areas such as flower beds, etc. shall be kept free of weeds and other noxious growth and invasive species of plants. All non-commercial properties, HOA owned properties, and landscaped easements on residential properties shall be maintained based on the City Code, recorded subdivision plat or officially approved site plan of record.  
(22-166) (Ord. No. 2005-9, § 11, 9-12-05; Ord. No. 2013-11, § 9, 9-9-13)
- (b) The Owner, tenant, agent or person responsible for any premises within the City, occupied or unoccupied, shall maintain all ground cover, including, but not limited to, grass, weeds, ivy and other decorative groundcovers, by mowing, trimming and/or edging such that it does not encroach over the edge of sidewalks; pedestrian ways; driveways; curbs; and/or street pavement. Dirt or bald spots on property is not allowed and efforts shall be made to prevent these occurrences.
- (c) Excessive amounts of cuttings, clippings, leaves, and other yard debris shall not be allowed to accumulate in the lawn area for an unreasonable time.

**Sec. 11-38. - Grass, weeds, invasive and Noxious Growth**

- (a) Except as otherwise provided in this Chapter, the Owners of all lands or lots in the City shall keep all grass, weeds, and Noxious Growths (per the City's approved plant list) of any kind upon such property cut or clipped at a height not to exceed six inches.

(Code 1986, § 14-37; Ord. No. 2005-9, § 10, 9-12-05)

- (b) Within the first 100 feet on all sides of any unimproved lot or parcel that is three or more acres in size and adjacent to or within 100 feet of residentially-zoned property, all weeds, grass and Noxious Growths in or upon such lot or parcel shall be kept, cut, clipped or controlled through chemical means as frequently as necessary to ensure that such grass, weeds and Noxious Growths do not exceed a height of six inches. The remainder of such lot or parcel that is beyond the first 100 feet on all sides shall be kept, cut, clipped or controlled through chemical means as frequently as necessary to ensure that grass, weeds and Noxious Growths in or upon such lot or parcel do not exceed a height of 12 inches.

- (c) All unimproved lots or parcels that are three or more acres in size and not adjacent to or within 100 feet of residentially-zoned property shall be kept, cut, clipped or controlled through chemical means as frequently as necessary to ensure that grass, weeds and Noxious Growths in or upon such lots or parcels do not exceed a height of 12 inches.

- (d) Notwithstanding other provisions of this Code, it being in the best interest of the City to preserve forest lands, wood lands, and natural areas in their natural state, lots or parcels of at least one acre in size and upon which mature forest, woodlands, or natural areas are preserved in their natural state shall not be subject to the requirements of this Code relative to the height of grass, weeds and Noxious Growths, except upon a determination by the City that such lots or parcels or portions thereof constitute an imminent threat to the health, safety and welfare of the community.

(Code 1986, § 14-38; Ord. No. 2005-9, § 10, 9-12-05; Ord. No. 2013-11, § 6, 9-9-13)

- (e) Upon the failure of any Owner of property within the City to cut, or have cut, or controlled by chemical means, weeds, grass or Noxious Growths so that same do not violate the provisions of this Chapter, it shall be the duty of the City to serve a notice per the provisions in Section 11-7 on the Owner of such property to cut or to have cut, within five days of the effective date of such notice, all weeds, grass or noxious growths upon his property to lower than a permitted height hereunder.

(Code 1986, § 14-39; Ord. No. 2013-11, § 7, 9-9-13)

- (f) In addition to the fine provided for in Section 11-8, upon the failure of any owner of lots or lands in the City to cut or cause to be cut weeds, grass or Noxious Growths upon the property described in the notice mentioned in Section 11-38(e) within five days of the effective date of such notice, the City is authorized to have such weeds, grass and noxious growths cut, and the reasonable cost thereof, plus an administrative fee in the amount of \$100.00 and any cost of recording a lien against the property as set out in subsection (h) of this section, shall also be assessed against the Owner. A statement of such costs, administrative fee, and recording fee shall be filed with the Finance Director of the City. Work performed under this section by the



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City may be accomplished by cutting or by chemical control and with City staff or by retention of services from a private contractor to perform on the City's behalf in accordance with the City's contracting and purchasing procedures.

- (g) There shall be recorded in the Register's Office of Shelby County, Tennessee, a notice of lien for the costs, including said administrative fee and recording fee, incurred by the City as set out in subsection (g) of this section. A copy of such notice shall be forwarded to the last known address of the Owner of the property. This lien shall affix to the parcel of real estate immediately upon recording thereof. It shall be the duty of the Finance Director to collect, in the same manner as for taxes, the amount due pursuant to this section at the time City taxes levied against properties on which the cutting was done for the next succeeding year are collected.  
(Code 1986, § 14-40; Ord. No. 2013-11, § 8, 9-9-13)
- (h) No persons, or other property Owners or tenants, shall install, plant, cultivate, or cause to grow or permit the planting of plant species commonly known as "running bamboo" on any lot or parcel of ground subject to the following exceptions:
1. The root system of such bamboo plants is entirely contained within an above-ground-level planter, barrel, or other vessel of such design, material, and location as to entirely prevent the spread of growth of the bamboo plants' root system beyond the container in which it is planted; or
  2. The root system is contained within a properly constructed and maintained barrier system that is a minimum of 60 millimeters thick and 30 inches deep; and
  3. Whether planted or growing in a container, as described herein, all bamboo plants shall be located, trimmed and maintained so that no part of the plant shall be closer than 10 feet from any property line; and
  4. Running bamboo plants existing at the time of the effective date of this ordinance shall be allowed to remain, however, the Owner shall be required to confine such species and prevent such plant from encroaching onto neighboring public or private property.

#### **Sec. 11-39. - Tree maintenance.**

- (a) It shall be the duty of any person or persons owning or occupying property bordering on any street upon which property there may be trees, to prune such trees in such a manner that they will not obstruct the proper spread of light along the street from street lights, obstruct vision of traffic control devices or signs, or obstruct views of any street intersection. Private trees shall be kept pruned of any dead, diseased or structurally damaged limbs or branches which could fall into the right-of-way or onto public property and neighboring private properties; thereby constituting a menace, danger and/or threat to public safety. Public and private trees growing along sidewalks must be pruned such that the area above a sidewalk surface is clear of branches for a minimum of eight feet above the sidewalks and does not obstruct passage of pedestrians on the sidewalks. Public and private trees growing along streets must be pruned such that the area above a street surface is clear of branches for a minimum of 13 feet 6 inches. The City shall have the right, but not the obligation, to prune trees overhanging within the public right-of-way which violate this section, or as necessary to preserve the public safety.

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- (b) Any trees that are diseased or insect infested shall be removed, sprayed, or treated in such a manner that they will not infect or damage nearby public vegetation or cause harm to the community, including neighboring properties, or citizens therein. The City Arborist may order trees on private land that cause obstructions, present insect or disease problems, or otherwise present a danger to public health or safety be pruned, removed, or treated. Tree pruning shall be performed in a manner that protects the public.
  - (c) The practice of tree topping is prohibited. The severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown, to such a degree so as to remove the normal canopy and disfigure the tree, shall be prohibited. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical, may be exempted from this ordinance at the determination of the City Arborist.

**Sec. 11-40. Reserved.**

**Sec. 11-41. - Removal of dead, diseased or structurally damaged trees on private property.**

- (a) General provisions: The removal of dead, diseased or structurally damaged trees within the City is deemed to be necessary to protect the safety of persons and property, remove the risk of damage to overhead lines and obstruction of streets, and enhance the aesthetics of the City.
  - (1) When the City Arborist determines that a dead, diseased or structurally damaged tree should be removed, written notice shall be provided, as outlined in Section 11-7 above, to the Owner of the property upon which the tree is situated.
  - (2) Notice sent by the City as aforesaid shall advise the Owner of the property to remove the dead, diseased or structurally damaged tree not later than 30 days from the effective date of the mailing of the notice, except as provided in subsection (a)(3) of this section.
  - (3) In the event that the City determines that the dead, diseased or structurally damaged tree poses an imminent safety hazard to the general public or adjacent properties, the notice aforesaid may establish a time requirement for removal shorter than 30 days.
  - (4) Trees shall be removed in accordance with accepted industry standards and procedures. Extreme care shall be taken so as to prevent limbs, branches and trunks from falling and creating damage and/or injury to persons, adjacent homes, driveways, sidewalks, trees, shrubs, streets and other property, both public and private.
  - (5) Debris and logs shall not be left on the street overnight. It shall be the responsibility of the contractor to remove and dispose of, in a proper and acceptable manner, all logs, brush and debris resulting from the tree removal operation, unless otherwise directed by the City.
- (b) Failure of property owners to remove dead, diseased or structurally damaged trees:
  - (1) If a property owner fails to remove a dead, diseased or structurally damaged tree within the time specified in the written notice from the City, such shall constitute a violation of this division and shall be punishable by a fine up to the maximum amount allowed by law.

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- (2) In addition to the fine provided in the immediately aforesaid section, if a property owner fails to remove a dead, diseased or structurally damaged tree within the time specified in the written notice from the City, and if the City determines that the dead, diseased or structurally damaged tree constitutes an imminent threat to the property of others or to the general public or could result in damage to overhead lines or obstruction of streets, the City shall have the right, but not the obligation, to enter upon the property and remove the tree, and all costs incurred by the City in such regard shall be due and payable from the property owner(s) to the City upon demand, and, if not paid, the City shall have the right to file a notice of lien in the Register's Office of Shelby County, Tennessee and proceed to collect such costs and enforce such lien in accordance with the provision of law, including Section 11-9 of the City Code.

(Ord. No. 2000-19, 1-22-01)

**Sec. 11-42. - Tree stump removal**

All stumps of private trees visible from the public right-of-way and public trees located in the public right-of-way, excluding greenways, shall be removed below the surface of the ground so the top of the stump shall not project above the surface of the ground. Removal of the tree stump shall be the responsibility of the property owner.

**Sec. 11-43. - Maintenance of landscaping on corner, double and triple frontage lots.**

- (a) All shrubs, trees and other landscaping located between the curb line or paved edge of the roadway and the fence on such corner, double and triple frontage lots, including reverse frontage landscape easements, and all grass or planted surfaces shall be maintained at all times by the lot Owner of such corner, double or triple frontage lot. All grass, weeds, invasive species and Noxious Growths shall be mowed, cut or clipped, as frequently as necessary to ensure that weeds, grass, and Noxious Growths do not exceed a height of six (6) inches. Cuttings and clippings and other debris shall not be allowed to accumulate and shall be placed adjacent to the property line from which garbage and trash collection are customarily made.
- (b) All trees, shrubs, grasses and other landscaping as required on corner, double and triple frontage lots, including reverse frontage landscape easements, shall be properly maintained to remain in a healthy growth state. Any dead growth shall be removed and replaced by such trees, shrubs, grasses and other landscaping as complies with this Chapter and which is substantially identical with such previous landscaping material or with other landscaping material as approved by the Design Review Commission.
- (c) It shall be the responsibility of homeowner associations, or in the absence of such, the property owner to maintain corner, double and triple frontage lots, including, without limitation, subdivision entrance features, landscape screens or other areas that have been designated as common open space or where landscape/maintenance easements have been established.

**Sec. 11-44. - Maintenance of Utility Boxes, Cabinets, Cables and Conduit**

- (a) Utility boxes and cabinets including electrical, communications, etc., shall be enclosed and maintained by the service provider in a structurally sound condition. Chipped, peeling or faded paint on the exterior of structures shall be repainted to match or compliment the service

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provider's existing color. Enclosures shall be maintained in accordance with fence and landscaping maintenance provisions of the City Code.

- (b) Telecommunications conduits shall be buried and maintained by the service provider in a safe and secure condition within 30 days of installation within easements, right-of-way, or other residential property lines.

**Sec. 11-45. – 11-49. – Reserved**

**DIVISION 3. - RUBBISH AND GARBAGE**

**Sec. 11-50. - Accumulation of rubbish or garbage.**

The exterior property and premises shall be free from any accumulation of rubbish and garbage including, without limitation, discarded garbage, rubbish, refuse, trash, debris, or recyclable items placed near the street for collection by the City that have not been collected because such do not meet the criteria for collection established by the City in Section 15-22(d).

Sec 9-61 (Ord. No. 2000-7, 5-8-00; Ord. No. 2005-9, § 4, 9-12-05; Ord. No. 2013-11, §§ 3, 4, 9-9-13)

**Sec. 11-51. - Disposal of rubbish and garbage.**

- (a) Every occupant of a structure shall dispose of all garbage and rubbish in a clean and sanitary manner by placing such rubbish in approved covered containers, and shall likewise be responsible for the removal of rubbish and garbage.
- (b) The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.
- (c) Every owner/occupant of a vacant structure or property shall dispose of all debris and rubbish on the property, and shall likewise be responsible for the removal of the debris and rubbish.
- (d) Prior to a property owner placing a tenant's personal property onto any exterior portion of a residential property due to an eviction, the property owner must have a bulk waste container delivered and placed on the property. Said container shall be large enough to contain all of the tenant's personal property items, and shall remain on the property until all items have been removed from the property, but not more than 72 hours after the eviction.

**Sec. 11-52. – 11-53. Reserved**

**Sec. 11-54. - Abandoned refrigerators and other similar containers.**

It shall be unlawful for any person to leave outside of any building or dwelling, in a place accessible to children, any abandoned, unattended or discarded refrigerator or other like container without first removing therefrom any door attached thereto. (9-61)

**State Law reference**— Similar provisions, T.C.A. § 39-17-103

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## **DIVISION 4. - PEST ELIMINATION**

### **Section 11-55. - Pest elimination.**

- (a) Every Owner shall keep its structures and exterior property free from rodent harborage and infestation by insects, rodents, vermin, bed bugs or other pests. Owners shall ensure the extermination of all insects, rodents or other pests by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.
- (b) The Owner of a structure containing two or more dwelling units or a non-residential structure shall be responsible for pest elimination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for pest elimination.
- (c) In all events, occupants, notwithstanding the above, must maintain their dwellings in a clean and sanitary manner, free of rodents. The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

### **Sec. 11-56. – 11-59. – Reserved**

## **Article III. – NOISE**

### **Sec. 11-60. - Unnecessary noise standard.**

- (a) *Residential zoning districts.* No person shall cause, suffer, allow or permit any unnecessary sound from any source, which is plainly audible beyond the real property boundary of the property creating the noise.
  - (1) For Non-residents: between the hours of 9:00 p.m. and 7:00 a.m. Monday through Friday and between the hours of 10:00 p.m. and 8:00 a.m. Saturday and none on Sunday.
  - (2) For Residents: between the hours of 9:00 p.m. and 7:00 a.m. Monday through Friday and between the hours of 10:00 p.m. and 8:00 a.m. Saturday and Sunday.
- (b) *Commercial zoning districts.* No person shall cause, suffer, allow or permit amplified sound which is plainly audible when measured at least 100 feet from the real property boundary of the source of the sound between the hours of 10:00 p.m. and 7:00 a.m. Monday through Thursday and between the hours of 11:00 p.m. and 7:00 a.m. Friday and Saturday and none on Sunday.
- (c) Amplification of sound located in or within 100 feet of a residential real property boundary which is plainly audible is prohibited between the hours of 10:00 p.m. and 7:00 a.m. Sunday through Thursday and between the hours of 11:00 p.m. and 7:00 a.m. Friday and Saturday except for special events where a special permit has been obtained from the City of Germantown authorizing such event. In the event that a special event permit has been obtained from the City, no other amplification of sound will be permitted within the area of the special event except that which has been applied for and authorized by the City pursuant to the permit application.

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**Sec. 11-61. - Loud, unusual or unnecessary noises prohibited; criteria; other prohibited noises.**

- (a) Consistent with other provisions of this Chapter, and notwithstanding the provisions of Section 11-60, it shall be unlawful for any person within the limits of the City to make, produce, cause, suffer, continue or allow to be produced or continued by human voice, machine, animal, or device, or any combination of same, any unreasonably loud, unusual or unnecessary noise which disturbs the peace and quiet of any neighborhood, or which causes discomfort or annoyance to any reasonable person of normal sensitivity residing in the area, or which otherwise injures or endangers the comfort, repose, health, peace, safety or welfare of others.
- (b) The standards which shall be considered in determining whether a violation of this section exists shall include, but shall not be limited to, the following:
  - (1) The volume of the noise;
  - (2) The intensity of the noise;
  - (3) Whether the nature of the noise is usual or unusual;
  - (4) Whether the origin of the noise is natural or unnatural;
  - (5) The volume and intensity of the background noise, if any;
  - (6) The proximity of the noise to residential sleeping facilities;
  - (7) The nature and zoning of the area within which the noise emanates;
  - (8) The density of inhabitation of the area within which the noise emanates;
  - (9) The time of the day or night the noise occurs;
  - (10) The duration of the noise;
  - (11) Whether the noise is recurrent, intermittent or constant; and
  - (12) Whether the noise is produced by a commercial or non-commercial activity.
- (c) Unless otherwise permitted by the City Code, the following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this section, even if the noises referred to do not violate the noise standards set forth in Section 11-60 above:
  - (1) *Horns, signaling devices, etc.* The sounding of any horn or signaling device on any automobile, motorcycle, truck or other vehicle on any street or public place of the City except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; the sounding of any such device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.
  - (2) *Loudspeakers, amplifiers for advertising.* The using, operating, or permitting to be played, used, or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is broadcast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.

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- (3) *Yelling, shouting etc.* Yelling, shouting, hooting, whistling, or singing on the public streets, or in the parking lots of commercial business open to the public, between the hours of 10:00 p.m. and 7:30 a.m. Sunday – Thursday and between the hours of 11:00 p.m. and 8:00 a.m. on Friday and Saturday or at any time or place so as to disturb the quiet, comfort, or repose of persons in any office, or in any dwelling hotel or other type of residence, or of any persons in the vicinity.
  - (4) *Animals, birds, etc.* The keeping of any animal or bird, including roosters, which by causing frequent or long continued noise shall unreasonably disturb the comfort or repose of any persons in the vicinity.
  - (5) *Exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or other vehicle unless through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
  - (6) *Defect in vehicle or load.* The use of any automobile, motorcycle, or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.
  - (7) *Loading, unloading.* The creation of a loud and excessive noise in connection with loading or unloading any vehicle or dumpster or the opening and destruction of bales, boxes, crates and containers, between the hours of 9:00 p.m. and 7:00 a.m. If the Chief of Police and/or the Director of Economic and Community Development, or their designee, should determine that the interest of the public health and safety is not harmed by an extension of this time frame in certain locations deemed appropriate, they may grant permission for such loading and unloading during the hours of 9:00 p.m. to 7:00 a.m. upon application. This permission can be revoked at any time.
  - (8) *Construction or repairing of buildings.* The erection (including excavation), construction, demolition, alteration or repair of any building during the hours of 9:00 pm to 7:00 am Monday through Saturday and at any time on Sundays and/or holidays as observed by the city. This prohibition shall include the construction or repair of buildings at any times that would not be permitted for construction activity by Chapter 6, Buildings and Building Regulations, of the City Code.
  - (9) *Schools, courts, churches, hospitals.* The creation of any excessive noise on any street adjacent to any school institution of learning, church or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institutions, or which disturbs patients in the hospital provided conspicuous signs are displayed in such street, indicating the same is a school hospital or court street.
  - (10) *Solicitors, peddlers.* The shouting and yelling of peddlers, solicitors and temporary merchants which disturbs the peace and quiet of the neighborhood.
  - (11) *Drums.* The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance show or sale.
  - (12) *Metal rails, pillars and columns, transportation thereof.* The transportation of rails, pillars or columns of iron, steel or other material, over and along streets and other public places upon carts, trays, cars, trucks, or in any manner so loaded as to cause loud noises or as to disturb the peace of such streets or other public places.

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- (13) *Pile drivers, hammers, etc.* The operation between the hours of 9:00 p.m. and 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise.
- (14) *Mowers and Blowers.* The operation by residents of any mower, blower or power fan or any combustion engine between the hours of 9:00 p.m. and 7:00 a.m. on weekdays and 9:00 p.m. and 8:00 a.m. on Saturdays and Sundays.
- (15) *Landscape contractors.* Landscape contractors using any type of motorized mowers or mechanical blowers and other equipment between the hours of 9:00 p.m. and 7:00 a.m. on weekdays and 9:00 p.m. and 8:00 a.m. on Saturdays and none on Sundays.
- (16) *Noise from motor vehicle audio equipment.* No person shall use or operate any radio, tape player, record player, compact disc player or any similar device in or on a motor vehicle located on the public streets of the City, property owned or leased by the City, within a public park, or within a public parking lot or on any other public premise with the City, which is audible to a person of normal hearing sensitivity more than 50 feet from such vehicle, nor shall any person use or operate any radio, tape player, record player, compact disc player or any similar device in or on a motor vehicle located on private property which is audible to a person of normal hearing sensitivity more than 50 feet outside the real property boundary of said property. Words and phrases need not be discernible for said sound to be "audible."

#### **Sec. 11-62. - Exemptions.**

The following uses and activities shall be exempt from noise level regulations:

- (a) Noises of safety signals, warning devices, and emergency pressure relief valves.
- (b) Noises resulting from any authorized emergency vehicle, when responding to an emergency call or acting in time of emergency.
- (c) Any train operated in conformity with, or pursuant to, federal law, federal train regulations, and operational control instruction used pursuant to and within the duly adopted federal train regulations shall be exempt from the provisions of Chapter.
- (d) Any aircraft operated in conformity with, or pursuant to, federal law, federal air regulations, and air traffic control instruction used pursuant to and within the duly adopted federal air regulations shall be exempt from the provisions of Chapter. Any aircraft operating under technical difficulties, in any kind of distress, under emergency orders of air traffic control or being operated pursuant to and subsequent to the declaration of an emergency under the federal air regulations shall also be exempt from the provisions of this Chapter.
- (d) Any vehicle or equipment of the City or a public utility while engaged in necessary public business.
- (e) Excavations or repairs of bridges, streets, or highways by or on behalf of the City, the county, or the state during the night, when the public welfare and convenience renders it impossible to perform such work during the day.
- (f) Emergency activities of the City, the county or the state and emergency activities of public utilities when they are seeking to provide electricity, water or other public utility services and the public health, safety or welfare is involved.



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- (g) Use of domestic power equipment by residents (including, but not limited to, power lawn mowers, leaf blowers, trimmers, snowblowers, tillers, saws, sanders, drills or similar devices) between 7:00 a.m. and 9:00 p.m. on weekdays and between 8:00 a.m. and 9:00 p.m. on Saturday and Sunday.
  - (h) Attendant on-site noise and the playing of instruments connected with the actual performance or practice of organized sporting events or school events held on school campuses and in publicly owned parks or facilities.
  - (i) Human sounds emanating from children, including, but not limited to, speech and utterances of laughter, cries and, sounds associated with play.
  - (j) Sounds lasting no more than five minutes in any one hour created by bells, chimes, carillons or by electronic or mechanical devices that reproduce such sounds, while used in connection with a religious institution, school, or clock or bell tower.
  - (k) Use of standby generators by residents at their homes for emergency electrical power.

**Sec. 11-63. - Application for special permit.**

- (a) Applications for a special permit for relief from the noise level restrictions, designated in this section on the basis of undue hardship may be made to the Chief of Police and/or the Director of Economic and Community Development five days prior to the event. Any permit issued here under shall contain all conditions upon which said permit has been granted and shall specify a reasonable time that the permit shall be effective. The Chief of Police and/or the Director of Economic and Community Development may grant the relief as applied for, if it is found:

- (1) That additional time is necessary for the applicant to alter or modify his activity or operation to comply with this section; or
- (2) The activity, operation or noise source will be of temporary duration, and cannot be done in a manner that would comply with other subsections of this division; and
- (3) That no other reasonable alternative is available to the applicant.

The Chief of Police and/or the Director of Economic and Community Development may prescribe any conditions deemed necessary to minimize adverse effects upon the community or the surrounding neighborhood.

- (b) Applications for relief from the noise level in this section for the purpose of a public parade, street fair or similar activity and conducted by a public entity, agency or committee thereof may be made to the City Administrator or his designee. The City Administrator or his designee is authorized to issue a special permit for said purposes.

**Sec. 11-64. - Additional remedy; injunction.**

As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision hereof and which causes discomfort or a disturbance to reasonable persons of normal sensitivities or which endangers the comfort, repose, health or peace of residents in the area shall be deemed, and is to be, a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

**Sec. 11-65. - Severability.**

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It is the intention of the Board of Mayor and Aldermen that each separate provision of this section shall be deemed independent of all other provisions herein, and it is further the intention of the Board of Mayor and Aldermen that if any particular provision(s) hereof shall be stricken down or otherwise unenforceable, any and all remaining provisions hereof shall remain valid and enforceable.

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**Sec. 12-104. Issuance of citations and summons for violations of ordinances of the city by enforcing officials.**

- (a) *Issuance of citations or complaints.* The city engineer or his duly authorized representatives, the code enforcement officer or his duly authorized representatives, the fire chief or his authorized representatives, as well as any police or peace officer of the city, are hereby authorized to issue a citation or complaint to city court to any individual who, in his opinion, is in violation of the terms and conditions of this Code, specifically, those provisions of this Code enumerated in subsection (e) of this section. This procedure shall be in addition to any other lawful procedure available to the city under applicable law.
- (b) *Citation or complaint.* Any such officer may issue a citation or complaint, leaving a copy with the offender, showing the offense charged and the time and place when such offender is to appear in court. Such citation or complaint shall be in such form as may, from time to time, be approved by the city administrator.
- (c) *Duty of court to try case upon citation without issuance of warrant.* When the citation or complaint has been served upon the offender, it shall be the duty of the city court to try the case upon such citation or complaint, without the issuance and/or service of a warrant upon the defendant, and such citation or complaint shall in all respects be deemed and treated as though it were a warrant properly served upon the defendant.
- (d) *Issuance of citation after investigation at place of violation.* All the procedures enumerated in this section as to giving citations or complaints shall apply when any officer as designated in subsection (a) of this section makes a personal investigation at the place of the violation, as a result of which the officer has reasonable and probable grounds to believe that the owner or occupant of property involved in the violation has violated any ordinance, law or regulation of the city.
- (e) *Scope of this section.* The provisions of this section shall apply to the following chapters of this Code:
  - (1) Chapter 6, article VI, fences; [article VII construction](#)
  - (2) Chapter 10, fire prevention and protection.
  - (3) Chapter 15, solid waste.
  - (4) Chapter 9, ~~article III, nuisances.~~ [environment](#)
  - (5) Chapter 12, offenses, section 12-64, littering; section 12-95, dangerous condition on premises.
  - (6) Chapter 14, signs.
  - (7) Chapter 16, streets, sidewalks and public places.
  - (8) Chapter 4, article II, ~~public~~ swimming pools.
  - (9) Chapter 20, traffic and motor vehicles, article V, stopping, standing and parking, and article V, division 2, abandoned, junked or wrecked vehicles.
  - (10) Chapter 23, zoning.
  - [\(11\) Chapter 7, businesses](#)
  - [\(12\) Chapter 11, neighborhood and community preservation](#)
  - [\(13\) Chapter 22, vegetation](#)

(Code 1986, § 15-85)

PART II - CODE OF ORDINANCES  
Chapter 15 - SOLID WASTE  
ARTICLE II. COLLECTION AND DISPOSAL

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**ARTICLE II. COLLECTION AND DISPOSAL**

**Sec. 15-21. Collection and disposal of industrial waste, pathogenic and radioactive waste and salvageable materials for reclamation.**

- (a) *Industrial and hazardous waste.* All industrial and hazardous waste shall be disposed of by the industry, manufacturer or processing plant generating such waste under such methods and conditions as shall be approved by the city administrator. Such industries may apply for a special permit as a private collector or may dispose of industrial waste by licensed private collectors. Garbage and rubbish not consisting of industrial waste and hazardous refuse will be collected by the city.
- (b) *Pathogenic and radioactive waste.* All pathogenic and radioactive waste shall be disposed of by the hospital or institution generating such waste under such conditions as shall be approved by the health officer. If the health officer approves the treatment of such waste so that it may be disposed of by collections from the city, or if the hospital is eligible due to classification by volume, then the waste may be disposed of by the hospital as a special private collector or through licensed private collectors. If someone wishes to dispose of garbage and rubbish not consisting of pathogenic and radioactive waste also desires to dispose of his garbage and rubbish generated on the premises, the city shall allow him to do so by granting a special permit to the hospital or institution if so classified by volume for itself as a special private collector or through use of a licensed private collector. All pathological waste from physicians' clinics, dental clinics, blood banks and medical laboratories, shall be separate from normal waste, placed in durable disposable bags that can be tied and sealed when full. The bags shall be stored in metal containers with tightfitting lids while in the process of being filled. Containers shall be kept in places restricted from access by the public. Needles shall be separated from disposable syringes by breaking them off at the hub immediately after use. Fluids may be flushed down the commode. These materials shall only be placed at the collection point on the day they are to be collected. Storage, collection and disposal of pathological waste shall be in accordance with regulations of the health officer.
- (c) *Salvageable materials for reclamation.* Persons engaged in collecting or purchasing for resale paper, cardboard, rags and scrap metals, for reclamation purposes, shall be exempted from the provisions of this chapter except insofar as regulations of the health officer and ordinances applying to maintaining standards of health and cleanliness, preventing nuisances, preventing interference with refuse containers and preventing littering.

(Code 1986, § 12-4)

**Sec. 15-22. Container provided.**

- (a) *Duty to have containers.* It shall be the duty of every person in possession, charge or control of any premises where garbage is created or accumulated and in the case of multiple dwellings or multiple occupancy, the owner of the premises, at all times to keep or cause to be kept a sufficient number of containers for the deposit of garbage generated on the premises.
- (b) *Container requirements.* Lids or covers of such containers shall be kept tightly closed at all times other than when garbage is being deposited therein or removed therefrom. Containers used for the deposit of garbage

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for collection by the city or its contractor or representative shall be in good condition so that collection thereof shall not injure the person collecting the contents. Containers having ragged or sharp edges or other defects must be promptly replaced. All individual (can type) containers shall be made of galvanized or plastic material and shall be kept watertight at all times. Sufficient additional containers shall be provided within the premises for receiving and holding without leakage and spillage all ashes, rubbish and waste matter other than garbage, except as set forth in section 15-26.

- (c) *Yard trash; placement.* Yard trash placed for collection must be bound, bagged or contained, except for limbs, which may be loose.
- (d) *Garbage or refuse container storage.* Garbage and refuse containers and recycling bins shall be stored behind the front line of the building and shall not be visible from the street, except when placed for collection and shall not be placed in their collection location before 6:00 p.m. of the day prior to the regularly scheduled collection day and shall be returned to their storage location no later than 8:00 a.m. the day following collection. Any garbage or refuse not in containers placed near the street for collection shall not be placed so before 6:00 p.m. of the day prior to the regularly scheduled collection day.

(Code 1986, § 12-5; Ord. No. 2001-11, 6-25-01; Ord. No. 2005-9, § 8, 9-12-05)

### **Sec. 15-23. Safe premises for collection; location of containers.**

- (a) It shall be incumbent upon tenants, lessee, occupants or owners of premises to provide a safe and convenient entrance to and through the premises for the purpose of collecting garbage. Containers for garbage and refuse to be collected shall be placed at a convenient and accessible point in the yard within five feet of an alley; whenever an alley exists in the rear of such premises, and where no alley exists, the containers shall be placed at a convenient and accessible point within the side or rear yard. Collection will not be made from containers located in garages or carports. Containers shall be placed where collectors may pick up and empty such containers without attack from animals. The city administrator may by regulations provide for the location of containers. City garbage collectors shall not enter houses or stores for the collection of garbage or rubbish, nor shall they accept any money or valuable gifts for their service from persons served.
- (b) Where yards are fenced, a gate, suitable for passage of collectors and their equipment, the gate being a minimum width of 40 inches shall be left unlocked to provide a safe and convenient entrance to and through the premises, provided that the city administrator may grant waivers of this section in cases of hardship. Garbage and refuse shall not be stored in close proximity to other personal effects which are not desired to be collected, but shall be reasonably separated in order that the collectors can clearly distinguish between what is to be collected and what is not.

(Code 1986, § 12-6)

### **Sec. 15-24. Garbage wrapped; mixing with ashes and rubbish.**

Garbage and other liquid substances shall not be kept in the same container with ashes and rubbish. All garbage shall be kept in a separate container conforming to the requirements of this chapter.

(Code 1986, § 12-7)

### **Sec. 15-25. Dumps and fills; other places of disposal; dump fees.**

The city may establish or designate, through contract with other public or private agencies, sanitary landfills, transfer stations, incinerators or other places of disposal as may be necessary, and no person shall use any other

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place of disposal except with the approval of the city administrator after the advice and consent of the board of mayor and aldermen.

(Code 1986, § 12-8)

### **Sec. 15-26. Collectible rubbish: leaves, grass, trimmings, trees and paper.**

- (a) Leaves, grass cuttings and garden trimmings, weeds and roots from which all dirt has been removed shall be deposited in disposable containers adjacent to the front curblane. Leaves must be properly bagged and placed adjacent to the curblane from which collections are normally made. No yard trash or refuse shall be placed on the street side of the curb.
- (b) Disposable containers for such rubbish or leaves shall be plastic bags or moisture resistant paper bags, and such containers shall have tops, tags or other means of preventing spillage, scattering or blowing away of the rubbish and shall be moisture proof or kept dry, and shall be of sufficient strength to contain the refuse without spillage during handling.
- (c) Magazines and newspapers shall be bundled and securely tied.
- (d) Shrubs and trees and tree trimmings shall be separate from other refuse and neatly piled adjacent to the front curblane.
- (e) Reserved.
- (f) Christmas trees placed adjacent to the front property line will be picked up during the Christmas season and until February 1.

(Code 1986, § 12-9; Ord. No. 2001-11, 6-25-01)

### **Sec. 15-27. Collection schedules and requirements.**

The city reserves the right to establish collection schedules and requirements as may be necessary. Recyclable materials will not be collected if they are mixed with other rubbish and refuse. Recyclable materials to be collected will be prescribed by the city.

(Code 1986, § 12-10)

### **Sec. 15-28. Nurserymen; duty to remove trash.**

Every nurseryman or other person who cuts trees or trims shrubs as an independent contractor and not as an employee of the occupant of the premises shall remove or cause to be removed all such yard trash from the premises services by him.

(Code 1986, § 12-11; Ord. No. 2001-11, 6-25-01)

### **Sec. 15-29. Exclusive collection.**

- (a) It shall be unlawful for any person other than the city to engage in the business of collecting, removing or disposing of garbage, yard trash, recyclables and rubbish in the city except when specifically authorized by a city contract or permit.
- (b) The board of mayor and aldermen, as the need arises, may solicit for bids for a contract or contracts covering the exclusive right to collect, remove and dispose of all garbage and rubbish from the city, or any specified

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portion thereof, under such terms and conditions as the board of mayor and aldermen may set in the bidding specifications. Bidding procedures will be in compliance with city policies.

(Code 1986, § 12-12)

### **Sec. 15-30. Building debris; responsibility for removal.**

Building debris generated by any party other than the owner of the subject property, such as scrap lumber, plaster, roofing, concrete, brickbats and sanding dust resulting from the construction, repair, remodeling or demolition of any building or appurtenances on private property, will not be removed by the city. The owner must cause such materials and waste to be privately moved. Building type debris generated by a homeowner shall be collected at curbside with yard waste.

(Code 1986, § 12-13; Ord. No. 2001-11, 6-25-01)

Cross reference(s)—Buildings and building regulations, ch. 6.

### **Sec. 15-31. Nuisances.**

It shall be unlawful for any person in possession, charge of or control of any premises to keep, cause to be kept, or allow the keeping on any premises, within the corporate limits of the city, of garbage, recyclables, yard trash or rubbish in such manner that it will become offensive or deleterious to health or likely to cause disease. Such waste is hereby declared a public nuisance.

(Code 1986, § 12-14)

### **Sec. 15-32. Interference with containers.**

- (a) No person other than the owner or person lawfully in control of any premises, or any authorized employee of the city or an authorized employee of a person licensed by the city for the collection or removal of garbage, recyclables, yard trash or rubbish, shall interfere in any manner with a container used for the accumulation of handling of garbage, recyclable, yard trash or rubbish, or remove any such container from the location where it shall have been placed by the owner or person lawfully in control of the premises; nor shall any such person remove the contents from any such container.
- (b) It shall be unlawful for any person to deposit or permit or suffer its agents, servants or employees to deposit household or commercial wastes in or about the anti-litter cans or like receptacles provided by the city in various public places in the community.

(Code 1986, § 12-15)

### **Sec. 15-33. Place for disposal of waste materials.**

- (a) ~~It shall be unlawful for any person to dispose of or cause to be disposed of any garbage, rubbish or other waste materials upon any property other than a lawfully operated garbage dump or sanitary landfill.~~  
Excessive amounts of cuttings, clippings, leaves, and other yard debris shall not be allowed to accumulate in the lawn area for an unreasonable time ~~so as to adversely affect the value of properties in the near vicinity.~~
- (b) All yard trash to be collected shall be placed at curbside for pickup.
- (c) All recyclable containers or recyclable materials shall be placed at curbside for collection.

(Code 1986, § 12-16; Ord. No. 2005-9, § 9, 9-12-05)

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**Sec. 15-34. Littering.**

It shall be unlawful for any person to place any garbage, straw, dirt, chips, shells, nails, iron, glass, fruit peelings, melon rinds, paper, shavings, rags or other rubbish or obnoxious substance on any street, sidewalk, alley, public park, parkway, square or other place in the city or on the property of another person, or to violate any of the requirements of this chapter.

(Code 1986, § 12-17)

State law reference(s)—Litter control, T.C.A. § 39-3-1001 et seq.