

ORDINANCE 2023 – 34

AN ORDINANCE OF THE CITY OF MT. JULIET TO AMEND THE CITY OF MT. JULIET CITY CODE CHAPTER 16 OFFENSES AND MISCELLANEOUS PROVISIONS

Whereas, the Board of Commissioners of the City of Mt. Juliet desires to amend and update the City of Mt. Juliet city code Chapter 8 Buildings and Building Regulations and Chapter 16 Offenses and Miscellaneous Provisions; and

Whereas, the City Code is amended to add the following sections:
following sections:

- Section 8-22 Enumerated Violations
- Section 16-2 Sidewalks and Driveways
- Section 16-3 Accessory Structures
- Section 16-4 Swimming Pools
- Section 16-5 Protective Treatment
- Section 16-6 Stairways, Decks Porches and Balconies
- Section 16-7 Gates
- Sections 16-8 Rubbish and Garbage; and

Whereas, the City Code is amended to amend the following sections:

- Section 16-21 Abandoned refrigerators, etc.
- Section 16-46 Vehicles, unlicensed or inoperable.

Now, therefore, be it ORDAINED by the City of Mt Juliet Board of Commissioners the City of Mt. Juliet City Code is amended as follows:

The following sections are added per the attached:

- Section 8-22 Enumerated Violations
- Section 16-2 Sidewalks and Driveways
- Section 16-3 Accessory Structures
- Section 16-4 Swimming Pools
- Section 16-5 Protective Treatment
- Section 16-6 Stairways, Decks Porches and Balconies
- Section 16-7 Gates
- Sections 16-8 Rubbish and Garbage; and

The following sections are amended per the attached:

- Section 16-21 Abandoned refrigerators, etc.

- Section 16-46 Vehicles, unlicensed or inoperable.

BE IT FURTHER ORDAINED

Section 1. In case of conflict between this ordinance or any part hereof, and the whole or part of any existing ordinance of the City, the conflicting ordinance is repealed to the extent of the conflict but no further.

Section 2. If any section, clause, provision or portion of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision or portion of this ordinance.


Section 3. That this ordinance shall take effect at the earliest date allowed by law, the public welfare requiring it.

PASSED: 8/28/23


FIRST READING: 7/24/23
SECOND READING: 8/28/23


James Maness, Mayor

ATTEST:


Sheila S. Lockett, MMC
City Recorder

APPROVED AS TO FORM:


L. Gino Marchetti, Jr.
City Attorney


Kenny Martin, City Manager

PART II - CODE OF ORDINANCES
Chapter 16 OFFENSES AND MISCELLANEOUS PROVISIONS

Chapter 16 OFFENSES AND MISCELLANEOUS PROVISIONS

ARTICLE I. IN GENERAL

Sec. 16-1. Class C misdemeanors of the state adopted.

All offenses against the state which are committed within the corporate limits of the city and which are defined by the law to be Class C misdemeanors and hereby designated and declared to be offenses against the municipality pursuant to T.C.A. §§ 16-18-302 and 55-10-307. Any person found guilty of violating any such misdemeanors shall be punished as provided in the general penalty clause for this Code, but in no event may a civil fine exceed \$50.00.

(Code 1997, § 10-1-101; Ord. No. 2006-44, 6-26-2006)

Secs. 16-19—16-20. Reserved.

ARTICLE II. OFFENSES ENUMERATED

Sec. 16-2 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.

Sec. 16-3 Accessory structures.

Accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

Sec. 16-4 Swimming pools.

Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

- (a) Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches in depth shall be completely surrounded by a fence or barrier not less than 48 inches in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of six inches from the gatepost. An existing pool enclosure shall not be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Sec. 16-5 Protective treatment.

PART II - CODE OF ORDINANCES
Chapter 16 - OFFENSES AND MISCELLANEOUS PROVISIONS
ARTICLE II. OFFENSES ENUMERATED

Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other 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 eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and weather tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust and 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.

Sec. 16-6 Stairways, decks, porches and balconies.

Every exterior stairway, deck, porch, and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

Sec. 16-7 Gates

Exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

Sec. 16-8 Rubbish and garbage.

- (a) Accumulation of rubbish or garbage. Exterior property and premises, and the interior of every structure shall be free from any accumulation of rubbish or garbage.
- (b) Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.
- (c) Rubbish storage facilities. The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of the rubbish.
- (d) Disposal of garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage container.
- (e) Containers. 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.

Sec. 16-21. Abandoned refrigerators, etc.

It shall be unlawful for any person to leave in any place accessible to children any refrigerator, icebox, or other container with any type latching or locking door which cannot be opened from the inside.

Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.

(Code 1997, § 10-2-101; Ord. No. 74-8, § 1(23), 5-16-1974)

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- (b) It shall also be unlawful and a trespass for any peddler, canvasser, solicitor, transient merchant, or any other person to fail to promptly leave the premises when requested to leave by the owner, lessee or person in charge of the property.
- (c) It shall be unlawful and a trespass for any person to use the city public park or any other facility owned by the city if the property is closed.
- (d) It shall also be unlawful and deemed to be a trespass for any person to fail to leave promptly the private premises of any person who requests or directs him to leave.

(Code 1997, § 10-2-123; Ord. No. 74-8, § 1(26), 5-16-1974; Ord. No. 91-05, 4-1-1991)

Sec. 16-44. Wearing masks.

No person may appear in public wearing a mask except:

- (1) Children under the age of ten years; and
- (2) Workers actually engaged in work requiring air filters or welding masks or protective shields.

(Code 1997, § 10-2-124)

Sec. 16-45. Window peeping.

No person shall enter uninvited on private property to spy, peer, or peep into any window.

(Code 1997, § 10-2-125; Ord. No. 74-8, § 1(7), 5-16-1974)

Sec. 16-46. Vehicles, unlicensed or inoperable.

- (a) ~~It is unlawful to store, park or keep any unlicensed or inoperable vehicle on a residential lot in the city unless the vehicle is stored inside an enclosed building. It is unlawful to store, park or keep any unlicensed or inoperable vehicle on any commercial lot in the city unless the vehicle is stored inside an enclosed building; provided, however, that automobile repair shops operating on property zoned C-2 may keep up to ten vehicles being repaired so long as no vehicle stays on the lot more than 30 days and the storage area is screened from view from other properties. Automobile graveyards as mentioned in T.C.A. § 54-20-103 and automobile wrecking yards as mentioned in T.C.A. § 68-102-113 are prohibited except on C-2 planned unit development. This section shall not apply to vehicles used in agriculture and stored on property zoned agricultural.~~

- ~~(b) This section may be enforced by a citation to municipal court and/or by a notice of violation which may be appealed to the board of adjustment for new construction and property maintenance.~~

~~Except as provided for in other regulations, inoperative or unlicensed motor vehicles shall not be parked, kept or stored on any premises, and vehicles shall not at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.~~

~~Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure of similarly enclosed area designed and approved for such purposes.~~

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junk vehicle means a vehicle of any age that is damaged or defective in one or any combination of the following ways that either makes the vehicle immediately inoperable, or would prohibit the vehicle from being operated in a reasonably safe manner upon the public streets and highways under its own power if self-propelled, or while being towed or pushed, if not self-propelled:

1. Flat tires, missing tires, missing wheels or missing or partially or totally disassembled tires and wheels.

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2. Missing or partially or totally disassembled essential parts of the vehicle's drive train, including, but not limited to, engine, transmission, transaxle, drive shaft, differential, or axle.

3. Extensive exterior body damage or missing or partially or totally disassembled essential body parts, including, but not limited to, fenders, doors, engine hood, bumpers, windshield, or windows.

4. Missing or partially or totally disassembled essential interior parts, including, but not limited to, driver's seat, steering wheel, instrument panel, clutch, brake, or gear shift lever.

5. Missing or partially or totally disassembled parts essential to the starting or running of the vehicle under its own power, including, but not limited to, the starter, generator or alternator, battery, distributor, gas tank, carburetor or fuel injection system, spark plugs, or radiator.

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Vehicle means any machine propelled by power other than human power, designed to travel along the ground by the use of wheels, treads, self-laying tracks, runners, slides or skids, including, but not limited to, automobiles, trucks, motorcycles, motor scooters, go-carts, campers, tractors, trailers, tractor-trailers, buggies, wagons, and earth-moving equipment, and any part of the same.

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(Code 1997, § 10-2-126; Ord. No. 2006-39, § 2, 9-11-2006)

Secs. 16-47—16-65. Reserved.

ARTICLE III. LOITERING

Sec. 16-66. Definitions.

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

Loitering means remaining idle in essentially one location and includes the concept of spending time idly; to be dilatory; to linger; to stay; to saunter; to delay; to stand around and shall also include the colloquial expression "hanging around."