

ORDINANCE 2025-05

Sponsor: Clary

AN ORDINANCE AMENDING THE HENDERSONVILLE MUNICIPAL CODE TITLE 13, TO ADOPT A REVISED EDITION OF INTERNATIONAL PROPERTY MAINTENANCE CODE

WHEREAS, in compliance with State law, the City desires to amend the Hendersonville Municipal Code relative to the International Property Maintenance Code found in Title 13:

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMAN OF THE CITY OF HENDERSONVILLE, TENNESSEE, as follows:

Section One: That Title 13, of the Hendersonville Municipal Code is hereby deleted in its entirety and replaced with the following language:

TITLE 13 PROPERTY

CHAPTER

- 1 PROPERTY MAINTENANCE CODE**
- 2 ABANDONED PERSONAL PROPERTY**

CHAPTER I PROPERTY MAINTENANCE CODE¹

SECTION

- 13-101. Property Maintenance Code adopted.**
- 13-102. Amendments.**
- 13-103. Violations.**

13-101. Property Maintenance Code adopted.

Pursuant to authority granted by Tennessee Code Annotated, 6-54-501 through 6-54-506, and for the purpose of establishing a current property maintenance code, the International Property

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

Maintenance Code, 2021 edition, as prepared and adopted by the International Code Council, is hereby adopted by reference and incorporated herein as the Hendersonville Property Maintenance Code, just as if the same were incorporated herein verbatim.

13-102. Amendments.

(1) Section 101.1 is amended by adding a reference to "...City of Hendersonville..." for the jurisdiction.

(2) Section 101.2.1 Appendices is amended to read as follows:

101.2.1 Appendices. Appendix A is adopted. Appendix B is adopted. All adopted appendices are subject to modifications elsewhere herein, if any.

(3) Section 102.1 is hereby amended by adding the phrase "...or State Law..." following "...code..." in the last sentence.

(4) Section 103.1 is hereby amended by deleting any reference to "Department of Property Maintenance Inspection" and replacing it with "Department of Building and Codes."

(5) Section 104.1 is deleted and replace with the following:

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

(6) Delete Sections 107.1, replace with the following, and renumber the following sections:

107.1 Board of Appeals. The Board of Appeals referred to in this code shall be the Board of Appeals as established by the adopted building code.

(7) Section 113.1 *General* is deleted and replaced with the following:

113.1 General. The code official shall order the owner or owner's authorized agent of any premises upon which is located any structure, which in the code official's or owner's authorized agent judgement after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up no longer than three (3) months, unless a natural disaster six (6) months and hold for future repair or to demolish such structure within six (6) months after receiving notice of violation and/or twelve (12) months if natural disaster and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than one (1) year, the code official shall order the owner or owner's authorized agent to board up no longer than three (3) months, unless a natural disaster six (6) months and hold for future repair or to demolish and remove such structure within six (6) months after receiving notice of violation and/or twelve (12) months if natural disaster.

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

302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of ten (10) inches. For undeveloped properties, the growth shall not exceed eighteen (18) inches. For large tracts refer to Section 302.4.1. All noxious weeds shall be

prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

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

- (a) Properties located adjacent to improved properties of less than two (2) acres shall be maintained at less than eighteen (18) inches in height to a depth of twenty-five (25) feet along property lines that abut a public shall also be required to maintain a minimum distance of fifty (5) feet around any structure.
- (h) Properties located adjacent to unimproved properties of less than two (2) acres shall be maintained at less than eighteen (18) inches in height to a depth of twenty-five (25) feet along property lines that abut a public right-of-way or public property.

302.4.2 Right-of-way. All property owners shall maintain the portion of the public right-of-way abutting their property in accordance with Section 16-109 of the Hendersonville Municipal Code. No weeds or other growth shall be permitted on corner lots which may cause a reduction in traffic visibility at intersections."

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

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

Exception 1. On non-residential property a vehicle of any type is permitted to undergo major overhaul, including bodywork, provided that such work is performed in a structure, or similarly enclosed area, designed and approved for such purpose.

Vehicles being repaired, to be repaired, or already repaired may be stored on the premises only in an approved manner and location. Vehicles may not be stored for parts or salvage unless located on property approved for such use. Unlicensed motor vehicles may be parked or stored on a premises where sales of motor vehicles have been approved. This exception is not intended to override or set aside other regulations limiting or authorizing these activities.

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

(10) Modify Section 304.14 by adding the following dates: "May 1" to "September 31"

(11) Section 107.2 is deleted and replaced with the following:

Application for appeal. Any person directly affected by a decision of the code official, or a notice or order issued under this code shall have the right to appeal to the Board of Appeals, provided that a written application for appeal is filed within 10 calendar days after the day of the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

(12) Section 308.1.1 *Open storage*, a new section added to read as follows:

Except as otherwise provided for in the City of Hendersonville's Zoning Code, it shall be unlawful for the owner or occupant of a building, structure, or property to utilize the premises of such property for the open storage of any abandoned motor vehicle, automobile parts, ice box, refrigerator, stove, glass, metal, brick, stone, block, wood, tires, furniture, building material, construction debris, building rubbish or similar items. It shall be the duty and responsibility of every such owner or occupant to keep the premises of such property clean and to remove from the premises all such abandoned items as listed above, including but not limited to weeds, dead trees, household items, trash, garbage, etc., upon notice from the City of Hendersonville's Codes Enforcement Officer or his/her designee.

(13) Section 602.3 Heat supply dates are inserted as follows:

Every owner and operator of any building who rents, leases, or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from December to April to maintain a minimum temperature of 68 degrees F in all habitable rooms, bathrooms and toilet rooms.

(14) Section 602.4 Occupiable workspaces dates are inserted as follows:

Indoor occupiable workspaces shall be supplied with heat during the period from December to April to maintain a minimum temperature of 65 degrees F during the period the spaces are occupied.

13-103. Violations.

It shall be unlawful for any person to violate or fail to comply with any provisions of the property maintenance code as herein adopted by reference and modified.

CHAPTER 2 **ABANDONED PERSONAL PROPERTY**

SECTION

13-201. Chief of police to receive lost property.

13-202. Presumption of abandonment.

13-203. Storage of abandoned property.

13-204. Notification of owner.

13-205. Dispute concerning ownership.

13-206. Property to be held three (3) months.

13-207. Certificate to City Judge.

13-208. Advertisement.

13-209. Proceeds of sale.

13-210. Records of sale.

13-211. Sales without warranty.

13-212. Motor vehicles.

13-201. Chief of police to receive lost property.

All employees of the City of Hendersonville who come into possession of abandoned, stolen, confiscated or mislaid personal property while working or on duty or as a result of their position with the City shall turn the property over to the Chief of Police or his designated representative with a report as to how the property came into the possession of the City of Hendersonville together with the name of the true owner if known.

13-202. Presumption of abandonment.

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

13-203. Storage of abandoned property.

The Chief of Police shall cause all abandoned, lost, stolen, confiscated or mislaid personal property to be inventoried, stored and safeguarded until it can be reclaimed by its lawful owner or be disposed of in accordance with this chapter.

13-204. Notification of owner.

When sufficient information concerning the owner of the property is available the owner shall be notified of the location of his property and when and where he may claim the property.

13-205. Dispute concerning ownership of property.

When ownership of property is in dispute or when a claimant cannot prove ownership of the property to the satisfaction of the Chief of Police each claimant shall be notified that the property will be retained by the City pending proof of ownership or an order by a court having jurisdiction over the property or the parties to the dispute.

13-206. Property to be held three (3) months.

All abandoned, lost, stolen, confiscated or mislaid property remaining in the possession of the Chief of Police for three (3) months without any party making claim thereto shall be deemed abandoned property and disposed of in accordance with this chapter.

13-207. Certificate to City Judge.

As frequently as he may desire, the Chief of Police shall submit to the City Judge a list of all abandoned property held by the City for more than three (3) months together with an affidavit that he has made a reasonable search for the true owner thereof and that the true owner cannot be located or that the true owner has been notified when and where he may claim the property and has failed to claim the property within three (3) months of notice.

13-208. Advertisement.

Upon receipt of a property list from the Chief of Police the City Judge shall determine whether the property may be disposed of as abandoned property and his order shall set forth the manner in which the property is to be advertised and sold. Advertisement may be by notice posted in public places or by one (1) advertisement placed in any newspaper published in Hendersonville, Tennessee. The sale shall be conducted by the Chief of Police or his designated representative and shall be by public auction.

13-209. Proceeds of sale.

The proceeds of any sale of abandoned property shall be paid over to the City Recorder and placed in an escrow account of interest for six (6) months. During the time the funds are held in escrow the owner of the property sold may claim the proceeds derived the sale of his property by proving ownership to the satisfaction of the City Recorder. All funds remaining in escrow for six (6) months shall become the property of the City of Hendersonville and shall be transferred to the general fund to be used for education and training by the Police Department.

13-210. Records of sale.

Records of sales shall be maintained by the City of Hendersonville for two (2) years.

13-211. Sales without warranty.

All sales shall be without warranty of any nature.

13-212. Motor vehicles.

This chapter shall not control the disposition of motor vehicles the disposition which are controlled by Tennessee Code Annotated, Title 55, Chapter 16 or Title 13, Chapter 4.

Editor's note(s)—Ord. No. 2006-45, adopted September 26, 2006, repealed ch. 3 which pertained to junked or abandoned motor vehicles.

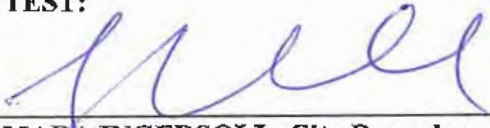
First Reading: March 25, 2025 *Passed*

Second Reading: April 8, 2025 *Passed*

APPROVED:


JAMIE CLARY, Mayor

ATTEST:


TAMARA INGERSOLL, City Recorder

APPROVED AS TO FORM AND LEGALITY:


LANCE A. WRAY, City Attorney

LEGISLATIVE HISTORY

Ordinance 2025-05

Sponsor: Clary

Committee: General

Date of Committee Meeting: March 11, 2025

Committee Recommendation: Yes

First BOMA Reading: March 25, 2025

Vote: Aye: Burgdorf, Collins, Dixon, Evans, Garton, Garza, Goodwin, Martin, Roherson, Sasse, Skidmore, Ward, and Clary. Nay: None. Absent: None. *Motion carried.*

Second BOMA Reading: April 8, 2025

Vote: Aye: Burgdorf, Collins, Dixon, Evans, Garton, Garza, Goodwin, Martin, Roberson, Sasse, Skidmore, Ward, and Clary. Nay: None. Absent: None. *Motion carried.*

DATE:	April 8, 2025
ORDINANCE/RESOLUTION #	Ordinance 2025-05
SPECIFIC REQUEST/ RECOMMENDATION:	That the Board of Mayor and Alderman consider the adoption of the 2021 International Building, Plumbing, Mechanical, Fire, Swimming Pool Code, Existing Building Code, Energy Code, Property Maintenance Code with Amendments, and the 2020 National Electrical Code
REPORT PREPARED BY:	Greg E. Story, Codes Director



BACKGROUND:

1

The City of Hendersonville Building & Codes Department together with the HPD and HFD, are all currently enforcing the 2018 International Codes. The last Codes update was with Ordinance 2018-46, (January 2019). Effective on April 17th, 2025, the State of Tennessee Fire Marshals Office will begin enforcing the 2021 International Codes.

To stay in compliance with T.C.A. § 68-120-101(b)(2)(A), no political subdivision of the State of Tennessee shall adopt or enforce any ordinance prescribing less stringent standards of fire prevention, fire protection, or building construction safety and shall adopt an edition of a building construction or fire safety code within seven (7) years of the most current published edition.

DISCUSSION:

2

That the Board of Mayor and Alderman consider adopting Ordinance 2025-05 with Amendments, to remain in an "Exempt" status with the State of Tennessee Fire Marshal's Office (SMFO).

The SFMO formally delegates codes enforcement to local jurisdictions that are adequately performing their building codes and fire safety codes enforcement programs. The SFMO shall audit each exempt jurisdiction no less than once every three (3) years for each of the following trades: Residential structures, Commercial structures, and Electrical Inspections. The SFMO shall notify the exempt jurisdiction of the commencement of the audit performed.

A local jurisdiction that adopts and enforces building construction and fire safety codes pursuant to T.C.A. § 68-120-101(b)(2)(A), shall adopt an edition of a building construction or fire safety code within seven (7) years of the most current published edition.

If not adopted by the Board of Mayor and Alderman, the City of Hendersonville would no longer be considered in an "exempt" status by the State Fire Marshals Office. The SFMO would intervene and remove the "exempt" jurisdiction status from the City of Hendersonville's Building & Codes Department, HFD, & HPD. A notice and hearing regarding the removal of a jurisdiction's exempt status shall be as set out in the Uniform Administrative Procedures Act, T.C.A., Title 4, Chapter 5.

The State of TN adopted the 2021 I.E.C.C. with Amendments, keeping the 2009 I.E.C.C. "R" & "U" tables. No major fiscal impacts should occur, going forward, to Commercial & Residential contractors. Most of the contractors, developers, architects, and engineers are already practicing and implementing the new 2021 codes for other jurisdictions across the nation and locally.

FISCAL IMPACT:

3

No Fiscal Impact.

ATTACHMENTS:

4

Ordinance 2025-05