

ORDINANCE # 2008 016

**WHEREAS**, the City of Jackson wishes to amend its regulations regarding the storage of vehicles within its geographical limits, and;

**WHEREAS**, it is required by the Charter of the City of Jackson to amend its ordinances by means of another ordinance:

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JACKSON, TENNESSEE:**

**SECTION 1.** Title 13, Chapter 2 of the City Code is hereby deleted in its entirety and replaced by inserting the following:

**CHAPTER 2**

**PARKING AND STORAGE OF VEHICLES**

SECTION

- 13-201. Declaration of purpose.
- 13-202. Parking and Storage of wrecked, junked, or abandoned vehicles prohibited.
- 13-203. Wrecked, junked, or abandoned vehicles defined.
- 13-204. Parking and storage on residential property restricted.
- 13-205. Parking and storage on nonresidential property restricted.
- 13-206. Procedure for removal.
- 13-207. Notice.
- 13-208. Hearing.
- 13-209. Removal.
- 13-210. Expense of disposal charged to owner.
- 13-211. Penalty.
- 13-212. Delegation of Authority.
- 13-213. Exemptions.

13-201. **Declaration of purpose.** The Council finds and declares that the accumulation and storage of motor vehicles in disrepair and/or inoperable condition, and the accumulation and storage of operable vehicles in excessive numbers and/or in inappropriate locations, falls into the category of rubbish and unsightly debris, constituting a detriment to the health, safety and welfare of the Community. The Council thus declares that such conditions should be regulated, abated and prohibited because they reduce the value of and enjoyment of private property and create, extend and aggravate urban blight.

13-202. **Parking and Storage of wrecked, junked, or abandoned vehicles prohibited.** It shall be unlawful to park, store or leave any motor or other vehicle as wrecked, junked, partially dismantled, or in an abandoned condition, on public or private property in the City of Jackson for a period of longer than five (5) days unless it is in connection with a purpose or business enterprise lawfully situated, licensed, and operating as required in Section 13-213. All such wrecked, junked, or abandoned vehicles are hereby declared to be public nuisances.

13-203. **Wrecked, junked or abandoned vehicle defined.** For the purposes of this ordinance, a wrecked, junked, or abandoned vehicle shall mean a vehicle of any age that is damaged or defective in any one or combination of any 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:

Flat tires, missing tires, missing wheels, or missing or partially or totally disassembled tires and wheels;

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

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

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

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, starter, generator or alternator, battery, distributor, gas tank, carburetor or fuel injection system, spark plugs, or radiator.

Interior is a container for metal, glass paper, rags or other cloth, wood, auto parts, machinery, waste or discarded materials in such quantity, a quality and arrangement that a driver cannot be properly seated in the vehicle;

Lying on the ground (upside down, on its side, or at other extreme angle), sitting on block or suspended in the air by any other method.

General environment in which the vehicle sits, including, but not limited to, vegetation that has grown up around, in or through the vehicle, the

collection of pools of water in the vehicle, and the accumulation of other garbage or debris around the vehicle.

In addition, boats, campers, recreational vehicles, and storage trailers in a wrecked, junked, or abandoned condition, as defined above, shall also be considered a public nuisance and in violation of this ordinance.

**13-204. Parking and Storage on residential property restricted.**

1) All vehicles parked or stored on residential property shall be parked or stored on concrete or asphalt in accordance with the following specifications:

- a. **Concrete:** If concrete is used as a pavement, the minimum thickness shall be four (4) inches for residential structures and five (5) inches for all other uses.
- b. **Asphalt:** If a bituminous mix is used for pavement, the minimum thickness shall be four (4) inch compacted crushed stone base with a 1 1/2 inch asphalt surface for residential use and a six (6) inch compacted crushed stone base with a two (2) inch compacted asphalt surface for other uses.

2) The provisions of 13-204, Subsection 1), shall not apply to properties with existing gravel driveways that were installed prior to the effective date of the official City of Jackson Zoning Ordinance or installed prior to annexation by the City of Jackson.

3) Boats, campers, recreational vehicles, and storage trailers are not required to be parked or stored on concrete or asphalt in accordance with the aforementioned specifications provided they: 1) are in an operable condition, 2) the surrounding area is maintained and free of grown up vegetation and debris, and 3) are not classified as wrecked, junked or abandoned as defined in 13-203.

4) No more than four (4) operable vehicles may be parked or stored at a dwelling unit for more than a five (5) day period unless they are enclosed in a building.

**13-205. Parking and storage on nonresidential property restricted.**

No business enterprise shall park, store, leave, or permit the parking, storage, or leaving of any vehicle that is wrecked, junked, or abandoned, as defined above, on any private property within the city for more than five (5) days unless the vehicle is completely enclosed in a building or

- (a) The area of property devoted to the storage of the vehicle(s) is enclosed by a solid masonry wall or sight proof fence not less than six (6) feet high; and

- (b) The area of property devoted to the storage of the vehicle(s) does not exceed twenty (20) percent of the total lot area and is not located in any required yard.

13-206. **Procedure for Removal.** The owner of any such vehicle or the owner of the private property on which the same is located shall be responsible for its removal upon appropriate notice and the opportunity to be heard. Prior to commencing the hearing procedure set out in this Chapter, notices shall be given to the owner or resident of the property upon which the said vehicle is located stating that the condition of said vehicle has caused a violation of this Chapter and that unless this violation is corrected within twenty-four (24) hours, procedures will be commenced to affect the removal of the vehicle. Such twenty-four (24) hour notice, or one similar thereto, shall also be provided the vehicle owner and any lien holders to the extent that their names and addresses may be reasonable ascertained after the City has first been apprised of such violation. If in the opinion of the Mayor, the Chief of Police, Fire Chief, Health Officer or their designees, an emergency situation exist, the vehicle may be immediately removed.

13-207. **Notice.** If the twenty-four (24) hour preliminary notice does not accomplish the correction of the violation, the procedure hereinafter set out shall be invoked. A notice shall be directed to the owner of the vehicle and any lien holders, if known, and the owner of the premises where same is located at least two (2) days before the time for compliance therewith. It shall be sufficient service of notice if it is posted in a conspicuous place upon the premises affected and a copy is mailed to such owner and lien holders at their last known address, place of residence, or place of business if known.

13-208. **Hearing.** Within two (2) days after the mailing or other service of said notice, the persons to whom the notices are directed, or their duly authorized agents, may file a written request for a hearing before the Environmental Court. The hearing shall be held as soon as practicable after the filing of the request therefore and the persons to whom the notices are directed shall be advised of the time and place of said hearing at least five (5) days in advance thereof. At any such hearing the City and the persons to whom the notices have directed may introduce such witnesses and evidenced as is deemed necessary and proper by the City of Jackson.

13-209. **Removal.** If the violation described in the notice has not been remedied within five (5) days of the mailing or service thereof, or in the event that a notice requesting a hearing is timely filed and the existence of the violation is affirmed by the Environmental Court after hearing, pursuant to the police power to do all things whatsoever necessary for promoting or maintaining the general welfare of the City or its inhabitants, said vehicle shall be removed. Any tow trucks or vehicles used for such removal, other than City vehicles, shall be covered by insurance in the form and extent of which shall be approved by the Council of the City of Jackson.

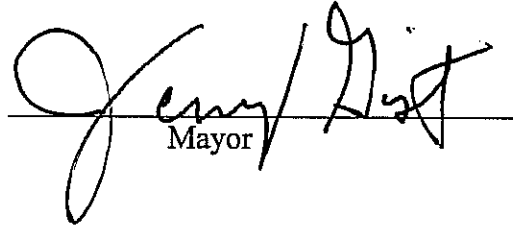
13-210. **Expense of Disposal Charged to Owner.** All costs and expenses incurred in carrying out the provisions of this Chapter shall be the responsibility of the owner.

13-211. **Penalty.** Any person violating any provision of this Chapter shall be issued an injunction through the Environmental Court to correct this problem or face a fine of Fifty Dollars (\$50.00) for each separate violation until the required action has been taken or face imprisonment not to exceed ten (10) days. Each day that any such violation continues shall constitute a separate violation.

13-212. **Delegation of Authority.** The Mayor is hereby authorized to designate the agency or department to implement the provisions of this Chapter.

13-213. **Exemptions.** The provisions of this chapter will not apply to automotive wrecking, junk or salvage yards that are properly zoned and approved for operation.

**SECTION 2.** This ordinance shall take effect from and after its adoption, the public welfare requiring it.

  
Mayor

Introduced: 7/1/08

Adopted: 8/5/08