

TITLE 13**PROPERTY MAINTENANCE REGULATIONS****CHAPTER**

1. MISCELLANEOUS.
2. SLUM CLEARANCE.
3. JUNKED MOTOR VEHICLES.

CHAPTER 1**MISCELLANEOUS****SECTION**

- 13-101. Health officer.
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13-101. Health officer. The "health officer" shall be such municipal, county or state officer as the governing body shall appoint or designate to administer and enforce health and sanitation regulations within the municipality. (1964 Code, § 8-401)

13-102. Adulterated food, drugs, and cosmetics. It shall be unlawful and a violation of this section for any person to violate within this municipality any provisions of the state food, drug and cosmetic laws. (1964 Code, § 8-402)

13-103. Communicable diseases. When there exists or is suspected to exist in any household a communicable disease other than a venereal disease or a common childhood disease it shall be the duty of any attending physician and the head, or other responsible person in such household, possessing knowledge of the facts to immediately notify the health officer. The health officer shall thereupon make such investigation and issue such quarantine orders as may reasonably be necessary to protect the public health. It shall be

unlawful for any person to violate any such orders of the health officer. (1964 Code, § 8-403)

13-104. House trailers. It shall be unlawful for any person to park, locate or occupy any house trailer or portable building unless it complies with all plumbing, electrical, sanitary and building provisions applicable to stationary structures and the proposed location conforms to the zoning provisions of the municipality and unless a permit therefor shall have been first duly issued by the building official, as provided for in the building code. (1964 Code, § 8-404)

13-105. Smoke, soot, cinders, etc. It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinder, noxious acids, fumes or gases as to be detrimental to or to endanger the health, comfort and safety of the public or so a stop cause or have a tendency to cause injury or damage to property or business. (1964 Code, § 8-405)

13-106. Stagnant water. It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property without treating it so as to effectively prevent the breeding of mosquitoes. (Ord. #2003-01, May 2003)

13-107. Weeds and grass. Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property, and it shall be unlawful for any such person to fail to comply with an order by the city recorder or chief of police to cut such vegetation when it has reached a height of over one foot (1'). (1964 Code, § 8-407)

13-108. Overgrown and dirty lots. (1) Prohibition. Pursuant to the authority granted to municipalities under *Tennessee Code Annotated*, § 6-54-113, it shall be unlawful for any owner of record of real property to create, maintain, or permit to be maintained on such property the growth of trees, vines, grass, underbrush and/or the accumulations of debris, trash, litter, or garbage or any combination of the preceding elements so as to endanger the health, safety, or welfare of other citizens or to encourage the infestation of rats and other harmful animals.

(2) Designation of public officer or department. The board of commissioners shall designate an appropriate department or person to enforce the provisions of this section.

(3) Notice to property owner. It shall be the duty of the department or person designated by the board of commissioners to enforce this section to serve notice upon the owner of record in violation of subsection (1) above, a notice in plain language to remedy the condition within ten (10) days (or twenty (20) days if the owner of record is a carrier engaged in the transportation of

property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials), excluding Saturdays, Sundays, and legal holidays. The notice shall be sent by registered or certified United States Mail, addressed to the last known address of the owner of record. The notice shall state that the owner of the property is entitled to a hearing, and shall, at the minimum, contain the following additional information:

(a) A brief statement that the owner is in violation of § 13-104 of the Adams Municipal Code, which has been enacted under the authority of *Tennessee Code Annotated*, § 6-54-113, and that the property of such owner may be cleaned up at the expense of the owner and a lien placed against the property to secure the cost of the clean-up;

(b) The person, office, address, and telephone number of the department or person giving the notice;

(c) A cost estimate for remedying the noted condition, which shall be in conformity with the standards of cost in the city; and

(d) A place wherein the notified party may return a copy of the notice, indicating the desire for a hearing.

(4) Clean-up at property owner's expense. If the property owner of record fails or refuses to remedy the condition within ten (10) days after receiving the notice (twenty (20) days if the owner is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials), the department or person designated by the board of commissioners to enforce the provisions of this section shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards, and the costs thereof shall be assessed against the owner of the property. The city may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The city may bring one (1) action for debt against more than one (1) or all of the owners of properties against whom such costs have been assessed, and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a misjoinder of parties. Upon the filing of the notice with the office of the register of deeds in Robertson County, the costs shall be a lien on the property in favor of the municipality, second only to liens of the state, county, and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be placed on the tax rolls of the municipality as a lien and shall be added to property tax bills to be collected at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes.

(5) Clean-up of owner-occupied property. When the owner of an owner-occupied residential property fails or refuses to remedy the condition

within ten (10) days after receiving the notice, the department or person designated by the board of commissioners to enforce the provisions of this section shall immediately cause the condition to be remedied or removed at a cost in accordance with reasonable standards in the community, with these costs to be assessed against the owner of the property. The provisions of subsection (4) shall apply to the collection of costs against the owner of an owner-occupied residential property except that the municipality must wait until cumulative charges for remediation equal or exceed five hundred dollars (\$500.00) before filing the notice with the register of deeds and the charges becoming a lien on the property. After this threshold has been met and the lien attaches, charges for costs for which the lien attached are collectible as provided in subsection (4) for these charges.

(6) Appeal. The owner of record who is aggrieved by the determination and order of the public officer may appeal the determination and order to the board of commissioners. The appeal shall be filed with the recorder within ten (10) days following the receipt of the notice issued pursuant to subsection (3) above. The failure to appeal within this time shall, without exception, constitute a waiver of the right to a hearing.

(7) Judicial review. Any person aggrieved by an order or act of the board of commissioners under subsection (4) above may seek judicial review of the order or act. The time period established in subsection (3) above shall be stayed during the pendency of judicial review.

(8) Supplemental nature of this section. The provisions of this section are in addition and supplemental to, and not in substitution for, any other provision in the municipal charter, this municipal code of ordinances or other applicable law which permits the city to proceed against an owner, tenant or occupant of property who has created, maintained, or permitted to be maintained on such property the growth of trees, vines, grass, weeds, underbrush and/or the accumulation of the debris, trash, litter, or garbage or any combination of the preceding elements, under its charter, any other provisions of this municipal code of ordinances or any other applicable law.

13-109. Dead animals. Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the health officer and dispose of such animal in such manner as the health officer shall direct. (1964 Code, § 8-408)

13-110. Health and sanitation nuisances. It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace

of the public health or the annoyance of people residing within the vicinity. (Ord. #2003-01, May 2003)

13-111. Property maintenance; notice; lien. Every owner or occupant of property within the corporate limits is required to provide for the orderly maintenance and upkeep of that property. In the event that the city or any agent determines in its sole discretion that the property is being maintained in a matter which may be considered dangerous or detrimental to the health, safety or welfare of the community, the city or its agents may upon ten (10) days' written notice to the owner of record or occupant, enter upon the property and make any repairs or improvements which the city or its agents deem necessary to remedy such conditions. Thereafter, the owner shall be obligated to pay the city its cost for all improvements, work and/or labor, supplied or furnished to the property. All such costs shall be paid to the city within five (5) days of receipt from the city a statement for such costs. In order to secure payment at and after the due date, there shall arise a continuing lien and charge against the property in favor of the city, the amount which shall include costs and reasonable attorney's fees to the extent permissible by law. The city may bring an action at law against the owner, or foreclose the lien against the owner's property. The city's cost may also, at the city's option, be added to and collected as property tax from the property owner. (Ord. #2003-01, May 2003)

13-112. Violations and penalty. Violations of this chapter shall subject the offender to a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

CHAPTER 2

SLUM CLEARANCE¹

SECTION

- 13-201. Findings of board.
- 13-202. Definitions.
- 13-203. "Public officer" designated; powers.
- 13-204. Initiation of proceedings; hearings.
- 13-205. Orders to owners of unfit structures.
- 13-206. When public officer may repair, etc.
- 13-207. When public officer may remove or demolish.
- 13-208. Lien for expenses; sale of salvaged materials; other powers not limited.
- 13-209. Basis for a finding of unfitness.
- 13-210. Service of complaints or orders.
- 13-211. Enjoining enforcement of orders.
- 13-212. Additional powers of the public officer.
- 13-213. Powers conferred are supplemental.
- 13-214. Structures unfit for human habitation or use deemed unlawful.

13-201. Findings of board. Pursuant to *Tennessee Code Annotated*, §§ 13-21-101, *et seq.*, the board of mayor and commissioners finds that there exists in the city structures which are unfit for human occupation or use due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city. (Ord. #2008-01, Feb. 2008)

13-202. Definitions. (1) "Dwelling" means any building or structure, or part thereof, used and occupied for human occupation or use or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

(2) "Governing body" shall mean the Mayor and Board of Commissioners charged with governing the city.

(3) "Municipality" shall mean the City of Adams, Tennessee, and the areas encompassed within the existing city limits or as hereinafter annexed.

(4) "Owner" shall mean the holder of title in fee simple and every mortgagee of record.

¹State law reference

Tennessee Code Annotated, title 13, chapter 21.

(5) "Parties in interest" shall mean all individuals, associations, corporations and others who have interests of record in a dwelling and any who are in possession thereof.

(6) "Place of public accommodation" means any building or structure in which goods are supplied or services performed, or in which the trade of the general public is solicited.

(7) "Public authority" shall mean any housing authority or any officer who is in charge of any department or branch of the government of the city or state relating to health, fire, building regulations, or other activities concerning structures in the city.

(8) "Public officer" shall mean the Mayor and Board of Commissioners for the City of Adams who are authorized by this chapter to exercise the powers prescribed herein and pursuant to *Tennessee Code Annotated*, §§ 13-21-101, *et seq.*

(9) "Structure" means any dwelling or place of public accommodation or vacant building or structure suitable as a dwelling or place of public accommodation. (Ord. #2008-01, Feb. 2008)

13-203. "Public officer" designated; powers. There is hereby designated and appointed a "public officer," to be the building official of the city, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the building official. (Ord. #2008-01, Feb. 2008)

13-204. Initiation of proceedings; hearings. Whenever a petition is filed with the public officer by a private authority or by at least five (5) residents of the city charging that any structure is unfit for human occupancy or use, or whenever it appears to the public officer that any structure is unfit for human occupation or use, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of, and parties in interest of, such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer (or his designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the service of the complaint, and the owner and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint; and the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer. (Ord. #2008-01, Feb. 2008, modified)

13-205. Orders to owners of unfit structures. If, after such notice and hearing as provided for in the preceding section, the public officer determines that the structure under consideration is unfit for human occupation or use, he shall state in writing his finding of fact in support of such

determination and shall issue and cause to be served upon the owner thereof an order:

(1) If the repair, alteration or improvement of the structure can be made at a reasonable cost in requiring the owner, within the time specified in the order, to repair, alter, or improve such structure to render it fit for human occupation or use or to vacate and close the structure for human occupation or use; or

(2) If the repair, alteration or improvement of said structure cannot be made at a reasonable cost in relation to the value of the structure (not to exceed fifty percent (50%) of the value of the premises), requiring the owner within the time specified in the order, to remove or demolish such structure. (Ord. #2008-01, Feb. 2008)

13-206. When public officer may repair, etc. If the owner fails to comply with the order to repair, alter, or improve or to vacate and close the structure as specified in the preceding section hereof, the public officer may cause such structure to be repaired, altered, or improved, or to be vacated and closed; and the public officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human occupation or use. The use or occupation of this building for human occupation or use is prohibited and unlawful." (Ord. #2008-01, Feb. 2008)

13-207. When public officer may remove or demolish. If the owner fails to comply with an order, as specified above, to remove or demolish the structure, the public officer may cause such structure to be removed and demolished. (Ord. #2008-01, Feb. 2008)

13-208. Lien for expenses; sale of salvaged materials: other powers not limited. The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer shall be assessed against the owner of the property, and shall upon the filing of the notice with the office of the Register of Deeds of Robertson County, be a lien on the property in favor of the municipality, second only to liens of the state, county, and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be collected by the municipal tax collector or county trustee at the same time and in the same manner as property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes. In addition, the city may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The city may bring one (1) action for debt against more

than one (1) or all of the owners of properties against whom said costs have been assessed and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a misjoinder of parties. If the structure is removed or demolished by the public officer, he shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the Chancery Court of Robertson County by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the person found to be entitled thereto by final order or decree of such court. Nothing in this section shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (Ord. #2008-01, Feb. 2008)

13-209. Basis for a finding of unfitness. The public officer defined herein shall have the power and may determine that a structure is unfit for human occupation or use if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants or users of such structure, the occupants or users of neighboring structures or other residents of the City of Adams. Such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation, disrepair; structural defects; or uncleanness. (Ord. #2008-01, Feb. 2008)

13-210. Service of complaints or orders. Complaints or orders issued by the public officer pursuant to this chapter shall be served upon persons, either personally or by registered mail, but if the whereabouts of such persons are unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper of general circulation in the county. In addition, a copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the Register of Deeds of Robertson County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (Ord. #2008-01, Feb. 2008, modified)

13-211. Enjoining enforcement of orders. Any person affected by an order issued by the public officer served pursuant to this chapter may file a bill in chancery court for an injunction restraining the public officer from carrying out the provisions of the order, and the court may, upon the filing of such suit, issue a temporary injunction restraining the public officer pending the final disposition of the cause; provided, however, that within sixty (60) days after the posting and service of the order of the public officer, such person shall file such

bill in the court. The remedy provided herein shall be the exclusive remedy and no person affected by an order of the public officer shall be entitled to recover any damages for action taken pursuant to any order of the public officer, or because of noncompliance by such person with any order of the public officer. (Ord. #2008-01, Feb. 2008)

13-212. Additional powers of the public officer. The public officer, in order to carry out and effectuate the purposes and provisions of this chapter, shall have the following powers in addition to those otherwise granted herein:

(1) To investigate conditions of the structures in the city in order to determine which structures therein are unfit for human occupation or use;

(2) To administer oaths, affirmations, examine witnesses and receive evidence;

(3) To enter upon the premises for the purpose of making examination, provided that such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession and in compliance with legal requirements for gaining entry;

(4) To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this chapter; and

(5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate. (Ord. #2008-01, Feb. 2008)

13-213. Powers conferred are supplemental. This chapter shall not be construed to abrogate or impair the powers of the city with regard to the enforcement of the provisions of its charter or any other ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by the charter and other laws. (Ord. #2008-01, Feb. 2008)

13-214. Structures unfit for human habitation or use deemed unlawful. It shall be unlawful for any owner of record to create, maintain or permit to be maintained in the city structures which are unfit for human occupation or use due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city. Violations of this section shall subject the offender to a penalty of fifty dollars (\$50.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (Ord. #2008-01, Feb. 2008)

CHAPTER 3**JUNKED MOTOR VEHICLES****SECTION**

- 13-301. Definitions.
- 13-302. Nuisance.
- 13-303. Notice to remove.
- 13-304. Appeal.
- 13-305. Violations and penalty.

13-301. Definitions. (1) "Abandoned vehicle" is such as defined in *Tennessee Code Annotated*, § 55-16-103.

(2) A "disabled or junked vehicle" means any motor vehicle, the condition of which is any one (1) or more of the following: damaged or defective in any one (1) or combination of the following ways to indicate that the vehicle cannot be safely operated upon the streets and highways under its own power:

- (a) Broken or cracked windshield;
- (b) Missing tires or missing or partially disassembled tires and wheels;
- (c) Missing or totally disassembled essential part or parts;
- (d) Extensive exterior body damage or missing or partially or totally disassembled exterior body parts essential to the reasonably safe operation of the motor vehicle, such as, but not limited to fenders, doors, engine hood, bumper or bumpers;
- (e) Missing or partially or totally disassembled interior parts essential to the reasonably safe operation of the motor vehicle, such as but not limited to, driver's seat, steering wheel, clutch, brake, gear shift lever or instrument panel;
- (f) Missing or partially or totally disassembled other parts essential to the starting of vehicle under its own power, such as, but not limited to, starter, generator, alternator, battery, distributor, gas tank, radiator, spark plugs, carburetor, fuel injection system;
- (g) The interior is a container for metal, glass, paper, rags, wood, machinery, parts, cloth or other waste or discarded materials in one or any combination of such materials in such quantity and arrangement that the vehicle cannot be reasonably or safely operated upon the streets and highways;
- (h) 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;
- (i) 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;

(j) Without registration plates; and/or

(k) With expired registration plates.

(3) "Motor vehicle," for all purposes hereunder, is defined as any vehicle which is self-propelled and any device in, upon, or by which any person or property is or may be transported from one location to another excepting devices moved only by human power.

(4) "Private property" means any real property within the city which is privately owned and which is not public property. (Ord. #2004-02, June 2004)

13-302. Nuisance. The location or presence of any junked motor vehicle on a lot, tract, or parcel of land, or portion thereof, or upon any property occupied or unoccupied, improved or unimproved, shall be deemed a public nuisance, and it shall be unlawful for any person or other legal entity to cause, maintain, or permit such public nuisance by wrecking, dismantling, rendering inoperable, abandoning or discarding a motor vehicle or vehicles upon the property or another, or to suffer, permit or allow the same to be placed, located, maintained, or to exist upon real property belonging to such party. (Ord. #2004-02, June 2004)

13-303. Notice to remove. Whenever any junked motor vehicle is found within the City of Adams in violation of this chapter, a duly authorized representative of the City of Adams shall cause the owner of the vehicle or the occupant of the premises on which the vehicle is located to be sent a letter ordering the removal of such vehicle within ten (10) days after receipt of such letter and it shall be unlawful for the person, or persons, upon whom said letter is sent to fail, neglect, or refuse to obey such order within the time prescribed therein. (Ord. #2004-02, June 2004)

13-304. Appeal. The owner of record who is aggrieved by the determination and order of the public officer may appeal the determination and order to the board of commissioners. The appeal shall be filed with the recorder within ten (10) days following the receipt of the notice issued pursuant to § 13-303. The failure to appeal within this time shall, without exception, constitute a waiver of the right to a hearing. (modified)

13-305. Violations and penalty. Upon the failure of the owner of the property upon which disabled or junked vehicles sit to remove within the designated time, the City of Adams will proceed with appropriate legal action. The property owner will pay any and all legal expenses incurred by the City of Adams in this action. (Ord. #2004-02, June 2004)