

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

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CHAPTER 1

MISCELLANEOUS

SECTION

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13-101. Smoke, soot, cinders, etc. It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust, or gases as to be detrimental to or to endanger the health, comfort, and safety of the public or so as to cause or have a tendency to cause injury or damage to property or business. (1988 Code, § 8-101, as replaced by Ord. #2017-04, March 2017 *Ch2_03-07-22*)

13-102. 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 effectively to prevent the breeding of mosquitoes. (1988 Code, § 8-102, as replaced by Ord. #2017-04, March 2017 *Ch2_03-07-22*)

¹Municipal code references
 Animal control: title 10.
 Littering streets, etc.: § 16-107.

13-103. Weeds, rubbish, junk, trash, furniture, appliances, attractive nuisances, etc. (1) It shall be unlawful for any person owning, leasing, occupying, or having control of property, regardless of whether property is a vacant lot or contains any forms of structure to permit growth upon such property of weeds, grass, brush, and all other rank or noxious vegetation to a height greater than six inches (6") when such growth is within two hundred feet (200') of an occupied residential property, seventy-five feet (75') of an occupied commercial property, or is within two hundred feet (200') of any street, thoroughfare, or highway. The failure to cut and/or destroy such weeds, grass, brush, and all other rank or noxious vegetation shall constitute a violation of this section.

It shall be unlawful for any such person or persons to permit poison ivy or other plants which are injurious or a menace due to pollination, to grow where they may cause injury or discomfort to any person, regardless of height, for such are hereby declared to be a public nuisance. The failure to destroy such poison ivy or other plants which are injurious due to pollination shall constitute a violation of this section.

(2) It shall also be unlawful for any person owning, leasing, occupying or having control of property, regardless of whether the property is a vacant lot or contains any form of structure, to permit the accumulation or occurrence upon such property any of the following items listed below in this chapter, to-wit:

(a) Junk, trash, litter, boxes, discarded lumber, salvage materials, or other similar materials in any front yard, side yard, rear yard, or vacant lot;

(b) Attractive nuisances dangerous to children, including but not limited to abandoned, broken, or neglected equipment, machinery, refrigerators and freezers, and excavations, wells or shafts; clothes dryers, bathroom or kitchen fixtures or similar objects, which are not designed for outdoor use, to be maintained or located on any porch, or in any front yard, side yard, rear yard or vacant lot, parking lot, driveway or public right-of-way;

(c) Any furniture or other household goods or equipment, including sofas, divans, recliners, refrigerators, washing machines, clothes dryers, bathroom or kitchen fixtures or similar objects, which are not designed for outdoor use, to be maintained or located in any front yard, side yard, rear yard or vacant lot, parking lot, driveway or public right-of-way;

(d) Shopping carts in any front, side or rear yard or vacant lot;

(e) Dead, decayed, diseased or hazardous trees, or any other vegetation, a majority of which is dangerous to the public health, safety and welfare, located in any front, side or rear yard or vacant lot;

(f) Graffiti or signs not in compliance with the zoning ordinance, on the exterior of any building, fence or other structure in any front yard, side yard, rear yard or vacant lot;

(g) Vehicle parts or other article of personal property which are discarded or left in a state of partial construction or repair in any front yard, side yard, rear yard or vacant lot;

(h) Utility trailers with any prohibited condition or item listed in these provisions or unmounted camper tops located in any front or side yard;

(i) Any accumulation of weeds, brambles, berry vines, or other vegetation which is overgrowing any structure, or any accumulation of junk, litter, trash, dead organic matter, debris, offal, rat harborages, stagnant water, combustible materials or vegetation, and similar materials or conditions constituting fire, health or safety hazards;

(j) Unkempt parking lot areas that may become hazardous to vehicles or pedestrians due to lack of proper maintenance in paving or filling of potholes;

(k) The location of any vehicle or trailer upon private or public property or right of way within the Town of Dresden solely for the purpose an advertising sign either painted upon said vehicle or location of a sign in or upon said vehicle and whether or not said vehicle is currently registered with the State of Tennessee. This prohibition shall not apply to any vehicle being regularly driven and operated.

(l) The accumulation of construction waste upon a residential lot in the Town of Dresden. The term "construction waste" shall mean materials from construction, demolition, remodeling, construction site preparation, including but not limited to rocks, trees, debris, dirt, bricks, fill, plaster, and all types of scrap building materials.

(m) 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.

(3) It shall be unlawful for any person owning, leasing, occupying, or having control of property to rake up, cut up, or pile up weeds, grass, brush, vegetation, dead or broken tree limbs, dead trees, or rubbish in any ditch or natural drain or at any place on the property which might obstruct the vision of the operators of vehicles and pedestrians and obstruct the flow of water or drainage.

(4) It shall be unlawful for any person owning, leasing, occupying, or having control of property to allow a property to dilapidation or state of filthiness or uncleanness of any dwelling or other structure which endangers health or life or which permits the breeding of flies and mosquitoes or the entrance of rats, mice or other rodents and vermin or leads to other dilapidation

of the property or structure. (1988 Code, § 8-103, as replaced by Ord. #2017-04, March 2017 **Ch2_03-07-22**)

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 therefore shall have been first duly issued by the building inspector, as provided for in the building code. (1988 Code, § 8-104, as replaced by Ord. #2017-04, March 2017 **Ch2_03-07-22**)

13-105. Notice. If the provisions of this section are not complied with, the city recorder shall give notice in writing to the owner, owner's agent, or occupant of such lot or parcel of land of said condition and require the cutting, removal, and/or destruction of said weeds, grass, brush, vegetation, and rubbish within fifteen (15) days of the date of said notice. A copy of said written notice will also be placed on the bulletin board inside of city hall. (1988 Code, § 8-105, as replaced by Ord. #2017-04, March 2017 **Ch2_03-07-22**)

13-106. Appeal. The owner, lessee, occupant, or person having control of such property who is aggrieved by the determination of the city and the notice issued under § 13-106 of this chapter shall be entitled to file a notice of appeal with the city recorder within five (5) business days of the date of said notice and petition review of the notice to the city court, with the city recorder to docket the same at the pleasure of the city court judge for hearing.

After hearing by the city court, a party that continues to be aggrieved by the outcome of the hearing in city court may file suit in chancery court for a review of the ruling of the city court within thirty (30) days of the ruling issuance by the city court. Otherwise, the decision shall be final. (1988 Code, § 8-106, as replaced by Ord. #2017-04, March 2017 **Ch2_03-07-22**)

13-107. Non-compliance; abatement at owner's expense; nonpayment. If the owner or other responsible party shall fail to remedy such conditions within the time prescribed therein, the city recorder shall certify such failure to the public works director who shall thereupon remedy the condition or conditions and abate the nuisance so certified by the city recorder or cause the same to be done by city personnel.

Upon completion of such work, the public works director shall determine the reasonable cost thereof plus fifteen percent (15%) for inspection and other incidental costs in connection therewith and bill the owner therefor.

Upon failure of the owner to remit to the Town of Dresden the amount of charge within sixty (60) days from the date of such notice a ten percent (10%) penalty shall be added and the total amount of the bill and the penalty shall be certified by the city recorder to the city attorney for the filing of a lien upon the

real property where the nuisance or violation occurred. The lien may be enforced by a suit in the chancery court as are other tax liens of the city.

The provisions of this section are not exclusive but are cumulative and in addition to the penalties and requirements of § 13-108 shall be in addition to the burden placed upon the owner of the property set out in the provisions of this chapter. (as added by Ord. #2017-04, March 2017 *Ch2_03-07-22*)

13-108. Penalties. Any person, firm or corporation violating the provisions of this chapter shall be guilty of a misdemeanor and subject to a civil penalty of up to fifty dollars (\$50.00) plus court costs per offense and each day's violation shall constitute a separate offense. The cost of cleanup of any property in violation of this section shall additionally be taxed as court cost and shall be lien upon the real estate along with the fines and court cost assessed hereunder. (as added by Ord. #2017-04, March 2017 *Ch2_03-07-22*)

CHAPTER 2**JUNKYARDS****SECTION**

13-201. Junkyards.

13-201. Junkyards.¹ All junkyards within the corporate limits shall be operated and maintained subject to the following regulations:

(1) All junk stored or kept in such yards shall be so kept that it will not catch and hold water in which mosquitoes may breed and so that it will not constitute a place, or places in which rats, mice, or other vermin may be harbored, reared, or propagated.

(2) All such junkyards shall be enclosed within close fitting plank or metal solid fences touching the ground on the bottom and being not less than six (6) feet in height, such fence to be built so that it will be impossible for stray cats and/or stray dogs to have access to such junkyards.

(3) Such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety. (1988 Code, § 8-501)

¹State law reference

The provisions of this section were taken substantially from the Bristol ordinance upheld by the Tennessee Court of Appeals as being a reasonable and valid exercise of the police power in the case of Hagaman v. Slaughter, 49 Tenn. App. 338, 354 S.W.2d 818 (1961).

CHAPTER 3

SLUM CLEARANCE¹

SECTION

- 13-301. Findings of board.
- 13-302. "Public officer" designated; powers.
- 13-303. Initiation of proceedings; hearings.
- 13-304. Orders to owners of unfit structures.
- 13-305. When public officer may repair, etc.
- 13-306. When public officer may remove or demolish.
- 13-307. Lien for expenses; sale of salvage materials, other powers not limited.
- 13-308. Basis for a finding of unfitness.
- 13-309. Service of complaints or orders.
- 13-310. Enjoining enforcement of order.
- 13-311. Additional powers of public officer.
- 13-312. Powers conferred are supplemental.

13-301. Findings of board. Pursuant to Tennessee Code Annotated, § 13-21-101, et seq., the board of mayor and aldermen finds that there exists in the city structures which are unfit for human occupation 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. (1988 Code, § 4-301, modified)

13-302. "Public officer" designated; powers. There is hereby designated and appointed a "public officer," to be the building inspector of the city, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the building inspector. (1988 Code, § 4-303)

13-303. Initiation of proceedings; hearings. Whenever a petition is filed with the public officer by a public 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 (on his own motion) 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

¹State law reference

Tennessee Code Annotated, title 13, chapter 21.

before the condemnation board with the mayor presiding 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 court of law or equity shall not be controlling in hearings before the condemnation board with the mayor presiding. (1988 Code, § 4-304, modified)

13-304. 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 occupancy 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 relation to the value of the structure (not exceeding fifty percent [50%] of the reasonable value), requiring the owner, during the time specified in the order, to repair, alter, or improve such structure to render it fit for human occupancy or use or to vacate and close the structure for human occupancy 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. (1988 Code, § 4-305)

13-305. 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 occupancy or use; the use or occupation of this building for human occupancy or use is prohibited and unlawful." (1988 Code, § 4-306)

13-306. 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. (1988 Code, § 4-307)

13-307. 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 a lien against the real property upon which such costs were

incurred. 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 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, provided, however, that 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 as otherwise may be provided by the charter or ordinances of the city. (1988 Code, § 4-308)

13-308. 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 and 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; 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; and uncleanness. (1988 Code, § 4-309)

13-309. 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 person is 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 printed and published in the city. In addition, a copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the register's office of Weakley County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (1988 Code, § 4-310)

13-310. Enjoining enforcement of order. Any person affected by an order issued by the public officer served pursuant to this chapter may file a suit 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 suit 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. (1988 Code, § 4-311)

13-311. Additional powers of 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 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;

(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. (1988 Code, § 4-312)

13-312. 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. (1988 Code, § 4-313)

CHAPTER 4

ABANDONED MOTOR VEHICLES ON PRIVATE PROPERTY

SECTION

- 13-401. Declaration of purpose of chapter.
- 13-402. Storage on private property restricted.
- 13-403. Removal required.
- 13-404. Notice to remove.
- 13-405. Refusal to remove.
- 13-406. Removal by the city.
- 13-407. Entry to remove; removal by owner.

13-401. Declaration of purpose of chapter. On enacting this chapter, the city board finds and declares that the accumulation and storage of abandoned, wrecked, junked, partially dismantled, or inoperative motor vehicles, on private property, which motor vehicles are in nature of rubbish and unsightly debris, violated, in many instances, the zoning regulations of the city and constitutes a nuisance detrimental to the health, safety, and welfare of the community in that such conditions tend to interfere with the enjoyment of and reduce the value of private property; invites plundering, creates fire hazards, and other safety and health hazards to minors as well as adults, interfere with the comfort and well being of the public and create, extend, and engravate urban blight, and that the public health, safety, and general welfare require that such conditions be regulated, abated, and prohibited. (Ord. #1999, March 1999)

13-402. Storage on private property restricted. It shall be unlawful to park, store, or leave, or to permit the parking or storing of any licensed or unlicensed motor vehicle of any kind, for a period in excess of thirty (30) days, when such vehicle is rusted, wrecked, junked partially dismantled, inoperative, or abandoned condition, whether attended or not, upon any private property within the city unless the same is completely enclosed within a building or unless it is in connection with a business enterprise operated in a lawful place and manner and licensed as such, when necessary to the operation of such business enterprise. (Ord. #1999, March 1999)

13-403. Removal required. The accumulation and storage of one or more such motor vehicles in violation of the provisions of this chapter shall constitute rubbish and debris and a nuisance detrimental to health, safety, and general welfare of the inhabitants of the city. It shall be the duty of the registered owner of such vehicle and it shall also be the duty of the person in charge or control of the private property upon which such motor vehicle is located, whether as owner, tenant, occupant, lessee, or otherwise, to remove the

same to a place of lawful storage, or to have the motor vehicle housed within a building where it will not be visible from the street. (Ord. #1999, March 1999)

13-404. Notice to remove. Whenever there is reasonable grounds to believe that a violation of the provisions of this chapter exists, the chief of police shall give, or cause to be given, written notice to the registered owner of any motor vehicle which is in violation of this chapter, or shall give such notice to the owner or person in lawful possession or control of the private property upon which such motor vehicle is located, or shall give such notice to both the registered owner and to the owner or person in lawful possession or control of such private property that said motor vehicle violates the provisions of this chapter, and demand that said motor vehicle be removed to a place of lawful storage within thirty (30) days, or that within thirty (30) days, the same be housed in a building where it will not be visible from the street. Service of such notice shall be by mail duly posted. (Ord. #1999, March 1999)

13-405. Refusal to remove. Any person who fails, neglects, or refuses to remove the abandoned, wrecked, junked, partially dismantled, or inoperative motor vehicle or house the same and abate said nuisance in accordance with the notice as provided herein, shall be in violation of the provisions of this chapter and shall be guilty of a misdemeanor. (Ord. #1999, March 1999)

13-406. Removal by the city. In addition to and not in lieu of any other procedure prescribed in this chapter or in this code for removal of abandoned motor vehicles from private property, if the registered owner of any motor vehicle which is in violation of this chapter or the owner or person in lawful possession or control of the private property upon which the same is located shall fail, neglect or refuse to remove or house such abandoned, wrecked, junked, partially dismantled, or inoperative motor vehicle in accordance with the notice given pursuant to the provisions of this chapter, the chief of police may remove and dispose of such motor vehicle in the manner provided for by Tennessee Code Annotated, title 16 chapter 55, particularly §§ 55-16-104, 55-16-105, and 55-16-106. He may thereafter maintain an action in the name of the city, in the appropriate court, against any person or persons upon whom notice was served as required by this chapter to recover the costs of removing and disposing of such motor vehicle in the event the proceeds of any sale thereof shall be insufficient to recover such costs. (Ord. #1999, March 1999)

13-407. Entry to remove; removal by owner. The chief of police, any regularly employed and salaried officer of the police department of the city, contracting agents of the City of Dresden, and employees of such contracting agents, and authorized officers, employees, and agents of the City of Dresden, and each of them, are hereby expressly authorized to enter upon private property for the purpose of enforcing the provisions of this chapter. It shall be

unlawful for any person to interfere with, hinder, or refuse to allow them to enter upon private property for such purpose and to remove any motor vehicle in accordance with the provisions of this chapter. Any person to whom notice was given pursuant to this chapter shall have the right to remove or house such motor vehicle in accordance with said notice at his own expense at any time prior to the arrival of the chief of police or his authorized representatives for the purpose of removal. (Ord. #1999, March 1999)

CHAPTER 5**OPEN BURNING¹****SECTION**

13-501. Permit required.

13-502. Penalty.

13-501. Permit required. No person shall be permitted to burn or attempt to burn or direct any other person or persons to burn or attempt to burn any materials of any type within the corporate limits of the City of Dresden without first obtaining a permit authorizing such from City Hall, Dresden, Tennessee, which shall specify what is to be burned; when, including date and time of day, such is to be burned; where such is to be burned; and, the name or names of the persons supervising the burning, subject to such permit being suspended or rescheduled if in the opinion of the fire chief, or his designee, that such burning would be unsafe for persons or property.

The City of Dresden Fire Chief, or his designee, shall have the authority to suspend all previously authorized burning. It shall be the responsibility of the person or persons to whom such permit may be granted to determine if such burning privileges in the City of Dresden has been suspended.

The Dresden Fire Chief, or his designee, shall have the authority to deny a permit, or if granted, to revoke such permit, if, in the opinion of the fire chief or his designee, such burning cannot safely be done.

Should the burning privileges be suspended, the fire chief, or his designee, will be authorized to consent to a later time and date, subject however to the same terms and conditions set forth herein. (Ord. #2001-02, March 2001)

13-502. Penalty. Any person who fails to obtain a permit authorizing burning as set forth in this chapter, or who violates the terms and conditions of such, shall be subject to a fine payable to the City of Dresden not exceeding fifty dollars (\$50.00) upon conviction. (Ord. #2001-02, March 2001)

¹Municipal code reference
Fire department: title 7.

CHAPTER 6**ENFORCEMENT, VIOLATIONS, AND PENALTIES****SECTION**

13-601. Enforcement, violations, and penalties.

13-601. Enforcement, violations, and penalties. The building inspector, code enforcement officers, public officer, or any law enforcement officer for the Town of Dresden shall be empowered to investigate and enforce the provisions of chapters 1 through 4 of this title by the issuance of a citation citing such person or persons violating any provision thereof into city court. In addition to any other action the city may take to enforce the provisions of chapters 1 through 4 of this title, such violation shall be punishable by a fine of up to fifty dollars (\$50.00) per offense and the assessment of court costs for each violation or such other general penalties of this municipal code of ordinances. (as added by Ord. #2013-10, June 2013)