

## TITLE 13

### PROPERTY MAINTENANCE REGULATIONS<sup>1</sup>

#### CHAPTER

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2. JUNKYARDS.

#### CHAPTER 1

#### MISCELLANEOUS

#### SECTION

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**13-101. Regulation of trailer parks, etc.** It shall be unlawful and a misdemeanor for any person to park, locate or occupy any trailer or portable building for the purposes of residing therein, on any street, lot, or parcel of land within the city outside of a duly permitted trailer camp as hereinafter provided:

(1) Any person desiring to install and operate a trailer camp within the City of Gatlinburg shall make application to the city manager for a permit for said trailer camp. Said application shall be accompanied by a sketch or plan drawn to scale showing the number and arrangement of trailer lots, roadways, water supply, water outlets, location and type of sewage, liquid and garbage disposal, and the location of the buildings for toilets, baths, laundries and other facilities. The city manager may issue a permit for the installation and

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<sup>1</sup>Municipal code references

Animal control: title 10.

Littering streets, etc.: § 16-107.

operation of said trailer camp if the application therefor meets the requirements of this section.

(2) No trailer camp shall be located in a known area of mosquito breeding and any trailer site shall be well drained to avoid pools of water. All trailer camps must be located in an industrial district zone according to the zoning ordinance of the city.

(3) The lot for each trailer shall be plainly staked off or marked, and each lot shall have an area of not less than eight hundred square feet. No two trailers shall be parked closer than ten feet of each other. At least a twenty-foot roadway shall be provided between each block of lots.

(4) An adequate supply of water under pressure, from a source and of a quality approved by the Tennessee Department of Health, shall be provided in all trailer camps. There shall be a water outlet within twenty-five (25) feet of each trailer lot and in each shower room, washroom, laundry room, sink and night waste container washing facility.

(5) Approved flush toilets connected to an approved sewer or an approved septic tank shall be provided in the ratio of one toilet seat for each sex, for each ten trailer lots or fraction thereof, plus at least one urinal for each men's public toilet room. A minimum of three persons is assumed for each trailer with the sexes assumed equal in number. When not in use, the sewer connection shall be covered with a fly-tight cap or screen.

(6) Public shower nozzles and lavatories shall be provided in the same ratio as toilet seats, and shall be supplied with an adequate quantity of hot water. Shower rooms shall be provided with two sets of slatted walkways.

(7) Liquid wastes from showers, sinks, hoppers, laundry rooms and lavatories shall be piped to an approved sewer.

(8) If cooking is done in any trailer which is not provided with a sewer connection and sink, a hopper, kitchen or laundry sink shall be provided within one hundred fifty feet of all such lots for the disposal of dishwater, and the hopper for the disposal of night wastes and the washings from night waste containers, shall be separate.

(9) If trailers do not have inside toilets which are connected to a sewer, a hopper for the disposal of night waste, which is connected to a sewer, shall be provided within one hundred fifty feet of all such trailer lots. Provisions for washing night waste containers shall also be provided and the wash water from these shall be conducted into an approved sewer or septic tank.

(10) A laundry room with adequate laundry trays, tubs or washing machines and adequate facilities for heating water shall be provided.

(11) A fly-tight metal can shall be provided by each trailer camp for each trailer lot.

(12) The camp shall be under the supervision of a caretaker who shall be responsible for the maintenance of physical equipment, for cleanliness of the grounds, surrounding toilets, showers, lavatories and laundry facilities, and for the general conduct of the camp operation. All contact surfaces (sinks, toilets

and showers) shall be washed daily, then disinfected with a two percent U.S.P. creosol solution, 200 P.P.M. chlorine solution or an equivalent disinfectant, and dried.

(13) A complete and permanent register shall be kept at the trailer camp, listing car license number and state, names, age and sex of occupants of each trailer, and dates of admission and departure from the camp. The city manager shall be notified immediately of communicable diseases in camp.

(14) The following definitions shall apply in the interpretation and the enforcement of this section:

(a) The term "portable building" shall mean any small, compact structure, similar to a trailer, intended for or capable of human habitation, mounted on skids or otherwise so constructed that it is capable of being readily moved from one location to another without change in structure or design except for foundation or method of support.

(b) The term "trailer" shall mean any structure intended for or capable of human habitation, mounted, or designed for mounting, upon wheels or capable of being mounted on wheels and of being driven, propelled or towed from place to place without change in structure or design, regardless of whether such structure is actually mounted on wheels or whether the same is placed on a temporary or permanent foundation; provided, that this definition shall not include transport trucks or vans equipped with sleeping space for the driver, and shall not include a structure or car used exclusively upon fixed tracks or rails.

(c) The term "trailer camp" shall mean any site, privately or publicly owned or operated, upon which two or more trailers, used for living, eating or sleeping quarters are, or are intended to be, located, whether operated for or without compensation. (1976 Code, § 8-404)

**13-102. 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. (1976 Code, § 8-405)

**13-103. Stagnant water.** It shall be unlawful for any person to knowingly 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. (1976 Code, § 8-406)

**13-104. Weeds.** 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 person to fail to comply with an order by the city manager, or chief of police to cut such vegetation when it has reached a height of over one (1) foot. (1976 Code, § 8-407)

**13-105. 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. (1976 Code, § 8-408)

**13-106. 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 or creation 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 in the vicinity. (1976 Code, § 8-409)

**13-107. Use of water from wells, etc. prohibited generally.**

(1) Every dwelling house, tenement, or other building must be supplied with city water, provided there is a water main in the front, rear, or on either side of such premises.

(2) It shall be unlawful for any person located on any premises where there is provided a water main in front, rear, or on either side of such premises, to use water from wells or springs if such premises are open to the general public, or the general public is invited upon said premises.

(3) It shall be hereafter unlawful for any person to dig wells upon any premises where there is a water main in front, rear, or on either side of such premises; provided, however, wells may be used for the purpose of being a source of supply for water-based heat pump systems, watering lawns, or agricultural uses but not for human consumption. All pipes carrying well water shall be color coded and marked 'non-potable water'. Said wells are in no way to be connected or cross-connected to the potable water system, unless isolated by the use of an approved air-gap system. Water obtained from any such well may not be discharged into the sanitary sewer system without approval of the City of Gatlinburg.

(4) The city manager of the City of Gatlinburg is hereby empowered and directed to have the Tennessee Department of Health inspect and examine all springs and wells which he has reason to believe are polluted, unhealthy, unsanitary and carrying in their waters the germs of infectious and contagious diseases, and also to make or have made an analysis of the waters thereof for the purpose of ascertaining their sanitary condition.

(5) If, as a result of such examination, inspection and analysis, as provided in paragraph 4 of this section, the city manager or the Tennessee Department of Health ascertains that any spring or well is unsanitary, unhealthy, and infected with the germs of contagious and infectious diseases, the city manager shall at once condemn such spring or well as a public nuisance, and shall post a notice on or near thereto stating that such source of water

supply has been condemned as unsanitary and dangerous to health, and shall at once serve written notice upon the owner of such well or spring, if he be a resident of the city, to abate such nuisance within ten (10) days by permanently closing such well or spring and so abating it as to render the taking of water therefrom impossible. If the owner thereof resides outside of the city, the said city manager shall give him such notice in writing as above provided by registered mail, and should the owner thereof be unknown and his identify cannot be established by diligent inquiry, a suitable notice shall be published for ten (10) days in a newspaper in the city, requiring the unknown owner of such spring or well to so close and obstruct such spring or well and abate such nuisance within ten (10) days from date of the last publication of such notice.

(6) If any owner of a spring or well shall fail to comply with a notice provided for in paragraph 5 of this section within ten (10) days from the receipt thereof by closing and obstructing same and abating such nuisance to the public health, he shall be guilty of a misdemeanor.

If any owner shall fail to close and obstruct such well or spring and abate such nuisance after the expiration of ten (10) days from the receipt of such aforesaid notice or the making of said publication for an unknown owner, it shall then be the duty of the chief of police upon the request of the city manager to abate, obstruct and close up such well or spring so as to prevent persons from obtaining and using water therefrom, and the cost and expense of closing shall be chargeable to the owner of such well or spring and shall be payable to the city on demand.

(7) The words "polluted", "unhealthy", "unsanitary", and "infected", as used in paragraph 4 to 6 of this section apply only and solely to the use of the waters in question for human consumption. Nothing in the provisions of paragraph 4 to 6 shall be held to prohibit their use for domestic or commercial uses.

(8) Every pool, pond, or other place within the limits of the city which shall be offensive or dangerous to health is hereby declared to be a public nuisance, and may be abated at the cost of the offender, unless renovated, cleansed, or purified within three days of notification from the city manager. (1976 Code, § 8-413)

**13-108. Weeds, trash, rubbish and refuse prohibited.** It shall be unlawful for any person owning, leasing, occupying, or having control of property in the city to permit or suffer weeds or other vegetation to grow and/or trash, rubbish, and refuse to accumulate on such property to such an extent that a nuisance is created injurious to the health and welfare of the inhabitants of the city. Weeds which have attained a height of twelve (12) inches or more shall be presumed to be a detriment to the public health and a public nuisance. The prohibition set out herein shall specifically include abandoned and non-operable automobiles if they present a health concern or are deemed to be a nuisance. (1976 Code, § 8-414, as replaced by Ord. #2299, Sept. 2003)

**13-109. Raking, piling of weeds and rubbish, placement.** In complying with the provisions of § 13-108, it shall be unlawful for any person owning, leasing, occupying, or having control of property in the city to rake up, cut up or pile said weeds, grass, brush, vegetation, dead or broken tree limbs, dead trees or rubbish or other trash into any ditch or natural drain or at any place on the property that might obstruct the vision of the operators of vehicles or pedestrians or obstruct the flow of water drainage. (1976 Code, § 8-415, as replaced by Ord. #2299, Sept. 2003)

**13-110. Notice.** Upon failure of any owner of property or person having control of same within the limits of the city to cut or have cut such obnoxious growths or weeds or other vegetation or to remove or have removed such accumulations of vegetation, trash, rubbish and refuse as described in § 13-108, it shall be the duty of the city manager, acting through his/her designated agent, to serve a notice on the owner, lessee, occupant or person having control of such property ordering said person or persons to cut or have cut such obnoxious weeds and/or to remove or have removed such accumulations of trash, rubbish or refuse within ten (10) days of the service of such notice. Such notice may be served by:

(1) Personally serving the same on the owner, lessee, occupant, or person having control of such property; or

(2) By mailing the same to the last known address of such owner, lessee, occupant, or person having control of such property by certified mail; or

(3) By posting the same on the property on which such condition or conditions exist. Service of notice by any of the above methods shall be due notice within the meaning of this chapter, provided however, that no owner not in actual possession shall be liable to the penalty imposed by § 13-113 unless there shall be personal service of such notice upon him, or such notice mailed to him by certified mail as aforesaid. (1976 Code, § 8-416, as replaced by Ord. #2299, Sept. 2003)

**13-111. Appeal.** The owner, lessee, occupant, or person having control of such property who is aggrieved by the determination and order of the city may appeal therefrom to the board of adjustment and appeals within five (5) days from the date of service of the notice. The board of adjustments and appeals is hereby designated as the appropriate board to hear such matters. Such appeal shall be taken by filing with the city manager, a notice of appeal stating in a brief and concise form the grounds therefore. The board shall hear and determine such appeal as promptly as practicable but within thirty (30) calendar days of the filing of the appeal and shall have the power to reverse or modify the order of the city manager. The decision of the board, together with the reasons therefore, shall be in writing and filed with the city manager as a public record. The order of the city manager may be reversed or modified only by the affirmative vote of a majority of the members of the board. Unless it is

made to appear that the order of the city is contrary to the provisions of this chapter or other law or ordinance or is arbitrary and constitutes an abuse of discretion, the board shall affirm the order of the city. An owner, agent, or occupant who fails, refuses or neglects to comply with the orders of the city if and as modified by the board shall be in violation of the provisions of this chapter. Any party aggrieved by the action of the board of adjustments and appeals may appeal the decision of the board as provided by law in cases of certiorari. (1976 Code, § 8-417, as replaced by Ord. #2299, Sept. 2003)

**13-112. Non-compliance; abatement at owner's expense; non-payment.** If the owner or other person described in § 13-110 shall fail to remedy such conditions within the time prescribed therein, the city manager 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 manager 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 director of finance 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 to the director of finance by the city manager and shall constitute a lien upon the property for which the expenditure is made, which lien shall 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 § 13-113 shall be in addition to the burden placed upon the owner of the property set out in the provisions of this section. (1976 Code, § 8-418, as replaced by Ord. #2299, Sept. 2003)

**13-113. 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 costs per offense and each day's violation shall constitute a separate offense. (1976 Code, § 8-419, as replaced by Ord. #2299, Sept. 2003)

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

## 13-201. Junkyards.

**13-201. Junkyards.**<sup>1</sup> 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. (1976 Code, § 8-410)

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<sup>1</sup>State 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).