

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

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CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Health officer.
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- 13-107. Overgrown and dirty lots.
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13-101. Health officer. The "health officer" shall be such city, county, or state officer as the city manager shall appoint or designate to administer and enforce health and sanitation regulations within the city. (1984 Code, § 8-101)

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. (1984 Code, § 8-105)

13-103. Stagnant water. It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property

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

without treating it so as effectively to prevent the breeding of mosquitoes. (1984 Code, § 8-106)

13-104. 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. (1984 Code, § 8-108)

13-105. 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 within the vicinity. When any order of the city manager to abate such nuisance is not promptly complied with the city manager may abate the nuisance and assess the costs thereof against the property. (1984 Code, § 8-109)

13-106. 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 city and unless a permit therefor shall have been first duly issued by the building official, as provided for in the building code. (1984 Code, § 8-104)

13-107. 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 Mount Pleasant 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 Maury 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 city 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.

13-108. Disposal of yard refuse. (1) Yard refuse shall be collected by the city in accordance with this section.

(2) "Yard refuse" shall mean organic materials that can be composted and shall be limited to yard and garden materials such as: grass; leaves; weeds; trees; tree limbs; flowers and vegetable garden waste. "Yard refuse" shall not include: dirt; rocks; stumps; or trees or tree limbs cut as a result of a commercial operation. Yard refuse shall not be combined with any other refuse or waste prior to being collected by the city.

(3) Yard refuse to be collected and disposed of by the city must be placed no more than ten (10) feet from the curbside unless a curb does not exist, then no more than ten (10) feet from the line where the street surface begins. The combined weight of any yard refuse container and its contents shall not exceed seventy-five (75) pounds.

(4) City collection is for residential brush only. Commercial landscape operations and/or commercial operations that cut trees are responsible for removing their own refuse, trees and tree limbs and disposing of same on their own.

(5) Any individual and/or entity violating the foregoing provisions of this section of the municipal code resulting in the city collecting dirt, rocks, stumps, trees or tree limbs cut as a result of a commercial operation shall be liable to the city for the full cost of such removal, any administrative expense incurred thereby, any attorney's fees and/or collection costs incurred in the event collection efforts are required, plus a fine not to exceed fifty dollars (\$50.00) for each and every violation and court costs. (Ord. #2002-824, May 2002)

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. (1984 Code, § 8-110)

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 CLEARANCE

SECTION

- 13-301. Findings of board.
- 13-302. Definitions.
- 13-303. "Public officer" designated; powers.
- 13-304. Initiation of proceedings; hearings.
- 13-305. Orders to owners of unfit dwellings.
- 13-306. When public officer may repair, etc.
- 13-307. When public officer may remove or demolish.
- 13-308. Lien for expenses; sale of salvaged materials; other powers not limited.
- 13-309. Basis for a finding of unfitness.
- 13-310. Service of complaints or orders.
- 13-311. Enjoining enforcement of order.
- 13-312. Additional powers of public officer.
- 13-313. Powers conferred are supplemental.

13-301. Findings of board. The board of commissioners finds that there exists in the city dwellings which are unfit for human habitation 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 insanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city and, therefore, ordains as follows. (1984 Code, § 4-601)

13-302. Definitions. (1) "Municipality" shall mean the City of Mount Pleasant, Tennessee, and the areas encompassed within existing city limits or as hereafter annexed.

(2) "Governing body" shall mean the board of mayor and commissioners charged with governing said city.

(3) "Public officer" shall mean the officer or officers who are authorized by this chapter to exercise the powers prescribed herein and pursuant to Tennessee Code Annotated, § 13-21-101, et seq.

(4) "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 dwellings in the city.

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

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

(7) "Dwelling" shall mean any building or structure, or part thereof, used and occupied for human habitation and intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. (1984 Code, § 4-602)

13-303. "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 said building inspector. (1984 Code, § 4-603)

13-304. 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 dwelling is unfit for human habitation, or whenever it appears to be the public officer (on his own motion) that any dwelling is unfit for human habitation, 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 dwelling 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 serving of said 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 public officer. (1984 Code, § 4-604)

13-305. Orders to owners of unfit dwellings. If, after such notice and hearing as provided for in the preceding section, the public officer determines that the dwelling under consideration is unfit for human habitation, 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 dwelling can be made at a reasonable cost in relation to the value of the dwelling (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 dwelling to render it fit for human habitation or to vacate and close the dwelling as a human habitation; or

(2) If the repair, alteration or improvement of said dwelling cannot be made at a reasonable cost in relation to the value of the dwelling (not to exceed fifty percent [50%] of the value of said premises), requiring the owner within the time specified in the order, to remove or demolish such dwelling. (1984 Code, § 4-605)

13-306. 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 dwelling as specified in the preceding section hereof, the public officer may cause such dwelling 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 habitation; the use or occupation of this building for human habitation is prohibited and unlawful." (1984 Code, § 4-606)

13-307. When public officer may remove or demolish. If the owner fails to comply with an order, as specified above, to remove or demolish the dwelling, the public officer may cause such dwelling to be removed and demolished. (1984 Code, § 4-607)

13-308. 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 dwelling is removed or demolished by the public officer, he shall sell the materials of such dwelling 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 Maury County, Tennessee, 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 of Mount Pleasant 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. (1984 Code, § 4-608)

13-309. Basis for a finding of unfitness. The public officer defined herein shall have the power and may determine that a dwelling is unfit for human habitation if he finds that conditions exist in such dwelling which are dangerous or injurious to the health, safety or morals of the occupants of such dwelling, the occupants of neighboring dwellings or other residents of the City of Mount Pleasant; 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. (1984 Code, § 4-609)

13-310. 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 Maury County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (1984 Code, § 4-610)

13-311. 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. (1984 Code, § 4-611)

13-312. 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 the dwelling conditions in the city in order to determine which dwellings therein are unfit for human habitation;

(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. (1984 Code, § 4-612)

13-313. 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. (1984 Code, § 4-613)

CHAPTER 4

JUNK VEHICLES ON PUBLIC STREETS, ETC.

SECTION

- 13-401. Declaration as public nuisance and abatement.
- 13-402. Civil infraction.
- 13-403. Definition.
- 13-404. Notice of violation and right of hearing.
- 13-405. Notice of hearing.
- 13-406. Disposition of junk vehicles and abatement of nuisance.
- 13-407. Penalties.

13-401. Declaration as public nuisance and abatement. The City of Mount Pleasant, Tennessee, through its governing body, finds that certain acts in regard to junk vehicles, or parts thereof, are public nuisances and hereby provides a procedure for the abatement and removal of such public nuisances from public streets and/or rights-of-ways. (Ord. #90-724, July 1990)

13-402. Civil infraction. Any person who discards, abandons, or places junk vehicles or parts thereof on any public street or right-of-way in the City of Mount Pleasant, Tennessee, or any owner, lessee or manager who knowingly permits junk vehicles or parts thereof to remain on public streets and/or right-of-ways under his control shall be deemed to have created a public nuisance and thereby committed a violation of this chapter, subject to the penalties contained herein. (Ord. #90-724, July 1990)

13-403. Definition. A "junk vehicle" for the purposes of this chapter shall be a vehicle that is apparently inoperable, in a visible state of repair, and which from appearance would not be economically practicable to repair. In determining whether a vehicle is a "junk vehicle" hereunder, the enforcement officer may consider but is not necessarily required to do so, the age of the vehicle, whether same is extensively damaged, including but not limited to, obvious damage, broken windows, missing wheels, tires, motors and/or transmissions, whether said vehicle has a valid current registration, and the potential value thereof. (Ord. #90-724, July 1990)

13-404. Notice of violation and right of hearing. Any police officer or the city building inspector, upon becoming aware thereof, or upon complaint of any citizen, shall provide notice by personal service or certified mail, return receipt requested, to the last registered owner of record of the subject vehicle, that said vehicle has been declared to be a "junk vehicle," that a hearing may be requested and that if no hearing is requested, that said vehicle should be

removed from the public street and/or right-of-way within __ days from the date of such notice. (Ord. #90-724, July 1990)

13-405. Notice of hearing. If a request for a hearing is received, notice giving the time, location and date of the hearing on the question of abatement and removal of the vehicle, or parts thereof, as a public nuisance shall be mailed by certified mail, return receipt requested, to the owner thereof requesting such hearing. At such hearing, if it is determined by the city building inspector that such vehicle and/or a portion thereof, does not constitute a public nuisance and/or that same is not in violation of this chapter, no further proceedings shall be required hereunder. On the other hand, if the city building inspector determines that said vehicle or any portion thereof constitutes a "junk vehicle," as defined herein, the owner thereof shall be permitted __ days within which to remove same, and in the absence of such removal, the owner thereof shall be subject to the penalties set forth herein. (Ord. #90-724, July 1990)

13-406. Disposition of junk vehicles and abatement of nuisance. After notice has been given of the intent of the City of Mount Pleasant to dispose of the vehicle and after a hearing, if requested, has been held, and the refusal or omission of the owner thereof to remove same, as provided herein, the vehicle or any part thereof shall be removed and impounded by the Mount Pleasant Police Department with notice thereof to the Tennessee Department of Safety that said vehicle has been impounded and will be disposed of through commercial channels of disposition as if the vehicle had been totaled. (Ord. #90-724, July 1990)

13-407. Penalties. In addition to the remedies provided above, any person violating this chapter shall be deemed to have committed a misdemeanor offense and shall be subject to a fine of fifty dollars (\$50.00) for each such offense, each day's subsequent violation of this chapter shall constitute a subsequent offense. (Ord. #90-724, July 1990)

CHAPTER 5

JUNK VEHICLES ON PRIVATE PROPERTY

SECTION

- 13-501. Declaration as public nuisance and abatement.
- 13-502. Civil infraction.
- 13-503. Definition.
- 13-504. Notice of violation and right of hearing.
- 13-505. Notice of hearing.
- 13-506. Immunity of land owner under certain circumstances.
- 13-507. Disposition of junk vehicles and abatement of nuisance.
- 13-508. Penalties.

13-501. Declaration as public nuisance and abatement. The City of Mount Pleasant, through its governing body, finds that certain acts in regard to junk vehicles, or parts thereof, are public nuisances and hereby provides a procedure for the abatement and removal of such public nuisances from private property. (Ord. #90-725, July 1990)

13-502. Civil infraction. Any person who discards, abandons, or places junk vehicles or parts thereof on private property, or any owner, lessee or manager who knowingly permits junk vehicles, or parts thereof, to remain on premises under his control, shall be deemed to have created a public nuisance and thereby committed a civil infraction, except the foregoing provision shall not apply to:

- (1) A vehicle or part thereof which is completely enclosed within a building in a lawful manner or where it is not otherwise visible from the street or other public or private property; or
- (2) A vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of an automobile graveyard, properly fenced. (Ord. #90-725, July 1990)

13-503. Definition. A "junk vehicle" for the purposes of this chapter shall be a vehicle that is apparently inoperable, in a visible state of disrepair, and which from appearance would not be economically practicable to repair. In determining whether a vehicle is a "junk vehicle" hereunder, the enforcement officer may consider but is not necessarily required to do so, the age of the vehicle, whether same is extensively damaged, including but not limited to, obvious damage, broken windows, missing wheels, tires, motors and/or transmissions, whether said vehicle has a valid current registration, and the potential value thereof. (Ord. #90-725, July 1990)

13-504. Notice of violation and right of hearing. Any police officer or the city building inspector, upon becoming aware thereof, or upon complaint of any citizen, shall provide notice by personal service or certified mail, return receipt requested, to the last registered owner of record of the subject vehicle, that said vehicle has been declared to be a "junk vehicle," that a hearing may be requested and that if no hearing is requested, that said vehicle should be removed from identified property within thirty (30) days from the date of such notice. (Ord. #90-725, July 1990)

13-505. Notice of hearing. If a request for a hearing is received, notice giving the time, location and date of the hearing on the question of abatement and removal of the vehicle, or parts thereof, as a public nuisance shall be mailed by certified mail, return receipt requested, to the owner of the land as shown on the last tax assessment role, and to the last registered and legal owner of record unless the vehicle is in such condition that identification numbers are not available to determine ownership. At such hearing, if it is determined by the city building inspector that such vehicle and/or a portion thereof, does not constitute a public nuisance and/or that same is not in violation of this chapter, no further proceedings shall be required hereunder. On the other hand, if the city building inspector determines that said vehicle or any portion thereof constitutes a "junk vehicle," as defined herein, the owner thereof shall be permitted thirty (30) days within which to remove same, and in the absence of such removal, the owner thereof shall be subject to the penalties set forth herein. (Ord. #90-725, July 1990)

13-506. Immunity of land owner under certain circumstances. The owner of the land on which the vehicle is located may appear in person at the hearing to present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his reasons for the denial. If it is determined at the hearing that the vehicle was placed on the land without the consent of the land owner and that he has not subsequently acquiesced in its presence, then the City of Mount Pleasant shall not assess costs of administration or removal of the vehicle against the property on which the vehicle is located, or otherwise attempt to collect the costs from the owner; provided, however, that the costs of removal may be assessed against the registered owner. (Ord. #90-725, July 1990)

13-507. Disposition of junk vehicles and abatement of nuisance. After notice has been given of the intent of the City of Mount Pleasant to dispose of the vehicle and after a hearing, if requested, has been held, and the refusal or omission of the owner thereof to remove same, as provided herein, the vehicle or any part thereof shall be removed and impounded by the Mount Pleasant Police Department with notice thereof to the Tennessee Department of Safety that said vehicle has been impounded and will be disposed of through

commercial channels of disposition as if the vehicle had been totaled. (Ord. #90-725, July 1990)

13-508. Penalties. In addition to the remedies provided above, any person violating this chapter shall be deemed to have committed a misdemeanor offense and shall be subject to a fine of fifty dollars (\$50.00) for each such offense, each day's subsequent violation of this chapter shall constitute a subsequent offense. (Ord. #90-725, July 1990)

CHAPTER 6

PROPERTY MAINTENANCE STANDARDS

SECTION

- 13-601. Littering generally.
- 13-602. Accumulation of rubbish.
- 13-603. Weeds and other vegetation.
- 13-604. Poisonous vegetation.
- 13-605. Traffic obstruction.
- 13-606. Violation.
- 13-607. Transfer of title.
- 13-608. Fine.
- 13-609. Supplemental provisions.

13-601. Littering generally. It is unlawful for any person to throw or deposit or permit to be deposited or scattered upon any sidewalk, alley, street, bridge or public passageway, or upon any private property, any waste, waste paper, cans or other materials, litter, garbage, trash or rubble of any kind or to allow these items to accumulate upon public property immediately adjacent to and abutting that person's private property and between the private property and the public streets or alleyways upon which the property fronts. It is the responsibility of all owners and occupants of private property to keep abutting rights-of-way free and clear of rubbish, trash, etc. It is further the responsibility of private property owners and occupants to keep the rights-of-way upon which the property fronts mowed and clear of weeds, tall grass, etc. (Ord. #2009-898, Oct. 2009)

13-602. Accumulation of rubbish. It is 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 upon the property of garbage, trash, rubbish or other refuse in any form or nature, other than as authorized for city pick-up and disposal. All such accumulations are declared to be a public nuisance. The failure to clean up and remove such rubbish is a violation of this chapter. (Ord. #2009-898, Oct. 2009)

13-603. Weeds and other vegetation. (1) It is unlawful for any person or other entity owning, leasing, occupying or having control of property in the city, regardless of whether the property is vacant or contains any form of structure, to permit the growth upon the property of weeds, grass, brush and all other rank or noxious vegetation to a height greater than twelve inches (12") when the growth is within two hundred feet (200') of other improved and/or occupied property or is within two hundred feet (200') of the right-of-way of any street, thoroughfare, or highway within the city.

(2) Excluded from these provisions are tracts of land of five (5) acres or larger in unplatted, undeveloped areas (i.e., not in a subdivision approved by the city planning commission, and the plat of which is recorded with the register of deeds, or in a subdivision developed prior to the creation of the planning commission, a plat of which is of record with the register of deeds) or tracts that are being used for current agricultural purposes. Property not exempt due to its size or the active practice of agriculture which is contiguous to parcel(s) of land that front on public streets or roadways, or contain any improvements shall be cleared of all weeds, tall grass and other noxious vegetation to within two hundred feet (200') of the property line of the developed property adjoining the subject tract and/or front property line adjoining the right-of-way of any street or roadway. Also excluded are natural wooded areas containing trees. As to these naturally wooded areas, the clearing requirements of this section extend only to the line of woods or trees adjoining developed (improved) property or public thoroughfares. (Ord. #2009-898, Oct. 2009)

13-604. Poisonous vegetation. It is also unlawful for any person or other entity to permit poison vines or plants injurious because of pollination or a menace to health, to grow in the city where they may cause injury or discomfort to any person, regardless of height, which plants are hereby declared to be a public nuisance. The failure to destroy poison vines or other such plants constitutes a violation of this chapter. (Ord. #2009-898, Oct. 2009)

13-605. Traffic obstruction. It is unlawful to plant, maintain, or allow any vegetation, shrubbery, hedge rows, etc., so near or upon public road rights-of-way as to obstruct the view of a person driving in the roadway or otherwise constitute a hazard to vehicular and/or pedestrian traffic. Failure of owners of property adjoining the rights-of-way or owners of property upon which the vegetation exists to trim or remove it is guilty of a violation of this chapter. (Ord. #2009-898, Oct. 2009)

13-606. Violation. The failure to cut and destroy weeds, grass, brush and all other rank or noxious vegetation not subject to the exclusions above constitutes a violation of this chapter and violators are subject to the general penalty provisions of this code. (Ord. #2009-898, Oct. 2009)

13-607. Transfer of title. It is unlawful to transfer title to property that has a notice of violation posted on it. (Ord. #2009-898, Oct. 2009)

13-608. Fine. Violators of this chapter shall be subject to a fifty dollar (\$50.00) fine plus the cost for remedial measure necessary to bring the property into compliance with city standards. The city's general penalty clause is a fifty dollar (\$50.00) fine for the violation of municipal ordinances. (Ord. #2009-898, Oct. 2009)

13-609. Supplemental provisions. The provisions of this chapter are supplemental to other regulations and provisions adopted by the city commission or allowed by state law. (Ord. #2009-898, Oct. 2009)