

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. JUNKYARDS.
3. ABANDONED, UNATTENDED, AND DISCARDED VEHICLES.

CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Smoke, soot, cinders, etc.
- 13-102. Stagnant water.
- 13-103. Weeds and grass.
- 13-104. Overgrown and dirty lots.
- 13-105. Dead animals.
- 13-106. Health and sanitation nuisances.
- 13-107. House trailers.
- 13-108. Violations and penalty.

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. (2007 Code, § 13-101)

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. (2007 Code, § 13-102)

13-103. 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 person to fail to comply with an order by the city manager or his designee to cut such vegetation when it has reached a height of over one foot (1'). (2007 Code, § 13-103)

¹Municipal code references
Animal control: title 10.

13-104. 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 accumulation 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 city manager, his designee, the police department or the codes enforcement officer shall be responsible for enforcement of this chapter and the provisions thereof.

(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 Soddy-Daisy 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 owners' 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 cost thereof shall be assessed against the owner of the property. Upon the filing of the notice with the office of the register of deeds of the county in which the property lies, 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) above 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) above 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 (4) 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 public officer or of the board of commissioners under this section may seek judicial review of the order or act. The time period established in subsection (4) 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 debris, trash, litter, or garbage or any combination of the preceding elements. (2007 Code, § 13-104)

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. (2007 Code, § 13-105)

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 within the vicinity. (2007 Code, § 13-106)

13-107. 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. (2007 Code, § 13-107)

13-108. Violations and penalty. Violations of this chapter shall be punished in accordance with the general penalty provision of this municipal code of ordinances, except that violations of § 13-104 shall be handled in accordance with the provisions of that section. (2007 Code, § 13-108)

CHAPTER 2

JUNKYARDS

SECTION

13-201. Standards.

13-201. Standards. The term "junkyard" shall mean any establishment or place of business which is maintained, used or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts and shall be maintained, used or operated 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 in which rats, mice, or other vermin may be harbored, reared, or propagated.

2. Any portion of the yard which borders a public street, highway or interstate shall be sheltered from public view by close fitting plank, solid metal or other fence material approved by the city manager or his designee. The same type fencing material shall be used where other portions of the yard are in direct view of residential dwellings in close proximity.

3. Those yards which have portions that are not in direct view of dwellings in close proximity may shelter those portions with trees, shrubs, vegetation or other natural barriers with the approval of the city manager or his designee.

4. In cases where the elevation of the street, highway or interstate is such that the portion of the yard bordering the street, highway or interstate cannot be sheltered from view with a close fitting plank, solid metal or other approved fence material, that portion of the yard may utilize the elevation itself as a natural barrier as stated in subsection (3) above.

5. All sheltering material must begin at ground level and extend to a height of not less than six feet (6'). All sheltering vegetation must begin at ground level and extend to a height of not less than four feet (4').

6. All junkyards within the corporate limits, including those in existence before the city incorporated, shall be operated and maintained subject to the regulations set forth in this chapter.

7. All such yards shall be maintained as to be in a sanitary condition and so as not to be a menace to the public health and safety. (2007 Code, § 13-201)

CHAPTER 3

ABANDONED, UNATTENDED, AND DISCARDED VEHICLES

SECTION

13-301. Definitions.

13-302. Abandoned or unattended vehicles prohibited.

13-303. Junked, etc., vehicles on street prohibited.

13-304. Junked, etc., vehicles on property restricted.

13-305. Removal of violations.

13-306. Violations and penalty.

13-301. Definitions. The following definitions shall apply in the interpretation and enforcement of this chapter.

(1) "Abandoned." Vehicles on property or public rights-of-way not bearing a current registration, having one (1) or more parts missing for normal operation, deflated tires or wheels removed for a ten (10) day period, presents a possible habitat for disease-bearing rodents.

(2) "Junked vehicle." Any vehicle as defined in this chapter with one (1) or more of the major components wrecked, inoperable, broken or missing, i.e. engine, transmission, tires or wheels, windows, exterior body parts for a period of over ten (10) days in any one (1) thirty (30) day period.

(3) "Property." Any real property within the city which is not a street or highway, or a public right-of-way.

(4) "Unattended vehicle." A vehicle on public property or public right-of-way that has not been moved for a period of forty-eight (48) hours.

(5) "Vehicle." A machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners, or slides, and transport persons or property, or pull machinery, and shall include, without limitation, automobile, truck, trailer, motorcycle, tractor, buggy and wagon. (2007 Code, § 15-701)

13-302. Abandoned or unattended vehicles prohibited. No person shall abandon or leave any vehicle within the city and for such time and under such circumstances as to cause such vehicle reasonably to appear abandoned or unattended. (2007 Code, § 15-702)

13-303. Junked, etc., vehicles on street prohibited. No person shall leave any junked vehicle on any street, alley, or highway within the city, or on any public right-of-way. (2007 Code, § 15-703)

13-304. Junked, etc., vehicles on property restricted. No person in charge or control of any property within the city, whether as owner, tenant, occupant, lessee, or otherwise, shall allow any junked or abandoned vehicle to

remain on such property longer than ten (10) days if visible from any street, alley, or highway within the city, or on any public right-of-way. (2007 Code, § 15-704)

13-305. Removal of violations. The chief of the police department, or any member of his department designated by him; or the public works director, or any member of his department designated by him; or the building inspector, are hereby authorized to remove or have removed, any vehicle left at any place within the city, which reasonably appears to be in violation of this chapter, or is lost, stolen, or unclaimed. The removal may take place when a "notice of violation" sticker or tag has been attached to an abandoned or unattended vehicle for a period of forty-eight (48) hours. Said "notice of violation" shall state that vehicle may be impounded or towed if the vehicle is not removed within a forty-eight (48) hour period. Such impounded or towed vehicle shall be at the cost of the owner, until lawfully claimed, or disposed of in accordance with the provisions of § 15-705. (2007 Code, § 15-705)

13-306. Violations and penalty. Any person violating any of the provisions of this chapter, shall be punishable by penalty of not more than fifty dollars (\$50.00) and costs for each separate violation. (2007 Code, § 15-706, modified)