

## TITLE 13

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

#### CHAPTER

1. MISCELLANEOUS.
2. JUNKYARDS.
3. ABANDONED AND DISCARDED VEHICLES.
4. ENFORCEMENT.

#### CHAPTER 1

#### MISCELLANEOUS

#### SECTION

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

**13-101. Health officer.** The "health officer" shall be such city, county, or state officer as the board of mayor and aldermen shall appoint or designate to administer and enforce health and sanitation regulations within the city. (1979 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. (1979 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 without treating it so as effectively to prevent the breeding of mosquitoes. (1979 Code, § 8-106)

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<sup>1</sup>Municipal code references

Animal control: title 10.

Littering streets, etc.: § 16-107.

**13-104. Overgrown and dirty lots.** (1) Prohibition. 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) General requirements. Weeds and other similar regulated vegetation which has attained the height of twelve inches (12") or more shall be presumed to be detrimental to the public health and therefore a public nuisance. Such vegetation shall be controlled on property as set forth below:

(a) The entire area of any lot, parcel or tract containing two (2) acres or less.

(b) The entire area of any right-of-way between any lot, parcel or tract and the pavement of a public street. No weeds or other growth shall be permitted on corner lots which may cause a reduction in traffic visibility at intersections.

(c) Within twenty-five feet (25') on any building on any lot, parcel, or tract containing more than two (2) acres.

(d) Within twenty-five feet (25') of an adjacent property line at the request of the owner, regardless of acreage.

(e) Two (2) or more contiguous lots shall be treated as one (1) lot by this section.

(i) Nothing in this chapter shall preclude the use of a parcel for agricultural purposes such as gardens, compost piles, orchards, vineyards, silage, or specific domesticated plants, which normally tend to exceed twelve inches (12"). In addition, nothing herein shall preclude the use of a parcel as a natural wooded area or the maintenance of natural screening provided that the health, safety, and welfare not be impaired.

(ii) Nothing in this section shall prevent the open storage of items of inventory within a fenced area of any commercial or industrial activity such as lumber in a lumberyard, unless otherwise limited; nor shall this section prevent the open storage of building materials on an active construction site. Firewood stacked in an orderly manner shall not be considered a violation of this chapter provided it does not constitute a fire or health hazard. (1979 Code, § 8-107, as replaced by Ord. #01-12, June 2001, and amended by Ord. #02-26, Oct. 2002, Ord. #13-08, Oct. 2013, Ord. #15-26, Dec. 2015, and Ord. #22-16, Dec. 2022 ***Ch20\_08-17-23***)

**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. (1979 Code, § 8-108)

**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. (1979 Code, § 8-109)

**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. (1979 Code, § 8-104)

**13-108. 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 representative chosen by the mayor or administrator to cut such vegetation when it has reached a height of twelve (12) inches. (as added by Ord. #02-26, Oct. 2002)

**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. (1979 Code, § 8-110)

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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).

## CHAPTER 3

### ABANDONED AND DISCARDED VEHICLES

#### SECTION

13-301. Definitions.

13-302. Abandoning prohibited.

13-303. Leaving nonoperating junked vehicle on street prohibited.

13-304. Location or presence of inoperative, or abandoned vehicles, or unlicensed vehicles within city deemed public nuisance; exceptions.

13-305. Deleted.

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

(1) "Abandoned vehicle" shall mean any vehicle or part thereof which is left unattended on public or private property for more than thirty (30) days, or a vehicle that has remained illegally on public property for a period of more than forty-eight (48) hours, or a vehicle that has remained on private property without the consent of the owner or person in control of the property for more than forty-eight (48) hours.

(2) Inoperable or inoperative as applied to vehicles, shall mean any vehicle that is not roadworthy if designed to be driven on public streets; or any vehicle that cannot be moved under its own power if designed to be moved under its own power, or a vehicle designed to be towed or hauled that is not safe and roadworthy for a towing or hauling, or vehicle parts that are not assembled so as to comprise a complete vehicle. Conditions that would render a vehicle not roadworthy would include damage or disrepair of such that it cannot be moved, steered, and stopped as designed, or a condition of the vehicle such that it cannot be operated in compliance with applicable traffic laws. Vehicle damage that is of a purely aesthetic nature would not, apart from other conditions, constitute an inoperable vehicle.

(3) "Property" shall mean any property within the city which is not a street highway or public right-of-way.

(4) "Vehicle" shall mean 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 person or property or pull machinery, and shall include, without limitation, automobiles, trucks, trailers, motorcycles, tractors, and wagons.

(5) Unlicensed, as applied to vehicles, shall mean a vehicle with expired license plates or a vehicle without other lawfully required registration that is currently valid. (As added by Ord. #00-20, Sept. 2000, and amended by Ord. #02-25, Oct. 2002)

**13-302. Abandoning prohibited.** No person shall abandon any vehicle within the city, and no person shall leave any vehicle at any place within the city, for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned. (As added by Ord. #00-20, Sept. 2000)

**13-303. Leaving nonoperating junked vehicle on street prohibited.** No person shall leave any partially dismantled, nonoperating, wrecked, or junked vehicle on any street, alley or highway within the city, or on any public right-of-way. (As added by Ord. #00-20, Sept. 2000)

**13-304. Location or presence of inoperative, or abandoned vehicles, or unlicensed vehicles within city deemed public nuisance; exceptions.** The location or presence of any inoperable, or abandoned, or unlicensed vehicles on any lot, tract, parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, within the City of White House shall be deemed a public nuisance and it shall be unlawful for any person or persons to cause or maintain such public nuisance by wrecking, dismantling, rendering inoperable, abandoning their vehicle or vehicles on the property of another or to suffer, permit or allow the same to be placed, located, maintained or exist upon their own real property; provided that this section shall not apply to subsections (1), (2), (3).

(1) A vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property;

(2) A vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or other business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise;

(3) A vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the city or other governmental authority. (As added by Ord. #00-20, Sept. 2000, and amended by Ord. #01-12, June 2001, and Ord. #02-25, Oct. 2002)

**13-305. Deleted.** (as added by Ord. #02-25, Oct. 2002, and deleted by Ord. #22-16, Dec. 2022 *Ch20\_08-17-23*)

## CHAPTER 4

### ENFORCEMENT

#### SECTION

13-401. Designation of public officer or department.

13-402. Notice to property owner.

13-403. Issuance of citation.

13-404. Failure to appear.

13-405. Failure to comply.

**13-401. Designation of public officer or department.** The mayor or administrator shall designate an appropriate department or person to enforce the provisions of this section. (as added by Ord. #22-16, Dec. 2022 *Ch20\_08-17-23*)

**13-402. Notice to property owner.** It shall be the duty of the department or person so designated to enforce this section to serve notice upon the owner of record in violation of title 13, a notice in plain language to remedy the condition within five (5) days excluding Saturdays, Sundays, and legal holidays. The notice shall state the date of violation, the violation to be remedied and the date the violation must be remedied. The notice shall include a copy of chapter 4, Enforcement. The notice shall be sent by registered or certified United States Mail, addressed to the last known address of the owner of record. When an attempt at notification by United States mail fails or no valid last known address exists for the owner of record, the municipality may publish the notice in a newspaper of general circulation in the county where the property sits for no less than two (2) consecutive issues or personally deliver the notice to the owner of record. For purposes of this section, such publication shall constitute receipt of notice effective on the date of the second publication of the notice and personal delivery shall constitute receipt of notice immediately upon delivery. (as added by Ord. #22-16, Dec. 2022 *Ch20\_08-17-23*)

**13-403. Issuance of citation.** The designated public officer or department shall issue a citation to appear before the judge of the White House Municipal Court upon failure to remedy the property maintenance regulation within the required time in § 13-402. (as added by Ord. #22-16, Dec. 2022 *Ch20\_08-17-23*)

**13-404. Failure to appear.** If the cited property owner fails to appear before the White House Municipal Court at the time, date, and location as indicated on the citation the judge may cause fine and other sanctions as allowed by law. (as added by Ord. #22-16, Dec. 2022 *Ch20\_08-17-23*)

**13-405. Failure to comply.** If the property owner does not remedy the violation as required in the notice of violation, fails to appear per § 13-404, or fails to comply with a court order the city may take action to remedy the violation at the expense of the owner. 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. (as added by Ord. #22-16, Dec. 2022 *Ch20\_08-17-23*)