

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. SLUM CLEARANCE.
3. JUNKYARDS.
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CHAPTER 1

MISCELLANEOUS

SECTION

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13-101. Health officer. The "health officer" shall be such municipal, county, or state officer as the mayor shall appoint or designate to administer and enforce health and sanitation regulations within the town. (1973 Code, § 8-801)

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. (1973 Code, § 8-805)

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

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

without treating it so as to effectively prevent the breeding of mosquitoes. (1973 Code, § 8-806)

13-104. Overgrown and dirty lots.¹ Nuisance declared. It is declared to be a nuisance for any owner of record of real property to create, maintain, or permit to be maintained on such property the growth of trees, refuse, rubbish, abandoned or derelict automobiles, tires, or other vehicles, junk, discarded equipment, furniture or materials, grass, bushes or leaves, and/or the accumulation of debris, trash, litter, or garbage or any combination of the preceding elements so as to endanger the health, safety, welfare of other citizens or to encourage the infestation of rats and other harmful animals. No new or used tires shall be stored outside of a building overnight, unless stored inside a proper disposal container. (Ord. #78, July 1991, as replaced by Ord. #512, Sept. 2018 **Ch12_6-11-19**)

13-105. 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 clerk or chief of police to cut such vegetation when it has reached a height of over one (1) foot. (1973 Code, § 8-807)

13-106. 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. (1973 Code, § 8-808)

13-107. 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. (1973 Code, § 8-809)

¹Municipal code reference

Section 13-103 applies to cases where the city wishes to prosecute the offender in city court. Section 13-104 can be used when the city seeks to clean up the lot at the owner's expense and place a lien against the property for the cost of the clean-up but not to prosecute the owner in city court.

This title, chapter 2.

13-108. Stream pollution. The placing, or permitting to be placed, in any creek, branch, or natural water course within the corporate limits of Ashland City, Tennessee, by any person or persons, of any trash, refuse, garbage, cans, bottles, sticks, tree limbs, timbers of any kind, or any other articles or materials, except as hereinafter specifically noted and set forth, is hereby prohibited and declared to be unlawful and a misdemeanor.

The only exceptions to the foregoing provisions of this section shall be as follows: It shall be permissible to erect or construct suitable and proper water gates, sewerage pipe lines, culverts of sufficient size to carry the water in such creeks, branches and natural water courses, subject to the approval of the mayor. (1973 Code, § 8-804)

13-109. Food service sanitation ordinance adopted by reference. (1) The definitions; the inspection of food-service establishments; the issuance, suspension, and revocation of permits to operate food-service establishments; the prohibiting of the sale of adulterated or misbranded food or drink; and the enforcement of food service sanitation regulations shall be regulated in accordance with the unabridged form of the 1962 edition of the United States Public Health Service Food Service Sanitation Ordinance and Code,¹ three copies of which are on file in the office of the city clerk; provided, that the words "municipality of _____" if in said unabridged form shall be understood to refer to the Town of Ashland City, Tennessee; provided further, that in said ordinance all parenthetical phrases referring to grading and subsection H. 2. e. shall be understood to be deleted; and provided further, that subsections H. 7. and H. 8. shall be replaced respectively by subsections (2) and (3) below.

(2) Any person who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than fifty dollars (\$50.00). In addition thereto, such persons may be enjoined from continuing such violations. Each day upon which such a violation occurs constitutes a separate violation.

(3) This ordinance shall be in full force and effect from and after its adoption as provided by law and all ordinances and parts of ordinances in conflict with this ordinance are hereby repealed. (1973 Code, § 8-813)

¹This ordinance and the code are contained in Public Health Service Publication No. 934 which is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., 20402. Price 55 cents.

CHAPTER 2

SLUM CLEARANCE¹

SECTION

- 13-201. Findings of board.
- 13-202. Definitions.
- 13-203. "Public officer" designated; powers.
- 13-204. Initiation of proceedings; hearings.
- 13-205. Orders to owners of unfit structures.
- 13-206. When public officer may repair, etc.
- 13-207. When public officer may remove or demolish.
- 13-208. Lien for expenses; sale of salvage materials, other powers not limited.
- 13-209. Basis for a finding of unfitness.
- 13-210. Service of complaints or orders.
- 13-211. Enjoining enforcement of order.
- 13-212. Additional powers of public officer.
- 13-213. Powers conferred are supplemental.
- 13-214. Unsafe building code.
- 13-215. Violations.

13-201. Findings of board. Pursuant to Tennessee Code Annotated, § 13-21-101, et seq., the city council finds that there exists in the town 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 insanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the town.

13-202. Definitions. (1) "Municipality" shall mean the Town of Ashland City, Tennessee, and the areas encompassed within existing town limits or as hereafter annexed.

(2) "Governing body" shall mean the city council charged with governing the town.

(3) "Public officer" shall mean the mayor or the person appointed and designated by the mayor to administer and enforce the provisions 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 town or

¹State law reference

Tennessee Code Annotated, title 13, chapter 21.

state relating to health, fire, building regulations, or other activities concerning structures in the town.

(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 others who have interests of record in a dwelling and any who are in possession thereof.

(7) "Structures" shall mean any building or structure, or part thereof, used for human occupation and intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. (Ord. #77, July 1991, modified)

13-203. "Public officer" designated; powers. There is hereby designated and appointed a "public officer," to be the mayor of the town, or the person appointed and designated by the mayor, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the mayor. (Ord. #77, July 1991, modified)

13-204. 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 town 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 occupancy 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 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 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 public officer.

13-205. 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.

13-206. 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."

13-207. 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.

13-208. 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, upon the filing of the notice with the office of the register of deeds of Cheatham County, 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 collected by the municipal tax collector or county trustee 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. 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 of Cheatham County by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court provided, however, that nothing in this section shall be construed to impair or limit in any way the power of the Town of Ashland City to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise.

13-209. 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 Town of Ashland 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.

13-210. 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 town. 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 Cheatham County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law.

13-211. 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.

13-212. 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 town 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.

13-213. Powers conferred are supplemental. This chapter shall not be construed to abrogate or impair the powers of the town 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.

13-214. Unsafe building code. This chapter may also be referred to as the Unsafe Building Code. (Ord. #77, July 1991)

13-215. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of this chapter. (Ord. #77, July 1991, modified)

CHAPTER 3

JUNKYARDS

SECTION

13-301. Junkyards.

13-301. 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. (1973 Code, § 8-811)

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 4

ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE VEHICLES

SECTION

- 13-401. Definitions.
- 13-402. Storing, parking or leaving dismantled or other such motor vehicle prohibited and declared nuisance.
- 13-403. Notice to remove.
- 13-404. Responsibility for removal.
- 13-405. Notice procedure.
- 13-406. Content of notice.
- 13-407. Request for hearing.
- 13-408. Procedure for hearing.
- 13-409. Removal of motor vehicle from property.
- 13-410. Notice of removal.
- 13-411. Disposition of vehicles.
- 13-412. Storage of vehicles.
- 13-413. Redemption of impounded vehicles.
- 13-414. Penalty.

13-401. Definitions. For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(1) "Town" is the Town of Ashland City, Tennessee.

(2) "City administrator" is the city administrator of the Town of Ashland City, Tennessee.

(3) "Motor vehicle" is any mobile machine that transports people or cargo, which is self-propelled and designed to travel along the ground or the water and shall include, but not be limited to, automobiles, buses, motorbikes, motorcycles, motor scooters, trucks, tractors, riding lawn mowers, go-carts, campers, trailers, golf carts, and boats.

(4) "Junked motor vehicle" is any motor vehicle, as defined by § 13-401(3), which does not have lawfully affixed thereto an unexpired license plate or the condition of which is wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded, or constitutes a public nuisance and/or affecting the health and safety of the community as a whole.

(5) "Person" shall mean any person, firm, partnership, association, corporation, company, or organization of any kind.

(6) "Private property" shall mean any real property within the city, which is privately owned and which is not public property as defined in the section.

(7) "Public property" shall mean any street or highway which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel, and shall also mean any other publicly owned property or facility.

(8) Failure to have lawfully affixed thereto an unexpired license plate as required in the State of Tennessee shall constitute a rebuttable presumption of a junked motor vehicle and be determined by the city judge in the event of a hearing. (as added by Ord. #229, May 2001, and amended by Ord. #475, July 2017 *Ch12_6-11-19*)

13-402. Storing, parking or leaving dismantled or other such motor vehicle prohibited and declared nuisance. No person shall park, store, leave, or permit the parking storing, or leaving of any motor vehicle of any kind which is in an abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled condition, whether attended or not, upon any public or private property within the city for a period of time in excess of seventy-two (72) hours. The presence of an abandoned, wrecked, dismantled, inoperative, rusted, junked or public partially dismantled vehicle, or parts thereof, on private or public property is hereby declared a public nuisance, which may be abated as such in accordance with the provisions of this chapter. This section not apply to any vehicle enclosed within a building on private property or to any vehicle held in connection with a business enterprise, lawfully licensed by the city and properly operated in appropriate business zone, pursuant to the zoning laws of the city. (as added by Ord. #229, May 2001)

13-403. Notice to remove. Whenever it comes to the attention of the city administrator or designee, upon complaint made to the city or upon the carrying out of the function of the office of city administrator, designee or departments of government thereunder, that any nuisance, as defined in § 13-401, exists in the Town of Ashland City, Tennessee a notice in writing shall be served upon the occupant of the land where the nuisance exists, or in the case there is not such occupant, then upon the owner of the property or his agent, notifying them of the existence of the nuisance and requesting its removal in the time specified in this chapter. (as added by Ord. #229, May 2001)

13-404. Responsibility for removal. Upon proper notice and opportunity to be heard, the owner of the abandoned, wrecked, dismantled, or inoperative vehicle and the owner or occupant of the private property on which the same is located, either or all of them, shall be responsible for its removal. In the event of removal and disposition by the city, the owner or occupant of the private

property where the same is located, shall be liable for the expenses incurred. (as added by Ord. #229, May 2001)

13-405. Notice procedure. The city administrator or designee shall give notice of removal to the owner or occupant of the private property where it is located at least thirty (30) days before the time of compliance. It shall constitute sufficient notice when a copy of same is posted in a conspicuous place upon the private property on which the vehicle is located and duplicate copies are sent by certified mail to the owner or occupant of the private property at his last known address, return receipt requested. (as added by Ord. #229, May 2001)

13-406. Content of notice. The notice shall contain the request for removal and/or abatement of the violation hereof within the time specified in this chapter, and the notice shall advise that upon failure to comply with the notice to remove, the city or its designee shall undertake such removal with the cost of removal to be levied against the owner or occupant of the property. (as added by Ord. #229, May 2001)

13-407. Request for hearing. The person or persons to whom the notices are directed, or their duly authorized agents, may file a written request for a hearing before the city judge of the Town of Ashland City or its designee within the thirty (30) day period of compliance prescribed in § 13-405, for the purpose of defending the charges by the city. (as added by Ord. #229, May 2001)

13-408. Procedure for hearing. The hearing shall be held as soon as practicable after the filing of the request and the person(s) to whom the notices are directed shall be advised of the time and place of said hearing at least fifteen (15) days in advance thereof. At any such hearing, the city and the person(s) to whom the notices have been directed may introduce such witnesses and evidence as either party deems necessary. (as added by Ord. #229, May 2001)

13-409. Removal of motor vehicle from property. If the violation described in the notice has not been remedied within the thirty (30) day period of compliance, or in the event that a notice requesting a hearing is timely filed, a hearing is had and if the existence of the violation is affirmed by the judge of the Town of Ashland City from its designee, the city administrator or designee shall have the right to take possession of the junked motor vehicle and remove it from the premises. It shall be unlawful for any person to interfere with, hinder, or refuse to allow such person or persons to enter upon private property for the purpose of removing a vehicle under the provisions of this chapter and in no manner shall be deemed to be a trespass or unauthorized entry upon land. (as added by Ord. #229, May 2001)

13-410. Notice of removal. Within forty-eight (48) hours of the removal of such vehicle, the city administrator shall give notice to the registered owner of the vehicle, if known, and also to the owner or occupant of the private property from which the vehicle was removed, that said vehicle, or vehicles, have been impounded and stored for violation of this chapter. This notice shall give the location of where the vehicle, or vehicles, is stored and the costs incurred by the city for removal, including court costs for hearing, if any. (as added by Ord. #229, May 2001)

13-411. Disposition of vehicles. Upon removing a vehicle, the city administrator or designee shall sell the abandoned motor vehicle at a public auction not earlier than ten (10) days after its removal. The purchaser of the motor vehicle shall take title to the motor vehicle free and clear from the city administrator or designee and, upon presentation of such sales receipt, shall be entitled to receive certificate of title from the Department of Revenue of the State of Tennessee. The proceeds of the sale of an abandoned motor vehicle shall be used for payment of the expenses of the auction, the cost of towing, preserving, and storing the abandoned motor vehicle and all notice and publication costs, together with any other costs associated with the process. Any remainder from proceeds of a sale shall be held for the owner of the vehicle or any entitled lien holder for a period of sixty (60) days and, if not claimed, shall be deposited in the general fund of the city. Should the sale of any vehicle for any reason be invalid, the city's liability shall be to the return of the purchase price. (as added by Ord. #229, May 2001)

13-412. Storage of vehicles. The city, through its agents, employees, and servants, may utilize municipal property for the storage of impounded vehicles, and in such event shall be entitled to storage costs not to exceed ten dollars (\$10.00) per day for enforcement as set forth herein. (as added by Ord. #229, May 2001)

13-413. Redemption of impounded vehicle. The owner of any vehicle seized under the provisions of this chapter may redeem such vehicle at any time after its removal, but prior to the sale or destruction thereof, upon proof of ownership and payment to the Town of Ashland City of any and all expenses incurred by the Town of Ashland City in connection with the enforcement of this chapter as determined by the city administrator or designee, as set forth herein. (as added by Ord. #229, May 2001)

13-414. Penalty. Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than fifty dollars (\$50.00), or up to the maximum amount which the Legislature of the State of Tennessee may hereafter establish that municipal courts may levy as a fine. Each act in violation of any of the

provisions hereof shall be deemed a separate offense and each day such violation continues shall constitute a separate offense. Failure to pay any unpaid costs incidental to the enforcement of this chapter shall be filed as a lien in the office of the Register of Deeds in Cheatham County, Tennessee. (as added by Ord. #229, May 2001)