

## TITLE 13

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

#### CHAPTER

1. MISCELLANEOUS.
2. JUNKYARDS.
3. DISPOSAL OF WRECKED, JUNKED, OR ABANDONED VEHICLES.
4. SUBSTANDARD BUILDINGS--VACATION, REMOVAL, DEMOLITION AND REPAIR.

#### CHAPTER 1

#### MISCELLANEOUS

#### SECTION

- 13-101. Health officer.
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- 13-103. Stagnant water.
- 13-104. Weeds.
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- 13-106. Health and sanitation nuisances.

**13-101. Health officer.** The "health officer" of the Town of Atwood shall be such municipal, county, state or privately contracted officer as the board of mayor and aldermen shall appoint or designate to administer and enforce health and sanitation regulations within the town. (Ord. #241, June 2002)

**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, or safety of the public or so as to cause or have a tendency to cause injury or damage to persons, property or business. (Ord. #241, June 2002)

**13-103. Stagnant water.** It shall be unlawful for any person to knowingly allow any pool of stagnant water to accumulate and stand on his property without treating it so as to effectively prevent the breeding of mosquitos. (Ord. #241, June 2002)

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

**13-104. Weeds.** Every owner or tenant of property shall periodically cut the grass or other vegetation commonly recognized as weeds on his property, whether vacant or occupied, and it shall be unlawful for any person to fail to comply with an order by the health officer to cut such vegetation when it has reached a height of over one foot (1'). Nothing in this section, however, shall be construed to regulate the growth or height of vegetation on properties participating in a federal agricultural set-aside program. (Ord. #241, June 2002)

**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. (Ord. #241, June 2002)

**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 dust and debris which could be blown onto neighboring properties, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing in the vicinity. (Ord. #241, June 2002)

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

## 13-201. Junkyards.

**13-201. Junkyards.** All junkyards within the corporate limits of the Town of Atwood 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 mosquitos 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 feet (6') 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 maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety. (Ord. #241, June 2002)

## CHAPTER 3

### DISPOSAL OF WRECKED, JUNKED, OR ABANDONED VEHICLES

#### SECTION

- 13-301. Wrecked, junked, or abandoned vehicles prohibited.
- 13-302. Procedure for removal.
- 13-303. Notice.
- 13-304. Hearing.
- 13-305. Removal.
- 13-306. Storage of vehicles.
- 13-307. Expense of disposal charged to owner.
- 13-308. Delegation of authority.
- 13-309. Penalty.

**13-301. Wrecked, junked, or abandoned vehicles prohibited.** It shall be unlawful to park, store, or leave any motor or other vehicle as a wrecked, junked, partially dismantled, or in an abandoned condition, on public or private property in the Town of Atwood for a period of longer than fifteen (15) days unless it is in connection with a purpose or business enterprise lawfully situated and licensed. All such wrecked, junked, or abandoned vehicles are hereby declared to be public nuisances. (Ord. #241, June 2002)

**13-302. Procedure for removal.** The owner of any such vehicle or the owner of the private property on which the same is located shall be responsible for its removal upon appropriate notice and the opportunity to be heard. Prior to commencing the hearing procedure set out in this chapter, notices shall be sent to the owner or resident of the property upon which the said vehicle is located stating that the condition of said vehicle has caused a violation of this chapter and that unless this violation is corrected within twenty-four (24) hours, procedures will be commenced to affect the removal of the vehicle. Such twenty-four (24) hour notice, or one similar thereto, shall also be provided the vehicle owner and any lienholders to the extent that their names and addresses may be reasonably ascertained after the town has first been apprised of such violation. If in the opinion of the mayor, the chief of police, fire chief, health officer or their designees, an emergency situation exists, the vehicles may be immediately removed. (Ord. #241, June 2002)

**13-303. Notice.** If the twenty-four (24) hour preliminary notice does not accomplish the correction of the violator the procedure hereinafter set out shall be invoked. A notice shall be directed to the owner of the vehicle and any lienholders, if known, and the owner of the premises where same is located at least two (2) days before the time for compliance therewith. It shall be sufficient service of notice if it is posted in a conspicuous place upon the premises affected

and a copy is mailed to such owners and lienholders at their last known address, place of residence, or place of business. (Ord. #241, June 2002)

**13-304. Hearing.** Within two (2) days after the mailing or other service of said notice, the persons to whom the notices are directed, or their duly authorized agents, may file a written request for a hearing before the Board of Mayor and Aldermen of the Town of Atwood. The hearing shall be held as soon as practicable after the filing of the request therefor and the persons to whom the notices are directed shall be advised of the time and place of said hearing at least five (5) days in advance thereof. At any such hearing the town and the persons to whom the notices have been directed may introduce such witnesses and evidence as is deemed necessary and proper by the board of mayor and aldermen. (Ord. #241, June 2002)

**13-305. Removal.** If the violation described in the notice has not been remedied within five (5) days of the mailing or service thereof, or in the event that a notice requesting a hearing is timely filed and the existence of the violation is affirmed by the board of mayor and aldermen after hearing, pursuant to the police power to do all things whatsoever necessary for promotion or maintaining the general welfare of the town or its inhabitants, said vehicle shall be removed and taken into possession by the Town of Atwood. Any tow trucks or vehicles used for such removal, other than town vehicles, shall be covered by insurance in the form and extent of which shall be approved by the board of mayor and aldermen. (Ord. #241, June 2002)

**13-306. Storage of vehicles.** If the vehicle owner pays the town for all expenses involved in the removal and storage of same within ten (10) days of such removal, and indicates in writing that such vehicle will not be taken to a location where it will be in violation of § 13-201, possession shall be relinquished to such owner. If possession is not thus relinquished to the owner, the mayor shall sell any such vehicles after publication of notice thereof ten (10) days prior to the sale in a newspaper of general circulation in the town. (Ord. #241, June 2002)

**13-307. Expense of disposal charged to owner.** All costs and expenses incurred by the Town of Atwood in carrying out the provisions of this chapter shall be and constitute a charge and lien against:

- (1) The owner of the vehicle;
- (2) The owner of the real property when it is determined that the vehicle belongs to said owner; and
- (3) The vehicle, until paid with interest to secure at the rate of six percent (6%) annually. (Ord. #241, June 2002)

**13-308. Delegation of authority.** The mayor is hereby authorized to designate the agency or department to implement the provisions of this chapter. (Ord. #241, June 2002)

**13-309. Penalty.** Any person violating any provision of this chapter shall be fined in accordance with state statutes. (Ord. #241, June 2002)

## CHAPTER 4

### SUBSTANDARD BUILDINGS--VACATION, REMOVAL, DEMOLITION AND REPAIR

#### SECTION

- 13-401. Purpose and scope.
- 13-402. Dangerous buildings defined.
- 13-403. Dangerous buildings declared public nuisances.
- 13-404. Duties of the health officer.
- 13-405. Duties of the Atwood Board of Mayor and Aldermen.
- 13-406. Duties of the town attorney.
- 13-407. Duties of the fire department.
- 13-408. Emergency cases.
- 13-409. When owner is absent from town.
- 13-410. Standards to be applied by the health officer and the board of mayor and aldermen.
- 13-411. Administrative liability.
- 13-412. Violations and penalties.

**13-401. Purpose and scope.** The purpose and scope of this chapter are to provide for the vacation, removal, repair, or demolition of any dangerous building or structure in the Town of Atwood which is or threatens to be a public nuisance, is dangerous to the health, safety, or general welfare of the people of the Town of Atwood, or which constitutes a fire menace, and to provide for the assessment of the costs of such vacation, removal, repair, or demolition as a municipal lien against such premises, and to provide for the recovery of such costs in an action at law. (Ord. #241, June 2002)

**13-402. Dangerous buildings defined.** Any building or structure of any kind which has any one or combination of the following defects shall be deemed a "dangerous building" within the context of this chapter:

(1) Those whose interior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.

(2) Those which, exclusive of the foundation, show thirty-three percent (33%) or more of damage or deterioration of the supporting member or members, or fifty percent (50%) of damage or deterioration of the non-supporting enclosing or outside walls or covering.

(3) Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.

(4) Those which have been damaged by fire, wind, or other causes so as to be dangerous to life, safety, or the general health and welfare of the occupants or the people of the Town of Atwood.

(5) Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein.

(6) Those having light, air, and sanitation facilities which are inadequate to protect the health, safety, or general welfare of human beings who live or may live therein.

(7) Those having insufficient facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes, or other means of emergency exit.

(8) Those which have parts thereof which are so attached that they may fall and injure members of the public or property.

(9) Those which because of their condition are unsafe, unsanitary, or dangerous to the health, safety, or general welfare of the people of Atwood.

(10) Those buildings existing in violation of any provision of the building code of the Town of Atwood, or any provision of the fire code. (Ord. #241, June 2002)

**13-403. Dangerous buildings declared public nuisances.** All dangerous buildings, as defined in § 13-402 of this chapter, are hereby declared to be public nuisances and shall be vacated, removed, repaired or demolished as provided in this chapter. (Ord. #241, June 2002)

**13-404. Duties of the health officer.** The health officer shall:

(1) Inspect, or cause to be inspected, all public buildings, schools, halls, churches, theaters, hotels, tenements, commercial, manufacturing or loft buildings for which reasonable suspicion exists that a violation of this chapter may exist. The purpose of such inspection shall be to determine whether any conditions actually exist which render such places a dangerous building as defined in § 13-402 of this chapter.

(2) Inspect any building, wall, or structure about which complaints are filed by any person to the effect that a building, wall, or structure is or may be existing in violation of this chapter.

(3) Inspect any building, wall, or structure reported by the fire or police departments of the town, or by the county sheriff's department, as probably existing in violation of the terms of this chapter.

(4) Notify in writing the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of Carroll County, of any building found by him to be a dangerous building as defined in this chapter, that:



(a) The owner must vacate, repair, or demolish said building in accordance with the terms of the notice and this chapter;

(b) The occupant or lessee must vacate said building or may have it repaired in accordance with the notice and remain in possession;

(c) The mortgagee, agent or other persons having an interest in said building as shown by the land records of the Carroll County Recorder of Deeds may, at his own risk, repair, vacate, or demolish said building or have such work or act done; provided that any person notified under this subsection to repair, vacate, or demolish any building shall be given such reasonable time, not exceeding thirty (30) days, as may be necessary to do, or have done, the work or act required by the notice provided for herein.

(5) Set forth in the notice provided for in subsection (4) above, a description of the building or structure deemed to be unsafe, a statement of the particulars which make the building or structure a dangerous building and an order requiring the same to be put in such condition as to comply with the terms of this chapter within such length of time, not exceeding thirty (30) days, as is responsible.

(6) Report to the Atwood Board of Mayor and Aldermen with the notice provided in subsections (4) and (5) above.

(7) Appear at all hearings conducted by the Atwood Board of Mayor and Aldermen and testify as to the condition of dangerous buildings.

(8) Place a notice on all dangerous buildings reading as follows:  
 "THIS BUILDING HAS BEEN FOUND TO BE A DANGEROUS BUILDING BY THE ATWOOD HEALTH OFFICER. THIS NOTICE IS TO REMAIN ON THIS BUILDING UNTIL IT IS REPAIRED, VACATED, OR DEMOLISHED IN ACCORDANCE WITH THE NOTICE WHICH HAS BEEN GIVEN TO THE OWNER, OCCUPANT, LESSEE, MORTGAGEE, OR AGENT OF THIS BUILDING, AND ALL OTHER PERSONS HAVING AN INTEREST IN SAID BUILDING AS SHOWN BY THE LAND RECORDS OF THE CARROLL COUNTY RECORDER OF DEEDS. IT IS UNLAWFUL TO REMOVE THIS NOTICE UNTIL SUCH NOTICE IS COMPLIED WITH."

(Ord. #241, June 2002)

**13-405. Duties of the Atwood Board of Mayor and Aldermen.** The board of mayor and aldermen shall:

(1) Upon receipt of a report of the health officer as provided for in this chapter, give written notice to the owner, occupant, mortgagee, lessee, agent, and all other persons having an interest in said building as shown by the land records of the Carroll County Recorder of Deeds to appear before the board of mayor and aldermen on the date and time specified in the notice to show cause why the building should not be required, vacated, or demolished in accordance

with the statement of particulars set forth in the health officer's notice as provided in this chapter.

(2) Hold a hearing and hear such testimony as the health officer or the owner, occupant, mortgagee, lessee, or any other person having an interest in said building as shown by the land records of the Carroll County Recorder of Deeds shall offer relative to the "dangerous building."

(3) Make written findings of fact from the testimony offered pursuant to subsection (2) above as to whether or not the building in question is a dangerous building as defined in this chapter.

(4) Issue an order based upon the findings of fact made pursuant to subsection (3) above commanding the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as shown by the land records of the Carroll County Recorder of Deeds, to repair, vacate, or demolish any building found to be a dangerous building as defined by the chapter.

(5) If the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as shown by the land records of the Carroll County Recorder of Deeds fails to comply with the orders provided in subsection (4) above within ten (10) days, the board of mayor and aldermen shall cause such building or structure to be repaired, vacated, or demolished as the facts may warrant, under the standards hereinbefore provided for in § 13-402 of this chapter, and shall with the assistance of the town attorney cause the costs of such repair, vacation, or demolition to be charged against the land on which the building existed as a principal lien or cause such costs to be added to the tax duplicate as an assessment, or to be levied as a special tax against the land upon which the building stands or did stand, or to be recovered in a suit at law against the owner; provided, that in cases where such procedure is desirable and any delay thereby caused will not be dangerous to the health, safety, or general welfare of the people of Atwood, the board of mayor and aldermen may notify the town attorney to take legal action to force the owner to make all necessary repairs or demolish the building.

(6) Report to the town attorney the names of all persons not complying with the order provided in subsection (4) above. (Ord. #241, June 2002)

**13-406. Duties of the town attorney.** The Atwood Town Attorney shall:

(1) Prosecute all persons failing to comply with the terms of notices provided in § 13-404(4) and (5) of this chapter.

(2) Appear at all hearings before the board of mayor and aldermen in regard to dangerous buildings.

(3) Bring suit to collect all municipal liens, assessments, or costs incurred by the board of mayor and aldermen in repairing or causing to be vacated or demolished dangerous buildings.

(4) Take such other legal action as is necessary to carry out the terms and provisions of this chapter. (Ord. #241, June 2002)

**13-407. Duties of the fire department.** The fire chief shall make a report in writing to the health officer of all buildings or structures which are, or may be, or are suspected of being dangerous buildings as defined in this chapter. Such reports must be delivered to the health officer within twenty-four (24) hours of the discovery of such buildings or structures by the fire chief. (Ord. #241, June 2002)

**13-408. Emergency cases.** In cases where it reasonably appears that there is immediate danger to the life or safety of any person, unless a dangerous building as defined herein is immediately repaired, vacated, or demolished, the health officer shall report the facts to the board of mayor and aldermen and the board of mayor and aldermen shall cause the immediate repair, vacation, or demolition of such dangerous building. The costs of such emergency repairs, vacation, or demolition of such dangerous building shall be collected in the same manner as provided in § 13-405(5) of this chapter. (Ord. #241, June 2002)

**13-409. When owner is absent from town.** In cases, except emergency cases, where the owner, occupant, lessee, or mortgagee is absent from the Town of Atwood, all notices or orders provided for herein shall be sent by registered mail to the owner, occupant, mortgagee, lessee and all other persons having an interest in said building as shown on the land records of the Carroll County Recorder of Deeds to the last known address of each, and a copy of such notice shall be posted in a conspicuous place on the dangerous building to which it relates. Such mailed and posting shall be deemed adequate service. (Ord. #241, June 2002)

**13-410. Standard to be applied by the health officer and the board of mayor and aldermen.** The following standards shall be followed in substance by the health officer and the board of mayor and aldermen in order the vacation, removal, repair, or demolition of any structure or building:

(1) If the dangerous building can reasonably be repaired so that it will no longer exist in violation of the terms of this chapter, it shall be ordered repaired.

(2) If the dangerous building is in such condition as to make it dangerous to the health, safety, or general welfare of its occupants, it shall be ordered to be vacated.

(3) In any case where a dangerous building is fifty percent (50%) damaged or decayed, or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this chapter, it shall be demolished. In all cases where a dangerous building is a fire hazard existing or erected in violation of the terms of this chapter or any ordinance of the town or statute of the State of Tennessee, it shall be demolished. (Ord. #241, June 2002)

**13-411. Administrative liability.** No officer, agent, or employee of the Town of Atwood shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this chapter. Any suit brought against any officer, agent, or employee of the Town of Atwood as a result of any act required or permitted in the discharge of his duties under this chapter shall be defended by the town attorney until the final determination of the proceedings herein. (Ord. #241, June 2002)

**13-412. Violation and penalties.** The owner of any dangerous building or structure who shall fail to comply with any notice or order to vacate, remove, repair, or demolish said building or structure given by any person authorized by this chapter to issue such notice or order shall be guilty of a misdemeanor and upon conviction shall be punished as provided by town code or state statute.

The occupant or lessee in possession of said dangerous building who fails to comply with any notice to vacate or who fails to repair said structure or building in accordance with notice given under the provisions of this chapter shall be guilty of a misdemeanor and upon conviction shall be punished as provided by town code or state statute. (Ord. #241, June 2002)