

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

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CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Burning of refuse.
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13-101. Burning of refuse. It shall be unlawful for any person to burn refuse in such manner as to create a fire hazard or to constitute a nuisance because of dense smoke or obnoxious odors. (2003 Code, § 8-101)

13-102. Property maintenance regulations. (1) Every owner or tenant of property including public property, shall periodically cut the grass and other vegetation commonly recognized as weeds on such property. It shall be unlawful for any person to fail to comply with this section in the event such grass or vegetation exceeds twelve (12) inches in height.

(2) Every owner or tenant of property shall also keep said property in a clean and sanitary condition, free from accumulations of refuse or debris which might provide a harborage or breeding place for rodents, vermin, insects or snakes. It shall be unlawful for any person to fail to comply with this code section.

(3) In complying with the foregoing subsections, it shall be unlawful for any person, owning, leasing, occupying, or having control of property to rake, cut, or pile said weeds, grass, brush, cut trees, rubbish, or other accumulations of refuse or debris into any ditch or other natural drainage way or to place any of the above-mentioned on the property as to obstruct natural drainage thereon to create a traffic hazard or an unhealthy or unsanitary condition.

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

(4) When any property owner or tenant fails to comply with this or the above noted subsections, the city may do or have the work done to properly maintain said property and may charge the violator and/or the actual property owner with the reasonable costs thereof. The city may maintain any appropriate legal action to collect such costs in addition to any other remedy which may be available to it.

(5) Each separate day that the above-noted condition(s) exist on the subject property is a separate violation subject to a fine of up to fifty dollars (\$50.00). (2003 Code, § 8-102)

CHAPTER 2

AUTOMOBILE STORAGE, LITTER, DEBRIS

SECTION

- 13-201. Prohibited acts.
- 13-202. Vehicle salvage parts regulated.
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- 13-207. Penalties.
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13-201. Prohibited acts. It shall be unlawful for the owner(s) or occupant(s) of real property within the municipal limits to allow litter, debris, trash, or discarded items of personal property to accumulate and remain on said property. Any items of personal property which are damaged, dilapidated, or which are lying or stacked about the property in a state of disarray shall be deemed to be discarded for the purposes of this chapter. All litter, trash, debris, and discarded items of personal property shall be placed by the property owner or occupant in secured refuse containers for prompt disposal. If the owner or occupant desires to retain possession of personal property items which would otherwise fall within the prohibitions of this chapter, he or she shall place the items within a permanent enclosed structure lawfully erected on the premises so as to shield such items from the view of the public. The provisions of this chapter are not intended to allow the operation of a motor vehicle repair shop on property not zoned for such a business operation. (2003 Code, § 8-301)

13-202. Vehicle salvage parts regulated. It shall be unlawful for the owner(s) or occupant(s) of real property to allow new or used motor vehicle parts, vehicle bodies, frames, or tires to be strewn around or upon said real property. Motor vehicle parts, damaged or salvaged vehicle bodies and frames, and tires of all kinds shall be contained, stored, or otherwise enclosed in a permanent structure lawfully erected on the premises so as to shield such items from the view of the public. Any use of motor vehicle parts on said premises must comply with all applicable municipal zoning and building regulations. (2003 Code, § 8-302)

13-203. Salvage vehicles to be stored. Individuals, commercial enterprises, and businesses which utilize, or otherwise lawfully maintain on their premises, damaged or salvaged miscellaneous motor vehicle parts and damaged or salvaged motor vehicle bodies shall store all such motor vehicle salvage material in a permanent enclosed structure on the premises or shall

enclose all such motor vehicle material within a fence which is at least six (6) feet in height which completely deprives the public of a view of such material. Stored motor vehicles which have less than all wheels and inflated tires supporting the vehicle or which are supported in any manner by jacks, blocks, or hoists shall be maintained in a permanent enclosed structure or within a fenced area as described herein. Access to the fenced in area shall be closed and locked when not otherwise physically occupied by said owner(s) or occupant(s). (2003 Code, § 8-303)

13-204. Automobile storage lot permit. The use of property within the corporate limits as a storage lot or parking grounds for infrequently operated, inoperable, untagged, or damaged motor vehicles is expressly forbidden unless the property owner or occupant obtains a special permit to utilize his premises as an automobile storage lot. A business which repairs automobiles shall not be required to obtain such a permit unless automobiles are stored or parked overnight on the premises. The permit shall be issued by the city's building inspector and shall specify the permissible parking arrangement of the vehicles upon the premises so as to assure access by municipal service and emergency vehicles to the parked vehicles and to the structures on the property. Businesses engaged in the repair of motor vehicles shall not park or allow the parking of their customers' inoperable vehicles upon the municipal rights of way adjacent to their premises. For the purposes of this chapter, "infrequently operated motor vehicle(s)" shall mean a motor vehicle which has not moved from its present place of parking for more than fourteen (14) consecutive days. For the purposes of this chapter, "inoperable motor vehicle(s)" includes any vehicle with a flat tire, any vehicle which will not start, or any vehicle incapable of being lawfully operated on the streets within the city. (2003 Code, § 8-304)

13-205. Residential vehicle parking spaces required. The owner(s) or occupant(s) or property zoned for residential use shall provide and utilize an identifiable, and improved parking area for all motor vehicles owned or operated by occupants or their guests which they park or store overnight on the property. Every motor vehicle which is inoperable or which is not tagged for use on the public highways of the state shall be stored or parked in a lawfully erected and enclosed structure or garage on the property or shall be completely screened from the view of adjoining property owners by a fence of at least six (6) feet in height. (2003 Code, § 8-305)

13-206. Storage on overgrown lot prohibited. The storage or extended parking (three (3) or more consecutive days without having been moved) of motor vehicles on property overgrown with weeds and other vegetation or allowing such storage is expressly prohibited. Property shall be deemed to be overgrown with weeds and vegetation when such growth is tall enough to touch, or does touch, any part of the body (bumper, side panels,

exhaust system, etc.) of the motor vehicle parked thereon. The parking of a motor vehicle overnight for three (3) consecutive nights or for three (3) nights in one week on any overgrown property shall constitute "storage" in violation of the terms of this chapter. (2003 Code, § 8-306)

13-207. Penalties. The penalty for violation of any provision of this chapter shall be a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each day of violation of this chapter. Each day that the terms of this chapter is violated constitutes a separate offense. (2003 Code, § 8-307)

13-208. Civil action prescribed. In the event that an owner or occupant of property refuses or fails to comply with the written notice served upon him for more than ten (10) days after service of said notice, the city may institute an action in the chancery court to secure the enforcement of the provisions of this chapter and to require that the property owner or occupant take necessary and appropriate action to bring his property into compliance. (2003 Code, § 8-308)

CHAPTER 3

AUTOMOBILE GRAVEYARDS

SECTION

- 13-301. Definition of "automobile graveyard."
- 13-302. Permit required; issuance and revocation.
- 13-303. Appeals to board.
- 13-304. Requirements for "automobile graveyards."
- 13-305. Application to existing "automobile graveyards."

13-301. Definition of "automobile graveyard." For the purposes of this chapter "automobile graveyard" means any lot or place which is exposed to the weather and upon which one (1) or more motor vehicles of any kind, incapable of being operated and which there is no current valid state vehicle registration tag. The term "automobile graveyard" or "automobile junkyard" shall not be construed to mean an establishment having facilities for processing iron, steel, or nonferrous scrap and whose principal product is scrap iron, steel, or nonferrous scrap for sale for remelting purposes only. (2003 Code, § 5-401)

13-302. Permit required; issuance and revocation. No person shall own or maintain any "automobile graveyard" within the city unless he shall receive a permit to do so from the recorder. The recorder shall issue such a permit to any applicant whose premises comply with the requirements of all applicable ordinances of the city and who has complied with Tennessee Code Annotated, title 54, chapter 20. Any permit so issued may be revoked by the recorder for failure to comply with any requirement of this chapter. However, charges may be preferred in writing by the recorder and served upon the permit holder and he shall be given the right to be heard as to why his license should not be revoked. (2003 Code, § 5-402)

13-303. Appeals to board. Any person aggrieved by the recorder's action relative to the issuance or revocation of an "automobile graveyard" permit may appeal to the board of mayor and aldermen, which shall hold a hearing and decide whether or not the recorder's action was reasonable. Based upon its findings at such hearing, the board of mayor and aldermen shall affirm or reverse the recorder's action. (2003 Code, § 5-403)

13-304. Requirements for "automobile graveyards." All "automobile graveyards" within the city shall be operated and maintained subject to the following regulations:

- (1) All motor vehicles stored or kept in such yards shall be so kept that they will not catch and hold water in which mosquitoes may breed and so that

they will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared, or propagated.

(2) All such "automobile graveyards" 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 fences to be so built that it will be impossible for stray cats and/or stray dogs to have access to such "automobile graveyards."

(3) Such "automobile graveyards" 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. (2003 Code, § 5-404)

13-305. Application to existing "automobile graveyards." Any owner and/or operator of an "automobile graveyard" in existence at the time the provisions in this chapter become effective shall have thirty (30) days in which to get a permit or remove the offending vehicles. (2003 Code, § 5-405)

CHAPTER 4

SUBSTANDARD PROPERTIES

SECTION

- 13-401. Findings and declaration of policy.
- 13-402. Purpose.
- 13-403. Administration fees.
- 13-404. Care of premises.
- 13-405. Administration.
- 13-406. Applicability.
- 13-407. Controlling standards.
- 13-408. Compliance with other ordinances.
- 13-409. Dwellings unfit for human habitation.
- 13-410. Definitions.
- 13-411. Building inspector designated to act.
- 13-412. Institution of action and notification.
- 13-413. Determination of and further notice by building inspector.
- 13-414. Failure of owner to comply to vacate and repair.
- 13-415. Failure of owner to remove or demolish.
- 13-416. Creation of lien and payment into court.
- 13-417. Conditions rendering dwelling unfit for human habitation.
- 13-418. Service of complaints or orders.
- 13-419. Enjoining enforcement of order.
- 13-420. Powers given the building inspector.
- 13-421. Building inspector designated to act.
- 13-422. Institution of action and notification.
- 13-423. Failure of owner to comply.
- 13-424. Rules; hearings; and stay of enforcement.
- 13-425. Fines.

13-401. Findings and declaration of policy. It is hereby found and declared that there exist in the city structures in use which are, or may become in the future, substandard with respect to structural soundness, equipment or maintenance, or further that such conditions including but not limited to structural deterioration, lack of maintenance of exterior of premises, infestation, lack of essential heating or plumbing equipment, lack of maintenance or upkeep of essential utilities and facilities, existence of fire hazards, inadequate provisions for light and air, or unsanitary conditions and overcrowding, constitute a menace to the health, safety, welfare and reasonable comfort of the citizens and inhabitants of the city. It is further found and declared that by reason of lack of maintenance and because of progressive deterioration, certain properties have the further effect of creating blighting conditions and initiating slums and that if the same are not curtailed and removed, the aforesaid

conditions will grow and spread and will necessitate in time the expenditure of large amounts of public funds to correct and eliminate same, and that by reason of timely regulations and restrictions as herein contained, the growth of slums and blight may be prevented and the neighborhood and property values thereby maintained, the desirability and amenities of residential and nonresidential uses and neighborhoods enhanced and the public health, safety and welfare protected and fostered. (2003 Code, § 4-701)

13-402. Purpose. The purpose of this chapter is to protect the public health, safety and welfare by establishing minimum standards governing the maintenance, condition and occupancy of residential and nonresidential premises; to establish minimum standards governing utilities, facilities and other physical components and conditions essential to make the aforesaid facilities fit for human habitation, occupancy and use; to fix certain responsibilities and duties upon owners and operators, and occupants; to authorize and establish procedures for the inspection of residential and nonresidential premises; to fix penalties for the violations of this chapter; and to provide for the repair, demolition or vacation of premises unfit for human habitation or occupancy or use. (2003 Code, § 4-702)

13-403. Administration fees. All owners or persons in possession, charge or control, of any place or premises on which a nuisance is created, accumulated or produced which must be abated by the city as a result of their failure or refusal to comply with an order of the building inspector, are liable for and shall pay an administration fee in addition to the cost of repair, alteration or improvement, or, vacating and closing, or, removal or demolition by the building inspector; which fee shall be set by resolution of the board of mayor and aldermen. (2003 Code, § 4-703)

13-404. Care of premises. Having adopted by reference the Standard Housing Code published by the Southern Building Code Congress, International, Inc., it shall hereby be unlawful, in conformance with said code, for the owner or occupant of a residential building, structure, or property to utilize the premises of such residential property for the open storage of any abandoned motor vehicle, ice box, refrigerator, stove, glass, building material, building rubbish or similar items. It shall be the duty and responsibility of every such owner or occupant to keep the premises of such residential property clean and to remove from the premises all such abandoned items as listed above, including but not limited to weeds, dead trees, trash, garbage, etc., upon notice from the building inspector. (2003 Code, § 4-704)

13-405. Administration. All inspections, regulations, enforcement and hearings on violations of the provisions of this chapter shall be under the direction and supervision of the building inspector. The building inspector may

designate such other employees to perform duties as may be necessary to the enforcement of this chapter, including the making of inspections and holding of hearings. (2003 Code, § 4-705)

13-406. Applicability. Every residential, nonresidential or mixed occupancy building and the land on which it is situated, used or intended to be used for dwelling, commercial, business or industrial occupancy or use shall comply with the provisions of this chapter, whether or not such building shall have been constructed, altered or repaired before or after the enactment of this chapter, and irrespective of any permits or licenses which shall have been issued for the use or occupancy of the building or premises for the construction or repair of the building, or for the installation or repair of equipment or facilities prior to the effective date of this chapter. This chapter shall also apply to mobile home parks. (2003 Code, § 4-706)

13-407. Controlling standards. In any case where the provisions of this chapter impose a higher standard than set forth in any other ordinance or under the laws of the state, then the standards set forth herein shall prevail, but if the provisions of this chapter impose a lower standard than any other local ordinance or of the laws of the state, then the higher standard shall prevail. (2003 Code, § 4-707)

13-408. Compliance with other ordinances. No provision herein shall relieve any owner, operator or occupant from complying with any other provision, nor relieve any inspector of the city from enforcing any other provision of the code of ordinances. (2003 Code, § 4-708)

13-409. Dwellings unfit for human habitation. Pursuant to Tennessee Code Annotated, § 13-21-101, et seq., it is hereby found that there exist in the City of Church Hill, structures which are unfit for human occupation or use 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 structures unsafe or unsanitary, or dangerous or detrimental to the health, safety or morals, or otherwise inimical to the welfare of the residents of the city. (2003 Code, § 4-709)

13-410. Definitions. The following terms wherever used herein or referred to in this chapter shall have the following respective meanings for the purposes of this chapter, unless a different meaning clearly appears from the context:

(1) "Dwelling" means any building or structure, or part thereof, used and occupied for human occupation or use or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith;

(2) "Occupant" means any person who has charge, care or control of a dwelling or premises, or a part thereof, whether with or without the knowledge and consent of the owner.

(3) "Owner" means any person who, alone or jointly or severally with others, shall have legal or equitable title to any premises in fee simple and every mortgagee of record.

(4) "Parties in interest" means all individuals, associations or corporations who have interests of record in a structure or parcel of land or have actual possession thereof.

(5) "Premises" means a lot, plot or parcel of land including any buildings or structures thereon.

(6) "Public officer" means the Building Inspector of the City of Church Hill.

(7) "Structure" means any dwelling or place of public accommodation. (2003 Code, § 4-710)

13-411. Building inspector designated to act. The building inspector is hereby designated as the public officer of the City of Church Hill who shall exercise the powers herein prescribed. (2003 Code, § 4-711)

13-412. Institution of action and notification. Whenever a petition is filed with the building inspector by a public authority or by at least five (5) residents of the City of Church Hill charging that any structure is unfit for human occupation or use, or whenever it appears to the building inspector on his own motion that any structure is unfit for occupation or use, the building inspector shall, if, after making a preliminary investigation, such 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 building inspector (or his designated agent) at a time and place therein fixed not less than ten (10) days nor more than thirty (30) days after the serving of said complaint; that the owners and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and, that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the building inspector or his designated agent. As contained herein, "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 of Church Hill or the State of Tennessee relating to health, fire, building regulation, or other activities concerning structures in the City of Church Hill. (2003 Code, § 4-712)

13-413. Determination of and further notice by building inspector. If, after such notice and hearing as above prescribed, the building inspector determines that the structure under consideration is unfit for human

habitation or use, he shall state in writing his findings 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 said structure can be made at a reasonable cost in relation to the value of the structure requiring the owner within the time specified in the order to repair, alter, or improve such structure to render it fit for human occupation or use or if not adequately repaired, altered or improved within the time specified in the order to vacate and close the dwelling as a place of human habitation or use; or

(2) If the repair, alteration or improvement of the said structure cannot be made at a reasonable cost in relation to the value of the structure requiring the owner within the time specified in the order to remove or demolish such structure.

(3) The building inspector shall determine the value of the structure in question existing on the land and the value of the land itself shall not be considered, and if the structure can be made to conform to such standards as will make it properly habitable by an expenditure of not more than fifty percent (50%) of said value, the order referred to in the preceding paragraph shall conform to the first alternative. If an expenditure of more than fifty percent (50%) of the value just referred to would be necessary to make the structure properly habitable, the order in the preceding paragraph shall conform to the second alternative.

(4) Any repair, alteration or improvement instituted in compliance with this chapter shall be made in conformance with the then existing zoning and building codes. (2003 Code, § 4-713)

13-414. Failure of owner to comply to vacate and repair. If the owner fails to comply with the order under § 13-413(1), the building inspector may cause such structure to be repaired, altered or improved or be vacated and closed; and in such event the building inspector may cause to be posted on the main entrance of any structure so closed a placard with the following words: "This building is unfit for human occupation; the use or occupation of this building for human occupation or use is prohibited and unlawful." (2003 Code, § 4-714)

13-415. Failure of owner to remove or demolish. If the owner fails to comply with an order as set forth in § 13-413(2), the building inspector may cause such structure to be removed or demolished. (2003 Code, § 4-715)

13-416. Creation of lien and payment into court. The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the building inspector shall, upon the filing of the notice with the office of the register of deeds of the county in which the property lies, be a lien in favor of the city against the real property on which such cost

was incurred, second only to liens of the state, county and city for taxes, any lien of the city 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 city tax collector at the same time and in the same manner as property taxes are collected. If the structure is removed or demolished by the building inspector, 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 by the building inspector, 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 Church Hill to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise. (2003 Code, § 4-716)

13-417. Conditions rendering dwelling unfit for human habitation. In addition to other standards set forth in this chapter, the building inspector may determine that a structure is unfit for human occupation or use if he finds that conditions exist in such structure which are dangerous or injurious to the health or safety of the occupants of such structure, the occupants of neighboring structures or other residents of the city; such conditions may include the following but 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. (2003 Code, § 4-717)

13-418. Service of complaints or orders. Complaints or orders issued by the building inspector pursuant to this chapter shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons is unknown and the same cannot be ascertained by the building inspector in the exercise of reasonable diligence, and the building inspector shall make 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. 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 the county in which the structure is located and such filing of the complaint or order shall have the same force and effects as other lis pendens notices provided by law. (2003 Code, § 4-718)

13-419. Enjoining enforcement of order. (1) Any person affected by an order issued by the building inspector may file a bill in the chancery court for an injunction restraining the building inspector from carrying out the provisions

of the order, and the court may, upon the filing of such bill, issue a temporary injunction restraining the building inspector pending the final disposition of the cause; provided, however, that within sixty (60) days after the posting and service of the order of the building inspector, such persons shall file such bill in the court. Hearings shall be had by the court on such bills within twenty (20) days or as soon thereafter as possible, and shall be given preference over other matters on the court's calendar.

(2) The court shall hear and determine the issue raised and shall enter such final order or decree as law and justice may require. In all such proceedings, the findings of the building inspector as to facts, if supported by evidence, shall be conclusive. Costs shall be in the discretion of the court. The remedies herein provided shall be exclusive remedies and no person affected by an order of the building inspector shall be entitled to recover any damages for action taken pursuant to any order of the building inspector, or because of noncompliance by such person with any order of the building inspector. (2003 Code, § 4-719)

13-420. Powers given the building inspector. The building inspector is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter including the following powers in addition to others herein granted:

(1) To investigate conditions in the city in order to determine which structures therein are unfit for human occupation or use.

(2) To administer oaths and affirmations, examine witnesses and receive evidence.

(3) To enter upon premises for the purposes of making examinations provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession. (2003 Code, § 4-720)

13-421. Building inspector designated to act. The building inspector is hereby designated as the public officer of the City of Church Hill who shall exercise the powers set out in this chapter. (2003 Code, § 4-721)

13-422. Institution of action and notification. Pursuant to Tennessee Code Annotated, § 6-54-113, if it is determined by the building inspector that any owner of record of real property has created, maintained, or permitted 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, the building inspector shall provide notice to the owner of record to remedy the condition immediately. The notice shall be given by 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. The

notice shall be written in plain language and shall also include but not be limited to the following elements:

- (1) A brief statement of this chapter which shall contain the consequences of failing to remedy the noted condition;
- (2) The person, office, address and telephone number of the department or person giving notice;
- (3) A cost estimate for remedying the noted condition which shall be in conformity with the standards of cost in the city; and
- (4) A place wherein the notified party may return a copy of the notice, indicating the desire for a hearing. (2003 Code, § 4-722)

13-423. Failure of owner to comply. If the person fails or refuses to remedy the condition within ten (10) days after receiving the notice, the building inspector shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards and the cost thereof assessed against the owner of the property. Upon 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 upon the property in favor of the city, 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 city tax collector at the same time and in the same manner as city 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.

Provided, however, if the person who is the owner of record is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewerage, or other materials, the ten (10) day period of the first sentence of this section shall be twenty (20) days, excluding Saturdays, Sundays, and legal holidays. (2003 Code, § 4-723)

13-424. Rules; hearings; and stay of enforcement. (1) The board of mayor and aldermen may make rules and regulations necessary for the administration and enforcement of this chapter. The building inspector shall provide for a hearing upon request of the person aggrieved by the determination made pursuant to § 13-422. A request for a hearing shall be made within ten (10) days following the receipt of the notice issued pursuant to § 13-422. Failure to make the request within this time shall without exception constitute a waiver of the right to a hearing.

(2) Any person aggrieved by an order or act of the building inspector under provisions of this chapter may seek judicial review of the order or act. The time period established in § 13-423 shall be stayed during the pendency of a hearing. (2003 Code, § 4-724)

13-425. Fines. That any person violating any provision of this chapter shall be guilty of an offense and upon conviction shall pay a penalty of not less than one dollar (\$1.00) nor more than fifty dollars (\$50.00) for each offense. Each occurrence shall constitute a separate offense. (2003 Code, § 4-726)