

## TITLE 13

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

#### CHAPTER

1. MISCELLANEOUS.
2. JUNKYARDS.
3. JUNKED MOTOR VEHICLES.
4. SLUM CLEARANCE.

#### CHAPTER 1

#### MISCELLANEOUS

#### SECTION

- 13-101. Health officer.
- 13-102. Smoke, soot, cinders, etc.
- 13-103. Stagnant water.
- 13-104. Weeds.
- 13-105. Dead animals.
- 13-106. Health and sanitation nuisances.
- 13-107. House trailers.
- 13-108. Materials for filling of real property.
- 13-109. Reconstruction or removal of damaged or destroyed buildings.

**13-101. Health officer.** The "health officer" shall be such municipal, 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 town. (1995 Code, § 13-101)

**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. (1995 Code, § 13-102)

**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

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

without treating it so as to effectively prevent the breeding of mosquitoes. (1995 Code, § 13-103)

**13-104. 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 building inspector/codes enforcement officer to cut such vegetation when it has reached a height of over one foot (1'). Excluded herefrom, any real property primarily used for agricultural purposes. (Ord. #09/10-06, Nov. 2009, modified)

**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. (1995 Code, § 13-105)

**13-106. Health and sanitation nuisances.** It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity. (1995 Code, § 13-106)

**13-107. House trailers.** It shall be unlawful for any person to park, locate, or occupy any house trailer or portable building unless it complies with all plumbing, electrical, sanitary, and building provisions applicable to stationary structures and the proposed location conforms to the zoning provisions of the town and unless a permit therefor shall have been first duly issued by the building official, as provided for in the building code. (1995 Code, § 13-107)

**13-108. Materials for filling of real property.** It shall be unlawful for any person to fill or dump or to permit anyone to fill or dump any material on their real property other than dirt, rock, or stone without obtaining approval, in writing, from the town's building inspector. (1995 Code, § 13-108)

**13-109. Reconstruction or removal of damaged or destroyed buildings.** (1) Any owner of a structure within the corporate limits of the town which is partially or totally damaged or destroyed by fire, explosion or other disaster shall within six (6) months of said damage to the structure apply for a building permit or demolition permit and begin removal of the structure in its entirety or rebuilding said structure in its entirety and obtain a certificate of occupancy for the same.

(2) In the event there is an extension of the building permit due to a delay in construction completion at the end of six (6) months there shall be no fine and the grace period for construction shall extend another six (6) months. In the event there is no extension of the building permit by the building inspector and the building is not rebuilt within said six (6) month period or in the event the building is not removed within said period of time, a fine of fifty dollars (\$50.00) per day shall be imposed upon the owner of the real property for a period of time not to exceed six (6) months from the date of the first fine until construction is complete. Should construction or demolition not be completed at the conclusion of the six (6) month period of fine imposition, the town shall have the right hereunder to take all appropriate legal action to force demolition and clearing of the property or to implement demolition and clearing on the property with all cost associated therewith to the town imposed as a lien upon the property.

(3) Any pre-existing damaged building shall be deemed damaged on the date of the final passage of this section for enforcement purposes. (Ord. #11/12-10, Nov. 2011)

**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 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 so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety. (1995 Code, § 13-201)

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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

### JUNKED MOTOR VEHICLES<sup>1</sup>

#### SECTION

- 13-301. Definitions.
- 13-302. Declared public nuisance.
- 13-303. Order to remove.
- 13-304. Removal by town.
- 13-305. Exemptions.
- 13-306. Violations and penalty.

**13-301. Definitions.** For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meanings given herein:

(1) "Junked motor vehicles." A junked motor vehicle is any motor vehicle the condition of which is one (1) or more of the following:

- (a) Wrecked,
- (b) Dismantled,
- (c) Inoperative,
- (d) Abandoned,
- (e) Discarded, or
- (f) Any vehicle not legally licensed as required by state law.

(2) "Motor vehicle." A motor vehicle is any vehicle which is self-propelled and any device in, upon, or by which any person or property is or may be transported or drawn from one location to another, except devices moved only by human power or used exclusively upon stationary rails or tracks. (1995 Code, § 13-301, as amended by Ord. #10/11-06, April 2011)

**13-302. Declared public nuisance.** The location or presence of any junked motor vehicle on any lot, tract, or parcel of land, or portion thereof, occupied or unoccupied, improved or unimproved, within the town, shall be deemed a public nuisance and it shall be unlawful for any person to cause, maintain, or permit such public nuisance by wrecking, dismantling, rendering inoperable, abandoning, or discarding a motor vehicle on the property of another, or to suffer, permit, or allow the same to be placed, located, maintained, or to exist upon his own real property. This section shall not apply to:

- (1) Any junked motor vehicle in an enclosed building.

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<sup>1</sup>Municipal code reference

Disposal of abandoned motor vehicles: § 15-705.

(2) Any junked motor vehicle in an appropriate storage place or depository maintained in an officially designated place and manner by the town. (1995 Code, § 13-302)

**13-303. Order to remove.** Whenever any junked motor vehicle is found in the town in violation of this chapter, the building inspector shall cause the owner or occupant of the premises on which such vehicle is located to be served with an order to remove such vehicle within ten (10) days after service of such order. It shall be unlawful for the owner or occupant of the premises to fail, neglect, or refuse to obey such order within ten (10) days after service of the same. (1995 Code, § 13-303, modified)

**13-304. Removal by town.** If the premises on which a junked motor vehicle is located contrary to this chapter are unoccupied and the owner or agent thereof cannot be found, or if he has permission of the owner of the premises, the building inspector shall abate such public nuisance by entering upon the property and impounding and taking into custody the motor vehicle and disposing of same in accordance with *Tennessee Code Annotated*, title 55, chapter 16. Such impoundment and disposition shall not relieve any person from liability for penalty upon conviction for violating other provisions of this chapter, but is in addition to any other penalty. (1995 Code, § 13-304, modified)

**13-305. Exemptions.** The provisions of this chapter shall not apply to:

(1) Vehicles in operable condition specifically adapted or constructed for racing or operation on privately owned drag strips or raceways.

(2) Vehicles stored by a member of the armed forces of the United States who is on active duty assignment, and stored with the permission of the property owner. (1995 Code, § 13-305)

**13-306. Violations and penalty.** Any person who shall violate the provisions of this chapter shall be guilty of a misdemeanor and shall be fined in accordance with the general penalty clause for this code. Each day in which such violation shall continue shall be deemed a separate offense. (1995 Code, § 13-306)

## CHAPTER 4

### SLUM CLEARANCE<sup>1</sup>

#### SECTION

- 13-401. Findings of board.
- 13-402. Definitions.
- 13-403. "Public officer" designated; powers.
- 13-404. Initiation of proceedings; hearings.
- 13-405. Orders to owners of unfit structures.
- 13-406. When public officer may repair, etc.
- 13-407. When public officer may remove or demolish.
- 13-408. Lien for expenses; sale of salvage materials; other powers not limited.
- 13-409. Basis for a finding of unfitness.
- 13-410. Service of complaints or orders.
- 13-411. Enjoining enforcement of order.
- 13-412. Additional powers of public officer.
- 13-413. Powers conferred are supplemental.
- 13-414. Structures unfit for human habitation deemed unlawful.

**13-401. Findings of board.** Pursuant to *Tennessee Code Annotated*, § 13-21-101, *et seq.*, the board of mayor and aldermen 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. (1995 Code, § 13-501)

**13-402. Definitions.** (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) "Governing body" shall mean the board of mayor and aldermen charged with governing the town.

(3) "Municipality" shall mean the Town of Dandridge, Tennessee, and the areas encompassed within existing town limits or as hereafter annexed.

(4) "Owner" shall mean the holder of title in fee simple and every mortgagee of record.

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<sup>1</sup>State law reference

*Tennessee Code Annotated*, title 13, chapter 21.

(5) "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.

(6) "Place of public accommodation" means any building or structure in which goods are supplied or services performed, or in which the trade of the general public is solicited.

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

(8) "Public officer" shall mean the officer or officers who are authorized by this chapter to exercise the powers prescribed herein and pursuant to *Tennessee Code Annotated*, § 13-21-101, *et seq.*

(9) "Structure" means any dwelling or place of public accommodation or vacant building or structure suitable as a dwelling or place of public accommodation. (1995 Code, § 13-502)

**13-403. "Public officer" designated; powers.** There is hereby designated and appointed a "public officer," to be the building inspector of the town, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the building inspector. (1995 Code, § 13-503)

**13-404. 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 occupation 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. (1995 Code, § 13-504)

**13-405. 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 occupation 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, within the time specified in the order, to repair, alter, or improve such structure to render it fit for human occupation or use or to vacate and close the structure for human occupation 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. (1995 Code, § 13-505)

**13-406. 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 occupation or use. The use or occupation of this building for human occupation or use is prohibited and unlawful." (1995 Code, § 13-506)

**13-407. 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. (1995 Code, § 13-507)

**13-408. Lien for expenses; sale of salvage 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 be assessed against the owner of the property, and shall upon the filing of the notice with the office of the register of deeds of Jefferson 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. In addition, the municipality may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The municipality may bring one (1) action for debt against more than one (1) or all of the owners of properties against whom said costs have been assessed and the fact that multiple owners have

been joined in one (1) action shall not be considered by the court as a misjoinder of parties. 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 Jefferson 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 to the person found to be entitled thereto by final order or decree of such court. Nothing in this section shall be construed to impair or limit in any way the power of the Town of Dandridge to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (1995 Code, § 13-508)

**13-409. 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 Dandridge. 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; or uncleanliness. (1995 Code, § 13-509)

**13-410. 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 persons are 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 of general circulation in the town. In addition, a copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the Register of Deeds of Jefferson County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (1995 Code, § 13-510, modified)

**13-411. Enjoining enforcement of order.** Any person affected by an order issued by the public officer served pursuant to this chapter may file a bill 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 bill 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. (1995 Code, § 13-511)

**13-412. 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. (1995 Code, § 13-512)

**13-413. 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. (1995 Code, § 13-513)

**13-414. Structures unfit for human habitation deemed unlawful.** It shall be unlawful for any owner of record to create, maintain or permit to be maintained 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 unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the town.

Violations of this section shall subject the offender to a penalty of up to fifty dollars (\$50.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (1995 Code, § 13-514, modified)