

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. NUISANCES.
3. ABANDONED AND JUNK VEHICLES.

CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Trash and weeds.
 13-102. Unsafe buildings.
 13-103. Stagnant water.

13-101. Trash and weeds. (1) It shall be unlawful for any person to empty, dump, or place any wood, lumber, metal, sawdust, ashes, rags, tin cans, human excreta, junk, trash, debris, or any other material matter of any kind whatsoever on the property of another or on any public property within the city without first obtaining permission so to do.

(2) It shall be unlawful for any person to permit or suffer weeds and other noxious vegetation to grow or to permit or suffer trash, rubbish, and refuse to accumulate on his property.

(3) Upon such conditions existing, as above enumerated, the city clerk or his authorized representative shall notify the owner of the property that the conditions must be remedied within ten (10) days. Such notice shall be given in person or by registered mail addressed to the last known address of the owner.

(4) If the owner fails to remedy such condition within the prescribed time, any member of the police department may certify same to the city clerk. The city clerk shall thereupon remedy the condition so certified, or cause the same to be done. On the completion of such work, the city clerk shall determine the reasonable cost and bill the owner or the tenant for the amount of such charge. Upon failure of the owner or tenant to remit the amount of such charge within thirty (30) days from the date of such notice, the amount of the bill shall constitute a lien upon the property for which the expenditure was made, which lien may be enforced by suit as other tax liens of the city. (1952 Code, § 10-3)

¹Municipal code references

Animal control: title 10.

Littering streets, etc.: § 16-107.

13-102. Unsafe buildings. (1) If the fire chief or fire inspector shall find in the city any building or structure, or part thereof, in such an unsafe condition as to endanger life, or to create a fire hazard, so that by immediate application of precautionary measures, such danger may be averted, he shall have authority, and it shall be his duty, to notify the owner, agent, or person in possession, charge, or control of such building or structure, or part thereof, to adopt and put into effect such precautionary measures as he may direct, to place such building or structure, or part thereof, in a safe condition. If the owner, agent, or person in possession, charge, or control, within the time limit specified in such notice, fails to comply, it shall be the duty of the inspector to report such condition to the mayor. The mayor shall proceed to do or cause to be done any and all work necessary to place such building or structure, or part thereof, in a safe condition. If the mayor shall be unable to find the owner of such building, structure, or part thereof, or agent or person in possession, charge, or control, he shall place or cause to be placed a notice on such building, near its principal entrance, or at some other conspicuous place on or near said building. If, at the expiration of time specified in such notice for completion of work required to be done, the terms of such notice shall not have been complied with, it shall be the duty of the mayor to proceed to do or cause to be done any and all work necessary to remedy the situation. Should the mayor or his representatives determine that there is a life or fire hazard and that conditions do not warrant the expenditure of sufficient sums of money to make such repairs, or to do the work necessary to put it in a safe condition, the mayor shall have authority to tear down or destroy such building, structure, or part thereof. The expense of tearing down and destroying such building, structure, or part thereof, and the expense of making repairs, or doing any work thereon, shall be charged to the person owning, or in possession, charge, or control of such building, structure, or part thereof. The mayor shall recover, or cause to be recovered, from such owner, or person in possession, charge, or control, the cost to the city of doing such work by appropriate proceedings; this cost shall become and remain a lien upon the property in question. If there is actual and immediate danger of the falling of any building, or part thereof, the mayor may cause the necessary work to be done to render said building, or part thereof, temporarily safe until the proper proceedings can be taken as prescribed in this section. In such cases the chief of the fire department or fire inspector is authorized and empowered under the direction of the mayor to order and require the occupants of such building, or part thereof, to vacate the same.

(2) The city shall ask the state to concur with it in joint action wherever such action is deemed necessary. (1952 Code, § 10-3)

13-103. Standing water. The presence of water on the surface of the ground from sinks or other places where an abundance of water is used, or seepage from cesspools, is hereby declared a nuisance against public health and any and all persons that fail or refuse to remedy any such nuisance within ten

(10) days after having been notified of its existence shall be guilty of an unlawful act. (1952 Code, § 10-3(9))

CHAPTER 2

NUISANCES

SECTION

13-201. Abatement of nuisances.

13-202. Application of chapter.

13-203. Violations.

13-201. Abatement of nuisances. Whenever the council, by any means, has knowledge or receives notice of the existence of any insanitary, unhealthy, unsafe, dangerous, hazardous, obnoxious, or offensive condition, structure, or situation in connection with or in relation to any building, structure, fixture, land, lot, property, or other thing whatsoever, owned, operated, controlled, or managed by any person in the city or within its police jurisdiction, the council, by proper resolution, may declare that the existence or continuance of such condition, structure, or situation adversely affects the public health, safety, welfare, or happiness, and, therefore, constitutes a nuisance, and shall give notice thereof to all such persons interested in such resolution. The council may, by the same or different resolutions, direct the persons, whether one or more, owning, operating, controlling, or managing the building, structure, fixture, land, lot, property, or other thing in connection with or in relation to which such nuisance exists or is maintained, within such reasonable time as may be prescribed in such resolution, to remedy the unhealthy, insanitary, unsafe, dangerous, hazardous, noisy, obnoxious, or offensive condition, structure, or situation as to fully abate the nuisance. The "reasonable time" mentioned in this section shall be of such duration as will afford the person against whom it is directed a reasonable opportunity to be heard with reference to the same, with due regard being given to the degree of emergency existing. The decision of the council on such hearing shall not be reviewable, except where arbitrary and capricious. (1952 Code, § 9-1(1))

13-202. Application of chapter. Without limitation of generality of § 13-101, this section is specifically intended to apply:

(1) To any unhealthy, insanitary, unsafe, dangerous, hazardous, noisy, obnoxious, or offensive condition or situation existing in or in connection with any building, structure, fixture, lot, land, property, or other thing, in, above, over, under, or near any public street, sidewalk or other public place;

(2) To any awning or marquee similar to those usually or customarily placed above the pavement in front of business and public buildings;

(3) To any situation or condition arising in connection with any manufacturing business or establishment;

(4) Toilets uncleaned for more than three (3) weeks, dead animals left unburned or unburied for more than twenty-four (24) hours, tin cans without

holes in both ends, and all other discarded containers or vessels that may hold water.

The specification in this section of certain unhealthy, insanitary, unsafe, dangerous, hazardous, noisy, obnoxious, or offensive conditions or situations shall not be held or construed to exclude others within the meaning of the general terms of § 13-101 of this chapter nor to limit the full application of the general terms of § 13-101. (1952 Code, § 9-1(2))

13-203. Violations. (1) It shall be unlawful for any person to fail to comply with any resolution adopted under authority of this chapter.

(2) Upon the failure of any person to comply with any resolution adopted under authority of this chapter, the city council may direct the abatement of such nuisance at the expense of such person without further notice, sums so expended to be recovered by suit if necessary. (1952 Code, § 9-1(3))

CHAPTER 3

ABANDONED AND JUNK VEHICLES

SECTION

- 13-301. Definitions.
- 13-302. Abandoned motor vehicles declared a public nuisance.
- 13-303. Removal of abandoned motor vehicles required.
- 13-304. Notification and authority.
- 13-305. Citation to municipal court.
- 13-306. Violations.
- 13-307. Disposal of abandoned motor vehicles.
- 13-308. Lien on property.

13-301. Definitions. (1) The following definitions shall apply in the interpretation and enforcement of this chapter:

- (a) "Person" - Any person, firm, organization, partnership, association, corporation or company of any kind.
- (b) "Vehicle" - Any machine propelled by other than human power or animal power designed to travel along the ground by use of wheels, treads, runners, or slides and transport persons or property or pull machinery, and shall include, without limitation, automobile, truck/trailer, motorcycle, tractor, mobile home or motor home.
- (c) "Property" - Any real property within the City of Friendsville which is not a street or highway.
- (d) "Shall" - The word "shall" is always mandatory and not merely directory.
- (e) "Antique" - Any vehicle over 25 years old.
- (f) "Enforcement Officer of the City of Friendsville" - The duty sheriff assigned to the City of Friendsville pursuant to the contract between the City of Friendsville and Blount County.

(2) **Exceptions:**

- (a) Any motor vehicle in operable condition specifically adapted or constructed for racing or operation on privately owned drag strips or raceways and regularly used in such racing.
- (b) Any antique retained and maintained by the owner for collection purposes rather than for salvage or for transportation. Such vehicles shall be maintained in operable condition and at the discretion of the authority having jurisdiction be required to comply with subsection (c) below.
- (c) Any junk vehicle kept within a building where it will not be visible from the street.

(d) Any junked motor vehicle on the property of a business enterprise operated in strict compliance with all local zoning ordinances and when necessary to the operation of such business enterprise.

(e) Any junked motor vehicle in an appropriate storage place or depository maintained at a location officially designed and in a manner approved by the City of Friendsville. (as added by Ord. #2003-03, June 2003)

13-302. Abandoned motor vehicles declared a public nuisance. In enacting this chapter, the Board of Commissioners of the City of Friendsville finds and declares that the accumulation, storage, possession or presence of abandoned, wrecked, junked, partially dismantled or inoperative motor vehicles on public or private property in the City of Friendsville are in the nature of rubbish and unsightly debris, violates, in many instances, the zoning regulations of the city and constitutes a nuisance detrimental to the health, safety and welfare of the community in that such conditions tend to interfere with the enjoyment of and reduce the value of public and private property and create fire hazards and other safety and health hazards to the citizens of the City of Friendsville. (as added by Ord. #2003-03, June 2003)

13-303. Removal of abandoned motor vehicles required. The accumulation, storage, possession or presence of one or more such motor vehicles in violation of the provisions of this chapter shall constitute rubbish and unsightly debris and a nuisance detrimental to the health, safety and general welfare of the inhabitants of the City of Friendsville, and it shall be the duty of the registered owner of such vehicle, and it shall also be the duty of the person in charge or control of the property upon which such motor vehicle is located, whether owner, tenant, occupant, lessee, or otherwise, to remove the same to a place of lawful storage or to have the vehicle housed within a building where it will not be visible from any street. (as added by Ord. #2003-03, June 2003)

13-304. Notification and authority. Whenever any such public nuisance exists on occupied or unoccupied commercial or residential, private or public premises, within the City of Friendsville, the owner or owners of said property shall be notified by the Enforcement Officer of the City of Friendsville or his authorized agent to abate or remove the same. Such notice shall:

- (1) Be in writing.
- (2) Specify the public nuisance and its location;
- (3) Specify the corrective measures required; and
- (4) Provide for compliance within ten (10) days from the date of notification.

The notification shall be served upon the owner or owners of said premises by serving them personally or by sending said notice by certified mail, return receipt requested, to their address as shown on the current tax rolls of Blount

County. If the owner or owners of the premises fail or refuse to comply with the notice of the Enforcement Officer of the City of Friendsville or his authorized agent within a ten (10) day period after notification thereof, as provided herein, such failure or refusal shall be deemed a violation of the provisions of this chapter and said owner or owners shall be subject to the penalties herein provided. (as added by Ord. #2003-03, June 2003)

13-305. Citation to municipal court. If the owner or owners of the property fail or refuse to comply with the notice of the Enforcement Officer of the City of Friendsville or his duly authorized agent, within a ten (10) day period after notification thereof, as provided herein, the enforcement officer or his duly authorized agent may issue a citation to the owner or owners of the property citing said owner or owners to municipal court for violating the provisions of this chapter.

Each day after the ten (10) day notification period as provided for herein that the owner or owners of the property fail or refuse to comply with the order of the Enforcement Officer of the City of Friendsville, shall be considered a separate offense under this chapter and subject to a separate citation for each violation. (as added by Ord. #2003-03, June 2003)

13-306. Violations. Any person violating or interfering with the enforcement of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined under the general penalty clause for this municipal code. (as added by Ord. #2003-03, June 2003)

13-307. Disposal of abandoned motor vehicles. Ten (10) days after conviction under this chapter, the Enforcement Officer of the City of Friendsville or his duly authorized agent may enter upon said property, take possession of such junk vehicle or vehicles, remove the same from said property, dispose of the same in whatever manner the Enforcement Officer of the City of Friendsville or his duly authorized agent deems appropriate and cause such unlawful condition to be remedied. Upon completion of such removal and disposal, all costs incident to said removal and disposal shall be paid to the City of Friendsville by the owner or owners of said property and said costs shall be billed to the owner or owners of said property. If the bill for said removal and disposal is not paid within thirty (30) days after the mailing of said bill, a ten percent (10%) penalty shall be added. (as added by Ord. #2003-03, June 2003)

13-308. Lien on property. All court costs, fines, penalties and costs of removal disposal shall constitute a lien on the property of the owner or owners and the city recorder is authorized to execute a Notice of Lien and record the same in the Register's Office for Blount County, Tennessee. Upon recordation of said lien, the City of Friendsville is authorized to sell the property of the owner or owners to satisfy the amount of the lien. In the event litigation is

required to foreclose the lien of the City of Friendsville, the owner or owners shall be responsible for all reasonable attorney fees incurred by the City of Friendsville and said attorney fees shall be paid from the proceeds of the sale of the property of the owner or owners. (as added by Ord. #2003-03, June 2003)