

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. SLUM CLEARANCE.
3. ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE VEHICLES.

CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Smoke, soot, cinders, etc.
- 13-102. Stagnant water.
- 13-103. Weeds and grass.
- 13-104. Overgrown and dirty lots.
- 13-105. Dead animals.
- 13-106. Health and sanitation nuisances.
- 13-107. Violations and penalty.

13-101. 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.

13-102. Stagnant water. It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property without treating it so as effectively to prevent the breeding of mosquitoes.

13-103. Weeds and grass. Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property, and it shall be unlawful for any person to fail to comply with an order by the city recorder to cut such vegetation when it has reached a height of over one (1) foot.

¹Municipal code references

Animal control: title 10.

Littering streets, etc.: § 16-103.

13-104. Overgrown and dirty lots. It shall be unlawful for any owner of record of real property to create, maintain, or permit to be maintained on such property the growth of trees, vines, grass, underbrush and/or the accumulations 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.

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 city recorder and dispose of such animal in such manner as the city recorder shall direct.

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.

13-107. Violations and penalty. Violations of this chapter shall subject the offender to a penalty of up to five hundred dollars (\$500) for each offense. Each day a violation is allowed to continue shall constitute a separate offense.

CHAPTER 2**SLUM CLEARANCE****SECTION**

13-201. Certain Tennessee Code Annotated codes adopted.

13-201. **Certain Tennessee Code Annotated codes adopted.** Pursuit to authority granted by Tennessee Code Annotated, § 13-21-103; Tennessee Code Annotated, §§ 13-21-101 through 13-21-108 are hereby adopted and incorporated as part of the Grand Junction Municipal Code. (as added by Ord. #00-1, Jan. 2000)

CHAPTER 3

ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE VEHICLES¹

SECTION

- 13-301. Short title.
- 13-302. Definitions.
- 13-303. Storing, parking, or leaving dismantled or other such motor vehicles prohibited, and declared nuisance; exception.
- 13-304. Notice to remove.
- 13-305. Responsibility for removal.
- 13-306. Notice procedure.
- 13-307. Content of notice.
- 13-308. Request for hearing.
- 13-309. Procedure for hearing.
- 13-310. Removal of motor vehicle from property.
- 13-311. Notice of removal.
- 13-312. Disposition of vehicles.
- 13-313. Contents of public sale notice.
- 13-314. Public sale.
- 13-315. Redemption of impounded vehicles.
- 13-316. Liability of owner or occupant.
- 13-317. Penalty.

13-301. Short title. This chapter shall be known and may be cited as the "abandoned, wrecked, dismantled or inoperative motor vehicle ordinance." (as added by Ord. #02-1, May 2002)

13-302. Definitions. For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- (1) "City" is the City of Grand Junction.
- (2) "Chief of police" is the director of traffic of the City of Grand Junction.

¹Municipal code reference
Motor vehicles and traffic: title 15.

(3) "Motor vehicle" is any vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to, automobiles, buses, motorbikes, motorcycles, trucks, tractors, go-carts, campers, and trailers

(4) "Junked motor vehicle" is any motor vehicle, as defined by (3) above, which does not have lawfully affixed thereto an unexpired license plate or plates and the condition of which is wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded.

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

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

(7) "Public property" shall mean any street or highway which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel, and shall also mean any other publicly-owned property or facility. (as added by Ord. #02-1, May 2002)

13-303. Storing, parking, or leaving dismantled or other such motor vehicles prohibited and declared nuisance; exception. No person shall park, store, leave or permit the parking, storing, or leaving of any motor vehicle of any kind which is in an abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled condition whether attended or not, upon any public or private property within the city for a period in excess of seventy-two (72) hours. The presence of an abandoned, wrecked, dismantled, inoperative, rusted, junked, or partially dismantled vehicle or parts thereof, on private or public property is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this chapter. This section shall not apply to any vehicle enclosed within a building on private property or to any vehicle held in connection with a business enterprise, lawfully licensed by the city and properly operated in the appropriate business zone, pursuant to the zoning laws of the city, or to any motor vehicle in operable condition specifically adopted or designed for operation on drag strips or raceways, or any vehicle retained by the owner for antique collection purposes. (as added by Ord. #02-1, May 2002)

13-304. Notice to remove. Whenever it comes to the attention of the chief of police that any nuisance as defined in § 13-303 exists in the city, a notice in writing shall be served upon the occupant of the land where the nuisance exists, or in case there is no such occupant, then upon the owner of the property or his agent, notifying them of the existence of the nuisance and requesting its removal in the time specified in this chapter. (as added by Ord. #02-1, May 2002)

13-305. Responsibility for removal. Upon proper notice and opportunity to be heard, the owner of the abandoned, wrecked, dismantled, or inoperative vehicle and the owner or occupant of the private property on which the same is located, either or all of them, shall be responsible for its removal. In the event of removal and disposition by the city, the owner or occupant of the private property where same is located, shall be liable for the expenses incurred. (as added by Ord. #02-1, May 2002)

13-306. Notice procedure. The chief of police of the city shall give notice of removal to the owner or occupant of the private property where it is located at least ten (10) days before the time of compliance. It shall constitute sufficient notice when a copy of same is posted in a conspicuous place upon the private property on which the vehicle is located and duplicate copies are sent by registered mail to the owner or occupant of the private property at his last known address. (as added by Ord. #02-1, May 2002)

13-307. Content of notice. The notice shall contain the request for removal within the time specified in this chapter, and the notice shall advise that upon failure to comply with the notice to remove, the city or its designee shall undertake such removal with the cost of removal to be levied against the owner or occupant of the property. (as added by Ord. #02-1, May 2002)

13-308. Request for hearing. The persons to whom the notices are directed, or their duly authorized agents may file a written request for hearing before the city council of the City of Bolivar or its designee within the ten (10) day period of compliance prescribed in § 13-306 for the purpose of defending the charges by the city. (as added by Ord. #02-1, May 2002)

13-309. Procedure for hearing. The hearing shall be held as soon as practicable after the filing of the request and the persons to whom the notices are directed shall be advised of the time and place of said hearing at least thirty (30) days in advance thereof. At any such hearing, the city and the persons to whom the notices have been directed may introduce such witnesses and evidence as either party deems necessary. (as added by Ord. #02-1, May 2002)

13-310. Removal of motor vehicle from property. If the violation described in the notice has not been remedied within the ten (10) day period of compliance, or in the event that a notice requesting a hearing is timely filed, a hearing is had, and the existence of the violation is affirmed by the council of the City of Bolivar or its designee, the chief of police or his designee shall have the right to take possession of the junked motor vehicle and remove it from the premises. It shall be unlawful for any persons to interfere with, hinder, or refuse to allow such person or persons to enter upon private property for the

purpose of removing a vehicle under the provision of this chapter. (as added by Ord. #02-1, May 2002)

13-311. Notice of removal. Within forty-eight (48) hours of the removal of such vehicle, the chief of police shall give notice to the registered owner of the vehicle, if known, also to the owner or occupant of the private property from which the vehicle was removed, that said vehicle, or vehicles, has been impounded and stored for violation of this chapter. The notice shall give the location of where the vehicle is stored and the costs incurred by the city for removal. (as added by Ord. #02-1, May 2002)

13-312. Disposition of vehicles. Upon removing a vehicle under the provisions of § 13-310, the city shall after ten (10) days cause it to be appraised. If the vehicle is appraised at seventy-five (75) dollars or less, the chief of police shall execute an affidavit so attesting and describing the vehicle, including the license plates, if any, and stating the location and appraised value of the vehicle. The chief of police, after complying with the above, may summarily dispose of the vehicle and execute a certificate of sale. If the vehicle is appraised at over seventy-five (75) dollars, the chief of police shall give notice of public sale not less than thirty (30) days before the date of the proposed sale. (as added by Ord. #02-1, May 2002)

13-313. Contents of public sale notice. The notice of sale shall state:

- (1) The sale of abandoned property in the possession of the city;
- (2) A description of the vehicle including make, model, license number and any other information which will accurately identify the vehicle;
- (3) The terms of sale; and
- (4) The date, time and place of the sale. (as added by Ord. #02-1, May 2002)

13-314. Public sale. The vehicle shall be sold to the highest and the best bidder. At the time of payment of the purchase price, the chief of police shall execute a certificate of sale in duplicate, the original of which is to be given to the purchaser, and the copy thereof to be filed with the mayor of the city. Should the sale for any reason be invalid, the city's liability shall be limited to the return of the purchase price. (as added by Ord. #02-1, May 2002)

13-315. Redemption of impounded vehicles. The owner of any vehicle seized under the provisions of this chapter may redeem such vehicle at any time after its removal but prior to the sale or destruction thereof; upon proof of ownership and payment to the chief of police of said sums he may determine and fix for the actual and reasonable expense of removal, and any preliminary sale advertising expenses, not to exceed fifty (50) dollars plus three (3) dollars

per day for storage for each vehicle redeemed. (as added by Ord. #02-1, May 2002)

13-316. Liability of owner or occupant. Upon the failure of the owner or occupant of the property on which abandoned vehicles have been removed by the city to pay the unrecovered expenses incurred by the city in such removal, a lien shall be placed upon the property for the amount of such expenses. (as added by Ord. #02-1, May 2002)

13-317. Penalty. Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of not more than fifty (50) dollars. Each act in violation of any of the provisions hereof shall be deemed a separate offense. (as added by Ord. #02-1, May 2002)