

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

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CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Health officer.
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- 13-103. Stagnant water.
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- 13-105. Dead animals.
- 13-106. Health and sanitation nuisances.
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- 13-108. Enforcement and abatement of nuisances.

13-101. Health officer. The "health officer" shall be such municipal, county, or state officer as the governing body shall appoint or designate to administer and enforce health and sanitation regulations within the municipality. (1983 Code, § 8-101)

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. (1983 Code, § 8-105)

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 without treating it so as effectively to prevent the breeding of mosquitoes. (1983 Code, § 8-106)

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

13-104. Weeds, grass and other vegetation. (1) Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds or grass on his or her property, lot or tract of land within the town.

(2) It shall be unlawful for anyone to permit any weeds, grass or any other plants, other than trees, bushes, flowers or other ornamental plants to grow to a height exceeding twelve (12) inches anywhere in the town, excluding farmland, pastures and timberland. Any such plants, weeds or vegetation exceeding such height are hereby declared a nuisance. (Ord. #89-4, June 1989)

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. (1983 Code, § 8-108)

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, unsightly or offensive matter or to allow the breeding of flies, rodents, or other vermin, or to allow junk or abandoned vehicles to remain on said premises to the menace of the public health or the annoyance of people residing within the town. (Ord. #89-5, Aug. 1989)

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 municipality and unless a permit therefor shall have been first duly issued by the building official, as provided for in the building code. (1983 Code, § 8-104)

13-108. Enforcement and abatement of nuisances. (1) It shall be unlawful for any person to permit a nuisance, as defined by this code or any of the general laws of the State of Tennessee, to exist or continue or to violate any of the provisions of this chapter on any premises owned, occupied or controlled by them.

(2) It shall be the duty of the mayor to serve or attempt to serve a notice upon the owner, if known, or any premises in violation of the provisions of this chapter and to demand the abatement of the nuisance within ten (10) days.

(3) If the owner does not abate the nuisance within ten (10) days, or no owner can be found, the Town of Hollow Rock may proceed to abate such

nuisance, keeping an account of the expense of the abatement, and such expense shall be charged and paid by such owner, if any, being billed as hereinafter provided and a lien for such expenses may be filed against said property.

(4) Charges for such removal shall be charged to the owner of said premises and whenever such charge remains unpaid for sixty (60) days after it has been rendered, the Town of Hollow Rock shall have a right to maintain an action at law for the collection of such charges. Notice of such charges shall be mailed to the owner, if any, of said premises by certified mail so as to give the owner notice of said charge and if no owner can be found, notice of such charges will be posted on the town hall for two (2) consecutive weeks.

(5) The town attorney for the Town of Hollow Rock, upon being notified by the mayor is hereby authorized and directed to institute such proceedings in the name of the Town of Hollow Rock in any court having jurisdiction over such matter against any owner as to such charges that have remained unpaid sixty (60) days after notice. (Ord. #89-6, Aug. 1989)

CHAPTER 2

JUNKYARDS¹

SECTION

- 13-201. Definitions.
- 13-202. Junkyard screening.
- 13-203. Screening methods.
- 13-204. Requirements for effective screening.
- 13-205. Maintenance of screens.
- 13-206. Utilization of highway right-of-way.
- 13-207. Non-conforming junkyards.
- 13-208. Permits and fees.
- 13-209. Violations and penalty.

13-201. Definitions. (1) "Junk" shall mean old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles, trucks, vehicles of all kinds, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

(2) "Junkyard" shall mean an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. This definition includes scrap metal processors, used auto parts yards, yards providing temporary storage of automobile bodies or parts awaiting disposal as a normal part of the business operation when the business will continually have like materials located on the premises, garbage dumps, sanitary landfills, and recycling centers.

(3) "Recycling center" means an establishment, place of business, facility or building which is maintained, operated, or used for the storing, keeping, buying, or selling of newspaper or used food or beverage containers or plastic containers for the purpose of converting such items into a usable product.

(4) "Person" means any individual, firm, agency, company, association, partnership, business trust, joint stock company, body politic, or corporation.

(5) "Screening" means the use of plantings, fencing, natural objects, and other appropriate means which screen any deposit of junk so that the junk is not visible from the highways and streets of the city.

13-202. Junkyard screening. Every junkyard shall be screened or otherwise removed from view by its owner or operator in such a manner as to bring the junkyard into compliance with this chapter.

¹Municipal code reference

Refuse and trash disposal: title 17.

13-203. Screening methods. The following methods and materials for screening are given for consideration only:

(1) Landscape planting. The planting of trees, shrubs, etc., of sufficient size and density to provide a year-round effective screen. Plants of the evergreen variety are recommended.

(2) Earth grading. The construction of earth mounds which are graded, shaped, and planted to a natural appearance.

(3) Architectural barriers. The utilization of:

(a) Panel fences made of metal, plastic, fiberglass, or plywood.

(b) Wood fences of vertical or horizontal boards using durable woods such as western cedar or redwood or others treated with a preservative.

(c) Walls of masonry, including plain or ornamented concrete block, brick, stone, or other suitable materials.

(4) Natural objects. Naturally occurring rock outcrops, woods, earth mounds, etc., may be utilized for screening or used in conjunction with fences, plantings, or other appropriate objects to form an effective screen.

13-204. Requirements for effective screening. Screening may be accomplished using natural objects, earth mounds, landscape plantings, fences, or other appropriate materials used singly or in combination as approved by the city. The effect of the completed screening must be the concealment of the junkyard from view on a year-round basis.

(1) Screens which provide a "see-through" effect when viewed from a moving vehicle shall not be acceptable.

(2) Open entrances through which junk materials are visible from the main traveled way shall not be permitted except where entrance gates, capable of concealing the junk materials when closed, have been installed. Entrance gates must remain closed from sundown to sunrise.

(3) Screening shall be located on private property and not on any part of the highway right-of-way.

(4) At no time after the screen is established shall junk be stacked or placed high enough to be visible above the screen nor shall junk be placed outside of the screened area.

13-205. Maintenance of screens. The owner or operator of the junkyard shall be responsible for maintaining the screen in good repair to insure the continuous concealment of the junkyard. Damaged or dilapidated screens, including dead or diseased plantings, which permit a view of the junk within shall render the junkyard visible and shall be in violation of this code and shall be replaced as required by the city.

If not replaced within sixty (60) days the city may replace said screening and require payment upon demand.

13-206. Utilization of highway right-of-way. The utilization of highway right-of-way for operating or maintaining any portion of a junkyard is prohibited; this shall include temporary use for the storage of junk pending disposition.

13-207. Non-conforming junkyards. Those junkyards within the city and lawfully in existence prior to the enactment of this code, which do not conform with the provisions of the code shall be considered as "non-conforming." Such junkyards shall be subject to the following conditions, any violation of which shall terminate the non-conforming status:

- (1) The junkyard must continue to be lawfully maintained.
- (2) There must be existing property rights in the junk or junkyard.
- (3) Abandoned junkyards shall no longer be lawful.
- (4) The location of the junkyard may not be changed for any reason.

If the location is changed, the junkyard shall be treated as a new establishment at a new location and shall conform to the laws of the city.

- (5) The junkyard may not be extended or enlarged.

13-208. Permits and fees. It shall be unlawful for any junkyard located within the city to operate without a "Junkyard Control Permit" issued by the city.

(1) Permits shall be valid for the fiscal year for which issued and shall be subject to renewal each year. The city's fiscal year begins on July 1 and ends on June 30 the year next following.

(2) Each application for an original or renewal permit shall be accompanied by a fee of fifty dollars (\$50.00) which is not subject to either proration or refund.

(3) All applications for an original or renewal permit shall be made on a form prescribed by the city.

(4) Permits shall be issued only to those junkyards that are in compliance with these rules.

(5) A permit is valid only while held by the permittee and for the location for which it is issued.

13-209. Violations and penalty. Violations of this chapter shall subject the offender to a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

CHAPTER 3

SLUM CLEARANCE

SECTION

- 13-301. Purpose.
- 13-302. Definitions.
- 13-303. Unfit or dangerous structures.
- 13-304. Conditions rendering structure unfit or dangerous.
- 13-305. Designation of public officer.
- 13-306. Powers given public officer.
- 13-307. Service of complaints or orders.
- 13-308. Hearings on complaints or petitions.
- 13-309. Findings of dangerous or unfit structures.
- 13-310. Failure to comply with order of public officer.
- 13-311. Removal or demolition by municipality.
- 13-312. Recovery of cost and placement of liens.
- 13-313. Allocation of funds for program.
- 13-314. Applicability.

13-301. Purpose. The purpose of this legislation is to provide the necessary administrative and legal procedures as required by section 4(n) of the Charter of the Town of Hollow Rock and Tennessee Code Annotated, § 13-21-103, for the designation of unsafe, hazardous or dangerous dwellings and structures and for the abatement of same within the municipality. (Ord. #89-3, Aug. 1989)

13-302. Definitions. The following terms whenever used 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" shall mean any building or structure, or part thereof, used and occupied for human residential habitation or abode 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 of the Town of Hollow Rock, Tennessee.

(3) "Municipality" shall mean the Town of Hollow Rock, Tennessee.

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

(5) "Parties of interest" shall mean all individuals, associations, corporations and others who have interest of record in a structure and any who are in possession thereof.

(6) "Place of public accommodation" shall mean 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 municipality relating to health, fire, building regulations, or other activities concerning structures in the municipality.

(8) "Public officer" shall mean the officer or officers who are authorized herein below to exercise the powers prescribed by this chapter.

(9) "Structure" shall mean any dwelling, any place of accommodation; any place wherein business, trade, commerce or manufacture is conducted; any advertising sign; fences or any other similar man-made facility or object. (Ord. #89-3, Aug. 1989)

13-303. Unfit or dangerous structures. All dwellings, structures and other similar facilities within the municipality which are unsuitable or unsafe for human occupancy or use due to dilapidation; defects increasing the hazards of fire, accident or other calamities; damage from fire; 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 in opposition to the welfare of the residents of the Town of Hollow Rock, shall be upon proper investigation by the appropriate public official declared as an "unfit or dangerous structure," and shall be and is hereby declared to be a public nuisance, which shall be upon application of the proper procedure by a public authority abated as directed. (Ord. #89-3, Aug. 1989)

13-304. Conditions rendering structure unfit or dangerous.

(1) The public officer 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, safety or morals of the occupants of such structure; the occupants of neighboring structures or other residents of the municipality. Such conditions may include the following (without limiting the generality of the foregoing):

- (a) Defects therein increasing the hazards of fire, accident, or other calamities;
- (b) Lack of adequate ventilation, light, or sanitary facilities;
- (c) Dilapidation, caused by neglect or fire or other such damage;
- (d) Disrepair;
- (e) Structural defects, or uncleanliness.

(2) The public officer of public authority may also utilize the standards and requirements of other related adopted codes of the municipality, such as the building code, housing code, etc. (Ord. #89-3, Aug. 1989)

13-305. Designation of public officer. The codes enforcement official/building inspector is designated as the principal public officer for the administering and enforcement of the provisions of this chapter; however, the following duly elected or appointed and serving officers or employees of the Town of Hollow Rock are also authorized to enforce the provisions of this chapter.

- (1) Fire marshal/fire chief;
- (2) Chief of police;
- (3) Town recorder;
- (4) Town attorney;
- (5) Town mayor. (Ord. #89-3, Aug. 1989)

13-306. Powers given public officer. The board of mayor and aldermen hereby authorizes the public officer 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 municipality 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 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.
- (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.
- (5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate. (Ord. #89-3, Aug. 1989)

13-307. Service of complaints or orders. Complaints or orders issued by a public officer 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 public officer in the exercise of reasonable diligence and the public officer shall make an affidavit to that effect, 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 the town's official newspaper. 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 Office of the Register, Carroll County, Tennessee, and such filing of the complaint or order shall have the same force and effect as other lien lis pendens notices provided by law. (Ord. #89-3, Aug. 1989)

13-308. Hearings on complaints or petitions. Whenever a petition is filed with the public officer by a public authority; or by at least five (5) residents of the municipality charging that any structure is dangerous or unfit for human occupation or use; or whenever it appears to the public officer (on his own motion) that any structure is dangerous or 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 serving of the complaint; that the owner 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 in law or equity shall not be controlling in hearings before the public officer. (Ord. #89-3, Aug. 1989)

13-309. Findings of dangerous or unfit structures. If after such notice and hearing, the public officer determines that the structure under consideration is dangerous or unfit for human occupation 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 stating that:

(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 (fifty percent (50%) shall be considered a reasonable value), the owner will be required, within the time specified in the order, to repair, alter, or improve such structure to render it safe or fit for human occupation or use, or to vacate and close the structure as a place of human occupation or use; or

(2) If the repair, alteration or improvement of the structure cannot be made at a reasonable cost in relation to the value of the structure (fifty percent (50%) shall be considered reasonable), the owner will be required, within the time specified in the order, to remove or demolish such structure. (Ord. #89-3, Aug. 1989)

13-310. Failure to comply with order of public officer. If the owner fails to comply with an order to repair, alter, or improve, or to vacate and close the structure, the public officer may cause such structure to be repaired, altered or improved, or to be vacated and closed. The public officer may cause to be posted on the main entrance of any structure so closed (or on the most publicly visible point of a structure such as a billboard or a fence) a placard with the following words: "This structure or building is dangerous or unfit for human occupation or use, and the utilization of this structure or building for human occupation or use is prohibited and unlawful." (Ord. #89-3, Aug. 1989)

13-311. Removal or demolition by municipality. If the owner fails to comply with an order to remove or demolish the structures, the public officer may cause such structure to be removed or demolished. (Ord. #89-3, Aug. 1989)

13-312. Recovery of cost and placement of liens. 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 a lien against the real property upon which such cost was incurred.

(1) 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 removal or demolition, and any balance remaining shall be deposited in the chancery court 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.

(2) Nothing in this section or chapter shall be construed to impair or limit in any way the power of the municipality to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (Ord. #89-3, Aug. 1989)

13-313. Allocation of funds for program. The governing body of the municipality shall prepare an estimate of the annual expenses or cost to establish, maintain and administer the program authorized by this chapter, and same shall be allocated and funded as a component of the town's annual general fund budget. (Ord. #89-3, Aug. 1989)

13-314. Applicability. The provisions of this chapter extend to all man-made structures within the municipality, including, but not limited to: residential dwelling of abodes; commercial, business or industrial facilities; storage buildings; barns, sheds, and outbuildings; towers; outdoor advertising signs or billboards, and fences. (Ord. #89-3, Aug. 1989)