

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. JUNKYARDS.
3. DISPLAY OF ADDRESSES.
4. BUILDINGS UNFIT FOR HUMAN HABITATION.

CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Health officer.
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- 13-104. Weeds and grass.
- 13-105. Removal of vegetation and debris from certain lots.
- 13-106. Dead animals.
- 13-107. Health and sanitation nuisances.
- 13-108. House trailers.
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13-101. Health officer. The "health officer" shall be such city, county, or state officer as the city manager shall appoint or designate to administer and enforce health and sanitation regulations within the city. (1996 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. (1996 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

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

without treating it so as effectively to prevent the breeding of mosquitoes. (1996 Code, § 8-106)

13-104. 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 code enforcement officer to cut such vegetation when it has reached a height of over one (1) foot. (Ord. #99-19, Dec. 1999)

13-105. Removal of vegetation and debris from certain lots.

(1) (a) Property owners are required to maintain their property in such a manner as to not endanger the health, safety, or welfare of other citizens.

(b) If it is determined by the city manager, or his designee, 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 city manager, or his designee, 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:

(i) A brief statement of this section shall contain the consequences of failing to remedy the noted condition;

(ii) The person, office, address, and telephone number of the department or person giving notice;

(iii) A cost estimate for remedying the noted condition which shall be in conformity with the standards of cost in the community; and

(iv) A place wherein the notified party may return a copy of the notice, indicating the desire for a hearing.

(c) If the person fails or refuses to remedy the condition within ten (10) days after receiving the notice, the city manager, or his designee, shall immediately cause the condition to be remedied or removed as a cost in conformity with reasonable standards and the cost thereof assessed against the owner of the property. Upon the filing of the notice with the office of the register of deeds of Jefferson County, Tennessee, the costs shall be a lien on the property, as provided in Tennessee Code Annotated, § 6-54-113, in favor of Jefferson City, second only to liens of the state, county, or 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 placed on the tax rolls of Jefferson City as a lien and shall be added to property tax bills to be collected 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.

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-day period of the first sentence of this subsection shall be twenty (20) days, excluding Saturdays, and legal holidays.

(d) The city manager, or his designee, shall be charged with the responsibility for administration and enforcement of this section. Upon request of the person aggrieved by the determination made pursuant to subsection (b), a hearing shall be conducted by the city manager. A request for a hearing shall be made within ten (10) days following the receipt of the notice issued pursuant to subsection (b). Failure to make the request within this time shall without exception constitute a waiver of the right to a hearing.

Any person aggrieved by an order or act of the city manager, or his designee, may seek judicial review of the order or act. The time period established in subsection (c) shall be stayed during the pendency of a hearing.

(e) The provisions of this section shall not apply to any parcel of property upon which an owner-occupied residence is located.

(2) Service fee for lot mowing. (a) Payment rates for said services shall be two hundred fifty (\$250.00) per hour with a minimum payment of one hundred twenty-five dollars (\$125.00).

(b) Mowing services shall be charged in thirty (30) minute time periods, with any portion of a period charged as a full 30 minutes.

(c) A deposit shall be given to the city recorder in the amount of thirty-five dollars (\$35.00) in advance of any such mowing services. (1996 Code, § 8-107, as amended by Ord. #99-19, Dec. 1999)

13-106. 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. (1996 Code, § 8-108)

13-107. 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. (1996 Code, § 8-109)

13-108. 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 city and unless a permit therefor shall have been first duly issued by the building official, as provided for in the building code. (1996 Code, § 8-104)

13-109. Junked yards. Junked yards are prohibited within the corporate limits of Jefferson City and it shall be unlawful for an owner or occupant of property within the corporate limits to maintain a junked yard as defined herein. A junked yard is: a yard, tract, or lot within the corporate limits which has debris, litter, garbage (bagged or unbagged, including food products), household items (such as refrigerators or other appliances, furniture, upholstery, cabinets, bathroom or kitchen fixtures, etc.), paper products, construction materials (such as wood, boards, pipes, brick, etc.), cloth or clothing strewn about or piled in public view whether in a yard, carport visible to the public, or porch area. (as added by Ord. #2001-15, Feb. 2002)

CHAPTER 2

JUNKYARDS AND JUNK VEHICLES¹

SECTION

- 13-201. Definitions.
- 13-202. Screening required.
- 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. Existing junkyards and properties containing junk vehicles.
- 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) "Junk vehicle" shall mean a vehicle of any age that is damaged or defective in any one, or in a combination of any two or more, of the following ways, that either makes the vehicle immediately inoperable, or would prohibit the vehicle from being operated in a reasonably safe manner upon the public streets and highways, under its own power if self-propelled, or while being towed or pushed if not self-propelled:

(a) Flat tire, missing tire, missing wheel, or missing or partially or totally disassembled tire and wheel;

(b) Missing or partially or totally disassembled essential part or parts of the vehicle's drive train, including but not limited to engine, transmission, transaxle, drive shaft, differential or axle;

¹Municipal code reference
 Junked vehicles: § 15-124.
 Junked yards: § 13-109.

(c) Extensive exterior body damage, or missing or partially or totally disassembled essential body parts, including but not limited to fenders, doors, engine hood, bumpers, windshield, or windows;

(d) Missing, or partially or totally disassembled essential interior parts, including but not limited to driver's seat, steering wheel, instrument panel, clutch, brake or gear shift lever;

(e) Missing, or partially or totally disassembled parts essential to the starting or running of the vehicle under its own power, including but not limited to starter, generator or alternator, battery, distributor, gas tank, carburetor or fuel injection system, spark plugs, or radiator;

(f) Interior is a container for metal, glass, paper, rags or other cloth, wood, auto parts, machinery, waste or discarded materials in such quantity, quality and arrangement that a driver cannot be properly seated in the vehicle;

(g) Vehicle is lying on the ground (upside down, on its side, or at other extreme angle), sitting on block or suspended in the air by any other method; or

(h) General environment in which the vehicle sits, including but not limited to vegetation that has grown up around, in or through the vehicle, collection of pools of water in the vehicle, or accumulation of other garbage or debris around the vehicle.

(4) "Property" means any real property within the city which is privately owned, and includes property held in conjunction with a business enterprise such as an auto/marine repair shop.

(5) "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.

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

(7) "Screening" means the use of plantings, fencing, natural objects, and other appropriate means which screen any deposit of junk or junk vehicles so that they are not visible from the highways and streets of the city. (1996 Code, § 8-110, as replaced by Ord. #2003-01, March 2003)

13-202. Screening required. Every junkyard or property containing junk vehicles 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. (as added by Ord. #2003-01, March 2003)

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) Nature 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. (as added by Ord. #2003-01, March 2003)

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 or junk vehicles 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 or junk vehicles be stacked or placed high enough to be visible above the screen nor shall junk or junk vehicles be placed outside of the screened area. (as added by Ord. #2003-01, March 2003)

13-205. Maintenance of screens. The owner or operator of the junkyard or property containing junk vehicles shall be responsible for maintaining the screen in good repair to insure the continuous concealment of the junkyard and junk vehicles. Damaged or dilapidated screens, including dead or diseased plantings, which permit a view of the junk within shall render the junkyard or junk vehicles 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 shall require payment upon demand. (as added by Ord. #2003-01, March 2003)

13-206. Utilization of highway right-of-way. The utilization of highway right-of-way for operating or maintaining any portion of a junkyard or storage of junk vehicles is prohibited; this shall include temporary use for the storage of junk pending disposition. (as added by Ord. #2003-01, March 2003)

13-207. Existing junkyards and properties containing junk vehicles. Those junkyards or properties containing junk vehicles within the city and lawfully in existence prior to the enactment of this chapter, which do not conform with the provisions of this chapter shall have ninety (90) days from the date of the final passage of this chapter to comply with the provisions of this chapter. (as added by Ord. #2003-01, March 2003)

13-208. Permits and fees. It shall be unlawful for any junkyard or property containing junk vehicles 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 and properties containing junk vehicles 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. (as added by Ord. #2003-01, March 2003)

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. (as added by Ord. #2003-01, March 2003)

CHAPTER 3

DISPLAY OF ADDRESSES

SECTION

13-301. Display of address or identification number.

13-302. Penalties.

13-301. Display of address or identification number. The owner, occupant, or person in control of any house, mobile home, other residence, business, building, or other structure within the City of Jefferson City for which an address or identification number has been assigned by the Jefferson County Emergency Communications District (or its predecessors or successors in interest) shall, at the cost of the owner, occupant, or person in control of the property which has been assigned the address or identification number, and within sixty (60) days of the enactment of the ordinance comprising this chapter or within sixty (60) days of receiving notification of the assigned address or identification number (whichever is later):

(1) Cause the assigned number to be permanently prominently displayed in numerals of not less than four (4) inches in height in a conspicuous place on said house, mobile home, other residence, business, building, or other structure so as to be clearly visible and identifiable at all times during daylight hours to persons traveling in vehicles in either direction upon the road or street on which the structure is located. In addition, the numbers shall:

(a) Be located at least three feet above street level.

(b) Contrast with the background on which they are placed so that they may be seen clearly, such as black numbers on a white background or white numbers on a black background.

(c) Be numerical, not script.

(2) Cause any mailbox serving a house, mobile home, other residence, business, building or other structure, or any mailbox serving a unit within a multi-unit structure, to permanently and prominently display the assigned number at a size of not less than three (3) inches in height.

(3) Cause the assigned number to be permanently and prominently displayed at a size of not less than four (4) inches in height on a number post clearly visible from the road or street if neither the number displayed on the structure nor the number displayed on the mailbox are discernible from the road or street on which the structure is located.

(4) Cause the removal from the structure and/or mailbox any number different from the assigned number. (Ord. #2000-04, April 2000)

13-302. Penalties. Any person who knowingly and willfully violates this chapter shall be subject to a fine of not less than \$20.00 nor more than \$50.00.

Each day in which a violation occurs may be a separate offense. (Ord. #2000-04, April 2000)

CHAPTER 4

SLUM CLEARANCE

SECTION

- 13-401. Findings of council.
- 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 orders.
- 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 council. Pursuant to Tennessee Code Annotated, § 13-21-101, et seq., the city council finds that there exists in the city 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 city. (1996 Code, § 4-1301, as replaced by Ord. #2002-16, Sept. 2002)

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 city council charged with governing the city.

(3) "Municipality" shall mean the City of Jefferson City, Tennessee, and the areas encompassed within existing city limits or as hereafter annexed.

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

(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 charge of any department or branch of the government of the city or state relating to health, fire, building regulations, or other activities concerning structures in the city.

(8) "Public officer" means any officer or officers of a municipality or the executive director or other chief executive officer of any commission or authority established by such municipality or jointly with any other municipality who is authorized by this chapter to exercise the power 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. (1996 Code, § 4-1302, as replaced by Ord. #2002-16, Sept. 2002)

13-403. "Public officer" designated; powers. There is hereby designated and appointed a "public officer," to be the city manager of the city or his designee, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the city manager or his designee. (1996 Code, § 4-1303, as replaced by Ord. #2002-16, Sept. 2002)

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 city 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 courts of law or equity shall not be controlling in hearings before the public officer. (1996 Code, § 4-1304, as replaced by Ord. #2002-16, Sept. 2002)

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. (1996 Code, § 4-1305, as replaced by Ord. #2002-16, Sept. 2002)

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." (1996 Code, § 4-1306, as replaced by Ord. #2002-16, Sept. 2002)

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. (1996 Code, § 4-1307, as replaced by Ord. #2002-16, Sept. 2002)

13-408. Lien for expenses; sale of salvaged 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 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 City of Jefferson City to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (1996 Code, § 4-1308, as replaced by Ord. #2002-16, Sept. 2002)

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 City of Jefferson City. 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 uncleanness. (1996 Code, § 4-1309, as replaced by Ord. #2002-16, Sept. 2002)

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 printed and published in the city. 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's Office of Jefferson County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (as added by Ord. #2002-16, Sept. 2002)

13-411. Enjoining enforcement of orders. 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. (as added by Ord. #2002-16, Sept. 2002)

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 city 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. (as added by Ord. #2002-16, Sept. 2002)

13-413. Powers conferred are supplemental. This chapter shall not be construed to abrogate or impair the powers of the city 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. (as added by Ord. #2002-16, Sept. 2002)

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 city 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 city.

Violations of this section 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. (as added by Ord. #2002-16, Sept. 2002)