

## TITLE 13

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

#### CHAPTER

1. MISCELLANEOUS.
2. SLUM CLEARANCE.
3. JUNKED AND ABANDONED VEHICLES.

#### 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.

**13-101. 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. (1974 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. (1974 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. (1974 Code, § 8-106)

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

**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 recorder or chief of police to cut such vegetation when it has reached a height of over one foot (1'). (1974 Code, § 8-107)

**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. (1974 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 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. (1974 Code, § 8-109)

**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. (1974 Code, § 8-104, modified)

## CHAPTER 2

### SLUM CLEARANCE

#### SECTION

- 13-201. Definitions.
- 13-202. Structures unfit for human use.
- 13-203. Procedure.
- 13-204. Conditions to be considered.
- 13-205. Service of complaints and orders.
- 13-206. Powers of board of mayor and aldermen.

**13-201. Definitions.** As used in this chapter, unless the context otherwise requires:

- (1) "Chief of police" means the Chief of Police of the Town of Lynnville.
- (2) "Governing body" means the Board of Mayor and Aldermen of the Town of Lynnville.
- (3) "Municipality" means the Town of Lynnville.
- (4) "Owner" means the holder(s) of the title in fee simple and every mortgagee of record.
- (5) "Parties of interest" means all individuals, associations, corporations or others who have interests of record in a structure 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, and does not include residential structures.
- (7) "Structure" means any place of public accommodation, vacant building or structure suitable as a place of public accommodation, a barn or other building used for agricultural purposes, but does not include family dwellings. (Ord. #120203, March 2004)

**13-202. Structures unfit for human use.** Whenever the Board of Mayor and Aldermen of the Town of Lynnville, after proper notice and hearing, determines that there exists in the Town of Lynnville structures which are unfit for human use 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 structures unsafe, unsanitary, dangerous or detrimental to the health, safety, morals, or otherwise inimical to the welfare of the residents of this municipality, said board is hereby authorized to exercise the police power of the municipality, to repair, close or demolish the aforementioned structure in the manner herein provided. (Ord. #120203, March 2004)

**13-203. Procedure.** (1) Whenever a petition is filed with the board of mayor and aldermen by the mayor, chief of police or by at least five (5) residents of the municipality charging that any structure is unfit for human use, then the said board shall 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 board of mayor and aldermen at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the serving of the complaint.

(a) 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

(b) The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the board of mayor and aldermen.

(2) If, after such notice and hearing, the board of mayor and aldermen by majority vote determines that the structure under consideration is unfit for human use, it shall state in writing its findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order which provides:

(a) If the repair, alteration or improvement of the structure can be made at a reasonable cost in relation to the value of the structure, the owner, within the time specified in the order, shall repair, alter or improve such structure to render it fit for human occupation or use or shall vacate and close the structure as a place for human use; or

(b) If the repair, alteration or improvement of the structure cannot be made at reasonable cost in relation to the value of the structure, the owner, within the time specified in the order, shall remove or demolish such structure.

An appeal of said order by the property owner(s) shall be to the Circuit Court of Giles County, Tennessee within ten (10) days of the date that service upon the owner(s) is made by personal service or by registered mail.

(3) If the owner fails to comply with an order to repair, alter, improve or vacate and close the structure, the chief of police shall cause such structure to be repaired, altered, improved, or vacated and closed; and shall cause to be posted on the main entrance of any structure so closed, a placard with the following words: "This building is unfit for human use. The use or occupation of this building is prohibited and unlawful."

(4) If the owner fails to comply with an order of the board of mayor and aldermen to remove or demolish the structure, the chief of police shall cause such structure to be removed or demolished;

(5) The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demotion by the chief of police shall be assessed against the owner(s) of the property, and shall, upon the filing of the notice with the office of the Register of Deeds of Giles County,

Tennessee, 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 clerk 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. If the structure is removed or demolished, the chief of police shall sell the materials of such structure and shall credit the proceeds of such sale, if any, against the costs of the removal or demolition, and any balance remaining shall be deposited in the chancery court by the chief of police, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the person(s) found to be entitled thereto by final order or decree of such court. (Ord. #120203, March 2004, as amended by Ord. #120203(a), Jan. 2004)

**13-204. Conditions to be considered.** The board of mayor and aldermen may determine that a structure is unfit for human use if it finds by majority vote 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 residents of the municipality. Such conditions may include the following (without limiting the generality or 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. (Ord. #120203, March 2004)

**13-205. Service of complaints and orders.** Complaints or orders issued 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 in the exercise of reasonable diligence, and the chief of police 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 Giles County, Tennessee and circulating in the municipality. 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 Giles County, Tennessee, and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law. (Ord. #120203, March 2004)

**13-206. Powers of board of mayor and aldermen.** The board of mayor and aldermen shall 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, to:

(1) Investigate conditions in the municipality in order to determine if structures therein are unfit for human use;

(2) Administer oaths, affirmations, examine witnesses and receive evidence;

(3) Enter upon premises for the purpose 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. (Ord. #120203, March 2004)

## CHAPTER 3

### JUNKED AND ABANDONED VEHICLES

#### SECTION

- 13-301. Definitions.
- 13-302. Junked vehicles declared to be nuisance.
- 13-303. Abandonment of vehicles prohibited; junked vehicles restricted.
- 13-304. Notice to property owners or lessees.
- 13-305. Removal when property owner cannot be located.
- 13-306. Impounding vehicles.
- 13-307. Vehicles to be sold at public auction; redemption.
- 13-308. Exceptions.
- 13-309. Violations and penalty.

**13-301. Definitions.** As used in this chapter, unless the context otherwise requires:

(1) "Abandoned motor vehicle" is such as is defined in Tennessee Code Annotated, § 55-16-103(b).

(2) "Junked motor vehicle" is any motor vehicle, the condition of which is anyone or more of the following:

- (a) Wrecked;
- (b) Dismantled or partially dismantled;
- (c) Inoperative;
- (d) Discarded.

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

(4) "Property" shall mean any real property within the corporate limits of the Town of Lynnville which is not a street or highway.

(5) "Street or highway" shall mean the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(6) "Town" or "city" shall mean Town of Lynnville, Tennessee.

(7) "Vehicle" shall mean a machine propelled by power other than human 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, buggy and wagon. (Ord. #151, \_\_\_\_, Ord. #010604, Jan. 2004)

**13-302. Junked vehicles declared to be nuisance.** The location or presence of any junked motor vehicle on a lot, tract, or parcel of land, portion thereof, or upon any street, highway, road, or public property of any governmental entity, or upon any property occupied or unoccupied, improved or unimproved, shall be deemed a public nuisance, and it shall be unlawful for any

person or other legal entity to cause, maintain, or permit such public nuisance by wrecking, dismantling, rendering inoperable, abandoning or discarding a motor vehicle or vehicles upon the property of another, or to suffer, permit, or allow the same to be placed, located, maintained, or to exist upon real property belonging to such party, but shall not apply to any junked motor vehicle in a completely enclosed building, or to any junked or abandoned motor vehicle in an appropriate storage place officially designed and maintained by the Town of Lynnville. (Ord. #151, \_\_\_\_)

**13-303. Abandonment of vehicles; junked vehicles restricted.** No person shall abandon any vehicle within the town. It shall be presumed that any vehicle which has been left at any one place within a parking lot owned or operated by the town or on a street or highway within the town for a period of forty-eight (48) hours consecutively is an abandoned vehicle.

No person shall leave any partially dismantled, non-operating, wrecked, or junked vehicle on any street or highway within the town.

No person in charge or control of any property within the town, whether as owner, tenant, occupant, lessee, or otherwise, shall allow any partially dismantled, non-operating, wrecked, junked, or discarded vehicle to remain on such property longer than five (5) days; and no person shall leave any such vehicle on any property within the town for a longer time than five (5) days; except that this chapter shall not apply with regard to a vehicle in an enclosed building, or a vehicle on the premises of business enterprise operated in a lawful place and manner, when necessary to the operation of such business enterprise, or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the town. (Ord. #010604, Jan. 2004, as amended by Ord. #151, \_\_\_\_)

**13-304. Notice to property owners or lessees.** (1) The chief of police, or his designee, is hereby authorized and empowered to give written notice to the owner(s) or person(s) being in charge of any premises in the Town of Lynnville, on which there is located a partially dismantled, non-operating, wrecked, junked, or discarded vehicle in violation of this chapter, which said notice shall direct said person(s) to appear before the municipal court of the Town of Lynnville at a time and place to be fixed in said notice, and then and there show cause why the said vehicle should not be declared a nuisance, and an order issued, requiring the same to be removed and impounded. A motor vehicle for all purposes hereunder is defined any vehicle which is self propelled and any device in, upon, or by which any person or property is or may be transported from one location to another, excepting devices moved only by human power.



Said notice shall be in substantially the following form:

"NOTICE"

To the owner or owners of the following described property located in the Town of Lynnville, Tennessee, or to the person(s) in charge of the following described property in said town:

NAME OR NAMES \_\_\_\_\_

DESCRIPTION OF PROPERTY \_\_\_\_\_

You are hereby notified that there exists on the above mentioned property a partially dismantled, non-operating, wrecked, junked or discarded vehicle in violation of chapter 8 of title 15 of the Town of Lynnville Municipal Code. You are further notified that a hearing will be conducted by the judge of the municipal court for the Town of Lynnville, Tennessee, at the court room in the town municipal building, at \_\_0' clock \_\_.M. on the day of ,\_\_ 200\_, at which time and place you are directed to appear and show cause, if any you have, why the said vehicle should not be declared a nuisance and an order issued requiring the same to be removed and impounded.

(2) The notice provided for above shall be served upon the owner(s) of said property (or the person having charge of same), if he is known and can be found within the Town of Lynnville, Tennessee, but if such person is not known or cannot be found within the Town of Lynnville, service of said notice shall be effected by posting one (1) copy thereof on the premises where said vehicle is found, and the notice as herein provided for shall be served or posted, as the case may be, at least five (5) days before the date fixed for hearing before the municipal judge.

(3) At the time and place appointed in the notice provided for in subsection (1) above, the judge shall conduct a hearing for the purpose of determining whether the said vehicle complained of exists in violation of this chapter and if he finds that same constitutes a violation of this chapter, he shall so declare the same and shall make an order requiring the removal of said vehicle within five (5) days from the making of said order. (Ord. #010604, Jan. 2004)

**13-305. Removal when property owner cannot be located.** If the premises on which a junked motor vehicle is located contrary to the provisions of this chapter are unoccupied and the owner, or agent, or any person having an interest therein, cannot be found, the chief of police, or his duly authorized representative, shall abate such public nuisance by entering upon the property

and impounding and taking into custody the motor vehicle in question and disposing of the same in accordance with the provisions of Tennessee Code Annotated, §§ 55-16-103 through 55-16-109, inclusive. Such impoundment and disposition shall not relieve any person or party from any liability or penalty imposed upon conviction for violating other provisions of this chapter but is in addition to any other penalty provided by law. (Ord. #151, \_\_\_\_)

**13-306. Impounding vehicles.** The Chief of Police of the Town of Lynnville or his deputy is hereby authorized to remove or have removed any vehicle left at any place within the town which reasonably appears to be in violation of this chapter or lost, stolen or unclaimed. Any vehicle so taken up and removed shall be stored in a suitable place provided by the town. A permanent record giving the date of the taking of the vehicle, the place where found and taken, and a description of the vehicle shall be kept by the chief of police. (Ord. #010604, Jan. 2004)

**13-307. Vehicles to be sold at public auction; redemption.** At least every six (6) months, the chief of police, or his designee, shall sell at public auction to the highest bidder for cash the vehicle or vehicles herein authorized to be removed and taken up and which shall have been taken up and stored for a period of three (3) months or more, the sales to be made after notice of the time and place thereof shall have first been given by publication once a week for two (2) successive weeks in a newspaper of general circulation published in Giles County, Tennessee. The first publication shall be at least twenty (20) days before the sale. Each vehicle shall be sold separately and a notation in the storage record book shall be made of the amount received for each vehicle. The person making the sale shall have the right to reject any and all bids if the amount of bid is unreasonably low and shall have the right to continue the sales from time to time if no bidders are present. After deducting and paying all expenses incurred in the removal, taking up, storing, maintaining and selling of the vehicle or vehicles, the balance, if any, shall be paid into the general fund of the town.

The owner(s) of any vehicle taken up and stored as herein provided may redeem the same at any time prior to its sale by paying the reasonable expense of taking the vehicle in charge, its maintenance and storage and a prorata of the costs of publication. (Ord. #010604, Jan. 2004)

**13-308. Exceptions.** The provisions of this chapter shall not apply to the following:

- (1) Motor vehicles in an operable condition and specifically adapted or constructed for racing or operation on drag strips or raceways.
- (2) Motor vehicles retained by the owner for bona fide antique collection purposes rather than for salvage or transportation and where a nuisance is not created.

(3) Motor vehicles stored with the permission of the property owner by a member of the armed forces of the United States who is on active duty assignment. (Ord. #151, \_\_\_\_)

**13-309. Violations and penalty** Any person, firm, corporation, or other legal entity, violating this chapter upon conviction thereof shall be fined no less than five dollars (\$5.00), nor more than five hundred dollars (\$500.00) for each offense, and each day of continued violation shall constitute as separate and distinct offense. (Ord. #151, \_\_\_\_)