

## TITLE 13

### PROPERTY MAINTENANCE REGULATIONS

#### CHAPTER

1. MISCELLANEOUS.
2. SLUM CLEARANCE.
3. JUNKYARDS.

#### CHAPTER 1

#### MISCELLANEOUS<sup>1</sup>

#### SECTION

- 13-101. Smoke, soot, cinders, etc.
- 13-102. Stagnant water.
- 13-103. Weeds.
- 13-104. Dead animals.
- 13-105. Health and sanitation nuisances.
- 13-106. Burning of household paper, trash and yard debris.
- 13-107. Rubbish and trash removal.
- 13-108. Abandoned, junked, wrecked and/or disabled vehicles.
- 13-109. Filling, cutting or grading prohibited without permit.

**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. (1989 Code, § 13-101)

**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. (1989 Code, § 13-102)

**13-103. Weeds.** Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property,

---

<sup>1</sup>Municipal code references

Animals and fowls: title 10.

Littering streets, etc.: § 16-107.

Mobile homes: title 14, chapter 2.

Wastewater treatment: title 18, chapter 2.

and it shall be unlawful for any person to fail to comply with an order by the town recorder or chief of police to cut such vegetation when it has reached a height of over one foot (1'). (1989 Code, § 13-103)

**13-104. 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 town recorder and dispose of such animal in such manner as the town recorder shall direct. (1989 Code, § 13-104)

**13-105. 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. (1989 Code, § 13-105)

**13-106. Burning of household paper, trash and yard debris.**

(1) Burning of all objects other than household paper, trash and yard debris, which shall be limited to wood and leaves, shall be prohibited.

(2) All residents wishing to burn items provided for under this section shall be required to notify town hall at least one (1) hour prior to said burning.

(3) This section shall take effect upon passage, the public welfare requiring it. (Ord. #90-06, Oct. 1990, modified)

**13-107. Rubbish and trash removal.** (1) Every owner and/or tenant of property shall keep trash and rubbish such as cans, bottles, other trash and rubbish, standing walls and/or chimneys or other remains of burned out structures removed and cleaned from the premises so that the same will not constitute a hazard to health and safety.

(2) Whenever grass, weeds, or other materials accumulate on any lot in the Town of Monteagle to the extent that it is determined by the board of mayor and aldermen to constitute a fire or health hazard, and if, after ten (10) days notice for household trash, bagged or untagged, or thirty (30) days notice for other materials or weeds, the owner, tenant, or other responsible party fails to clean up said lot, the town may, at their option, cut and remove such grass, weeds, trash, or other materials from said lot and charge the cost of removing the same to the owner or tenant of such lot or other responsible party.

(3) It shall be and is unlawful for any person to place or throw any kind of trash, garbage, paper, cans, bottles, or other litter upon any private property, right-of-way, street, or alley within the town limits of the Town of Monteagle.

(4) Each day a violation continues and each occurrence of a violation shall be considered a separate violation for the purposes of this section.

(5) Should any part of this section be held invalid by a court of competent jurisdiction, the remaining parts shall be severable and shall continue in full force and effect. (Ord. #93-01, Aug. 1992, modified)

**13-108. Abandoned, junked, wrecked and/or disabled vehicles.**

(1) Any and all disabled, dismantled, ruined, scrapped, wrecked, or inoperable vehicles, used auto parts, automotive motors, or any and all other automotive parts are prohibited from open view or display unless in compliance with Tennessee Code Annotated, § 54-20-101, et seq. (Junkyard Control Act); and

(2) The description in the previous subsection (1) shall apply to all vehicles whether automobiles, trucks, tractor/trailers, or any other vehicle; and

(3) A seven (7) day grace period for removal of such vehicles shall be given to those who are in violation of this section; and

(4) A violation of this section shall result in a fine of fifty dollars (\$50.00) for each offense. Each day of violation and each vehicle shall constitute a separate offense; and

(5) An abandoned, junked, wrecked, or disabled vehicle is hereby defined as one that has been wrecked and/or is not drivable and/or has no current license plate. (Ord. #99-09, Dec. 1999)

**13-109. Filling, cutting or grading prohibited without permit.**

(1) No property within the town limits of the Town of Monteagle may be filled, cut, or graded without obtaining a permit with the exception of planting gardens, trees, shrubs, and/or flowers; and

(2) Prior to commencement of any filling, cutting, or grading of any commercial property, except as noted above, within the town limits of the Town of Monteagle, the owner or developer of the property or his/her agent shall ask to be placed on the agenda of the planning commission meeting at least one (1) week prior to said meeting, and if approved, shall pay a one hundred dollar (\$100.00) permit fee; and

(3) The owner or developer or his/her agent shall present a complete written plan to the planning commission for all work proposed to be done on the land; and

(4) Prior to commencement of any filling, cutting, or grading of any residential property, except as noted above, within the town limits of the Town of Monteagle, the owner of the property or his/her agent shall request approval from the building inspector, and if approved, may commence immediately at no fee. (Ord. #04-11, April 2004)

## CHAPTER 2

### SLUM CLEARANCE<sup>1</sup>

#### SECTION

- 13-201. Findings of board.
- 13-202. Definitions.
- 13-203. "Public officer" designated; powers.
- 13-204. Initiation of proceedings; hearings.
- 13-205. Orders to owners of unfit structures.
- 13-206. When public officer may repair, etc.
- 13-207. When public officer may remove or demolish.
- 13-208. Lien for expenses; sale of salvaged materials; other powers not limited.
- 13-209. Basis for a finding of unfitness.
- 13-210. Service of complaints or orders.
- 13-211. Enjoining enforcement of order.
- 13-212. Additional powers of public officer.
- 13-213. Powers conferred are supplemental.

**13-201. Findings of board.** Pursuant to Tennessee Code Annotated, § 13-21-101, *et seq.*, the board of mayor and aldermen finds that there exists in the town 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 insanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the town and, therefore, ordains as follows. (1989 Code, § 13-201)

**13-202. Definitions.** (1) "Governing body" shall mean the board of mayor and aldermen charged with governing the town.

(2) "Municipality" shall mean the Town of Monteagle, Tennessee, and the areas encompassed within existing town limits or as hereafter annexed.

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

---

<sup>1</sup>State law reference

Tennessee Code Annotated, title 13, chapter 21.

Municipal code reference

Unsafe buildings: title 12, chapter 8.

(4) "Parties in interest" shall mean all individuals, associations, corporations and other who have interests of record in a dwelling and any who are in possession thereof.

(5) "Public authority" shall mean any housing authority or any officer who is in charge of any department or branch of the government of the town or state relating to health, fire, building regulations, or other activities concerning structures in the town.

(6) "Public officer" shall mean the officer or officers who are authorized by this chapter to exercise the powers prescribed herein and pursuant to Tennessee Code Annotated, § 13-21-101, et seq.

(7) "Structures" shall mean any building or structure, or part thereof, used for human occupation and intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. (1989 Code, § 13-202)

**13-203. "Public officer" designated; powers.** There is hereby designated and appointed a "public officer," to be the board of mayor and aldermen of the town, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the board of mayor and aldermen. (1989 Code, § 13-203)

**13-204. 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 town 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 court of law or equity shall not be controlling in hearings before the public officer. (1989 Code, § 13-204)

**13-205. 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 occupancy 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, during the time specified in the order, to repair, alter, or improve such structure to render it fit for human occupancy or use or to vacate and close the structure for human occupancy 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. (1989 Code, § 13-205)

**13-206. 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 occupancy or use; the use or occupation of this building for human occupancy or use is prohibited and unlawful." (1989 Code, § 13-206)

**13-207. 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. (1989 Code, § 13-207)

**13-208. 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 a lien against the real property upon which such costs were incurred. 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 Grundy County, Tennessee, 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, provided, however, that nothing in this section shall be construed to impair or limit in any way the power of the Town of Monteagle to define and declare nuisances and to cause their removal or abatement by summary proceedings or as otherwise may be provided by the charter or ordinances of the town. (1989 Code, § 13-208)

**13-209. 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 Town of Monteagle; 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; and uncleanliness. (1989 Code, § 13-209)

**13-210. 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 person 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, 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 town. In addition, 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 Register's Office of Grundy County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (1989 Code, § 13-210)

**13-211. Enjoining enforcement of order.** Any person affected by an order issued by the public officer served pursuant to this chapter may file a suit 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 suit 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. (1989 Code, § 13-211)

**13-212. 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 town 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. (1989 Code, § 13-212)

**13-213. Powers conferred are supplemental.** This chapter shall not be construed to abrogate or impair the powers of the town 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. (1989 Code, § 13-213)



**CHAPTER 3****JUNKYARDS****SECTION**

## 13-301. Junkyards.

**13-301. Junkyards.**<sup>1</sup> All junkyards within the corporate limits shall be operated and maintained subject to the following regulations:

(1) All junk stored or kept in such yards shall be so kept that it will not catch and hold water in which mosquitoes may breed and so that it will not constitute a place, or places in which rats, mice, or other vermin may be harbored, reared, or propagated.

(2) All such junkyards shall be enclosed within close fitting plank or metal solid fences touching the ground on the bottom and being not less than six feet (6') in height, such fence to be built so that it will be impossible for stray cats and/or stray dogs to have access to such junkyards.

(3) Such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety. (1989 Code, § 13-301)

---

<sup>1</sup>State law reference

The provisions of this section were taken substantially from the Bristol ordinance upheld by the Tennessee Court of Appeals as being a reasonable and valid exercise of the police power in the case of Hagaman v. Slaughter, 49 Tenn. App. 338, 354 S.W.2d 818 (1961).