

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. JUNKYARDS.
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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.
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13-101. Health officer. The "health officer" shall be such town, county, or state officer as the board of mayor and aldermen shall appoint or designate to administer and enforce health and sanitation regulations within the town. (1977 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 so as to cause or have a tendency to cause injury or damage to property or business. (1977 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. (1977 Code, § 8-106)

¹Municipal code references

Animal control: title 10.

Littering streets, etc.: § 16-107.

13-104. Weeds. Every owner and/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 owner to fail to comply with an order by the city recorder to cut such vegetation when it has reached a height of over one (1) foot. (1977 Code, § 8-107, modified)

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. (1977 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. (1977 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 town and unless a permit therefor shall have been first duly issued by the building official, as provided for in the building code. (1977 Code, § 8-104)

CHAPTER 2**JUNKYARDS****SECTION**

13-201. Junkyards.

13-201. Junkyards.¹ 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 (6) feet 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. (1977 Code, § 8-111)

¹State 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).

CHAPTER 3

CLEARANCE REGULATIONS

SECTION

- 13-301. Prohibition.
- 13-302. Definitions.
- 13-303. Notice to property owner to clean-up premises.
- 13-304. Cleaning-up the premises at property owner's expense.
- 13-305. Collection of costs incurred by town.
- 13-306. Attorney fee for collection costs.
- 13-307. Appeal.
- 13-308. Judicial review.
- 13-309. Supplemental nature of chapter.

13-301. Prohibition. (1) Pursuant to the authority granted to municipalities under Tennessee Code Annotated, § 6-54-113, it shall be unlawful for any owner of record of real property to create, maintain, or permit to be maintained on such property the growth of trees, vines, grass, weeds, underbrush and/or the accumulations of junk cars, abandoned appliances, trash, litter, or other debris, 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.

(2) The owners of all lots of property within the corporate limits of the Town of Oakdale are hereby required to cut, trim or remove all weeds, grass, tree branches and offensive or hazardous materials from the site. It shall be unlawful for any person or entity to allow junk cars, abandoned appliances and other debris to accumulate on property under control of the person or entity.

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

(4) **Designation of public officer or department.** The board of mayor and aldermen shall designate an appropriate department or person to enforce the provisions of this chapter. (Ord. #94-46, Jan. 1995)

13-302. Definitions. The purpose of this section is to eliminate ambiguity by providing full definition of certain words which are used in this chapter.

(1) "Weeds" shall mean any of various usually common or abundantly growing plants measured to be a minimal of one foot in height, measuring from the base of the plant at ground-surface level.

(2) "Grass" shall mean any of numerous plants of the family Graminea measured to be a minimal of one foot in height measuring from the base of the plant at ground-surface level.

(3) "Offensive or hazardous materials" shall mean any tangible or intangible material which is disagreeable to the senses and/or a material which may be dangerous to the environment or the people.

(4) "Junk cars" shall mean any automobile or any motor vehicle manufactured for transportation which is incapable of being selfpropelled upon the public streets or which does not meet the requirements for operation upon the public streets including current license and registration also, if the vehicle is not functional within 60 days of the notice and registered within 60 days is considered a junk car.

(5) "Abandoned appliances" shall mean any manufactured appliance not functional and not presently being used for its manufactured purpose. (Ord. #94-46, Jan. 1995)

13-303. Notice to property owner to clean-up premises. It shall be the duty of the department or person designated by the board of mayor and aldermen to enforce this chapter to serve notice upon the owner of record in violation of § 13-301(1) and/or (2) above, a notice in plain language to remedy the condition within ten (10) days (or twenty (20) days if the owner of record is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials), excluding Saturdays, Sundays, and legal holidays. The notice shall be sent by registered or certified United States Mail, addressed to the last known address of the owner of record or such notice may be served personally on the owner of the property or may be posted on the property in which the violation exists. Service of notice shall consist of any of the above methods and the notice shall state that the owner of the property is entitled to a hearing, and shall, at the minimum, contain the following additional information:

(1) A brief statement that the owner is in violation of § 13-301(1) and/or (2) of the Clearance Regulations Chapter of the Oakdale Municipal Code, which has been enacted under the authority of Tennessee Code Annotated, § 6-54-113, and that the property of such owner may be cleaned-up at the expense of the owner and a lien placed against the property to secure the cost of the cleanup;

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

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

(4) A place wherein the notified party may return a copy of the notice, indicating the desire for a hearing. (Ord. #94-46, Jan. 1995)

13-304. Cleaning-up the premises at property owner's expense.

If the property owner of record fails or refuses to remedy the condition within ten (10) days after receiving the notice (twenty (20) days if the owner is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials), the department or persons designated by the board of mayor and aldermen to enforce the provisions of this chapter shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards, and the cost thereof shall be assessed against the owner of the property. Upon the filing of the notice with the Office of the Register of Deeds in Morgan County, the costs shall 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 placed on the tax rolls of the municipality 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. (Ord. #94-46, Jan. 1995)

13-305. Collection of costs incurred by town. Upon receipt of such statement of costs, the city recorder shall bill the property owner, by certified mail, in a manner similar to that followed in mailing monthly utility bills for the amount of the costs incurred by the town for such cutting, or clearing of the property and all such bills or charges shall bear interest at the rate of 15% per annum, during the period of time commencing thirty (30) days after the date of mailing such bills or statements of charges and ending on the date of payment. At the same time unpaid real estate taxes are certified or turned over to the city attorney for collection, the city recorder may also certify or turn over to him for collection all unpaid and uncollected bills of charges for the cutting, trimming, or removal of the accumulated debris specified in the chapter, and the city attorney shall file suit or take other steps as may be necessary to enforce the lien for same on such property. (Ord. #94-46, Jan. 1995)

13-306. Attorney fee for collection costs. All uncollected sums for the cutting, trimming, and removal of the accumulated debris, as specified in the chapter, for each year, including interests and all costs incurred by the town for removing the specified violations, after notice to the property owner as herein provided, are hereby declared to be a special tax to be collected as other general taxes levied by the town, including real estate taxes and special assessments. When placed in the hands of the city attorney for collection 10% of the unpaid

charges for such costs incurred by the town shall be added to the principal and interest for the attorney's services in making such collections and retained by the attorney. (Ord. #94-46, Jan. 1995)

13-307. Appeal. The owner of record who is aggrieved by the determination and order of the public officer may appeal the determination and order to the board of mayor and aldermen. The appeal shall be filed with the city recorder within ten (10) days following the receipt of the notice issued pursuant to §§ 13-301 and 13-303 above. The failure to appeal within this time shall, without exception, constitute a waiver of the right to a hearing. (Ord. #94-46, Jan. 1995)

13-308. Judicial review. Any person aggrieved by an order or act of board of mayor and aldermen under § 13-304 above may seek judicial review of the order or act. The time period established in § 13-303 above shall be stayed during the pendency of judicial review. (Ord. #94-46, Jan. 1995)

13-309. Supplemental nature of this chapter. The provisions of this section are in addition and supplemental to, and not in substitution for, any other provision in the Municipal Charter, this Municipal Code of Ordinances or other applicable law which permits the town to proceed against an owner, tenant or occupant of property who has created, maintained, or permitted to be maintained on such property the growth of trees, vines, grass, weeds, underbrush and/or the accumulation of the debris, trash, litter, or garbage or any combination of the preceding elements, under its charter, any other provisions of this Municipal Code of Ordinances or any other applicable law. (Ord. #94-46, Jan. 1995)