

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

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CHAPTER 1

MISCELLANEOUS

SECTION

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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. (1977 Code, § 8-1101)

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. (1977 Code, § 8-1105)

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. (1977 Code, § 8-1106)

¹Municipal 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 such person to fail to comply with an order by the city recorder or chief of police to cut such vegetation when it has reached a height of over eight (8) inches.

In the event the owner or tenant fails within three (3) days to comply with the order of the appropriate authorities, the City of Pulaski may go upon the premises and cut the grass or other vegetation and charge the owner or tenant for the expense of cutting. Should the expenses be unpaid for a period of thirty (30) days, said expenses shall be deemed ad valorem property taxes and the city recorder shall add such expenses to the property owners city tax bill.

That in lieu of or in addition to that authority, the officials designated in § 6-108 of this code shall have the authority to issue a summons in lieu of arrest and cite the owner or tenant to appear before the city judge for a violation of this section. (1977 Code, § 8-1107, as replaced by Ord. #18-2003, Oct. 2003, and amended by Ord. #7, 2004, June 2004)

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, § 8-1108)

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, § 8-1110)

13-107. Dilapidated buildings. It shall be unlawful for any person to rent, offer for rent, or to maintain any house or structure used for dwelling purposes that is in such a dilapidated and unsanitary condition as to endanger the health or life of any person occupying the same or that is not furnished with adequate toilet facilities. (1962 code, § 8-1104)

13-108. Livestock trucks. It shall be unlawful for any person to park a truck which has been used for hauling or transporting livestock, while loaded or unloaded, on any street or alley in the City of Pulaski or on any privately owned residential property for any length of time whatsoever, until the same has been thoroughly cleaned. (1962 code, § 8-1109)

CHAPTER 2

SLUM CLEARANCE¹

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 salvage 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 orders.
- 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 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. (Ord. #13, 1995, Nov. 1995)

13-202. 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 board of mayor and aldermen charged with governing the city.

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

(4) "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.

¹State law reference

Tennessee Code Annotated, title 13, chapter 21.

(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 city or state relating to health, fire, building regulations, or other activities concerning structures in the city.

(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. (Ord. #13, 1995, Nov. 1995)

13-203. "Public officer" designated; powers. There is hereby designated and appointed a "public officer," to be the building inspector of the city, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the building inspector. (Ord. #13, 1995, Nov. 1995)

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 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. (Ord. #13, 1995, Nov. 1995)

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 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. (Ord. #13, 1995, Nov. 1995)

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 occupation or use. The use or occupation of this building for human occupation or use is prohibited and unlawful." (Ord. #13, 1995, Nov. 1995)

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. (Ord. #13, 1995, Nov. 1995)

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 assessed against the owner of the property, and shall upon the filing of the notice with the office of the register of deeds of Giles 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 placed upon the tax rolls of the City of Pulaski 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 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 Giles 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 Pulaski to define and declare nuisances

and to cause their removal or abatement, by summary proceedings or otherwise. (Ord. #13, 1995, Nov. 1995)

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 City of Pulaski. 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. (Ord. #13, 1995, Nov. 1995)

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 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 Giles County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (Ord. #13, 1995, Nov. 1995)

13-211. 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. (Ord. #13, 1995, Nov. 1995)

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 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. (Ord. #13, 1995, Nov. 1995)

13-213. 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. (Ord. #13, 1995, Nov. 1995)

CHAPTER 3

ABANDONED, WRECKED, OR INOPERATIVE VEHICLES

SECTION

- 13-301. Definitions.
- 13-302. Abandonment of vehicles.
- 13-303. Leaving of wrecked, non-operating vehicles on street.
- 13-304. Disposition of wrecked or discarded vehicles.
- 13-305. Impounding.
- 13-306. Notice.
- 13-307. Vehicles to be sold at public auction.
- 13-308. Redemption.
- 13-309. Penalties.

13-301. Definitions. The following definitions shall apply in the interpretation of this chapter.

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

(2) "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.

(3) "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.

(4) "Property" shall mean any real property within the city or police jurisdiction which is not a street or highway.

(5) "City" shall mean City of Pulaski, Tennessee. (Ord. #2, 1998, April 1998)

13-302. Abandonment of vehicles. No person shall abandon any vehicle within the city or the police jurisdiction. It shall be presumed that any vehicle which has been left at any one place within a parking lot owned or operated by the city or on a street or highway within the city for a period of forty-eight (48) hours consecutively is an abandoned vehicle. (Ord. #2, 1998, April 1998)

13-303. Leaving of wrecked, non-operating vehicle on street. No person shall leave any partially dismantled, non-operating, wrecked, or junked vehicle on any street or highway within the city. (Ord. #2, 1998, April 1998)

13-304. Disposition of wrecked or discarded vehicles. No person in charge or control of any property within the city, 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 forty-eight (48) hours; and no person shall leave any such vehicle on any property within the city for a longer time than forty-eight (48) hours; 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 city. (Ord. #2, 1998, April 1998)

13-305. Impounding. The director of safety or any member of his department designated by him is hereby authorized to remove or have removed any vehicle left at any place within the city 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 city. 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. #2, 1998, April 1998)

13-306. Notice. (1) The director of safety, or his designee, is hereby authorized and empowered to give written notice to the owner or person being in charge of any premises in the City of Pulaski, Tennessee, on which there is located a partially dismantled, non-operating, wrecked, junked, or discarded vehicle in violation of § 13-304 of this chapter, which said notice shall direct said person to appear before the municipal court of the City of Pulaski, Tennessee, 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.

Said notice shall be in substantially the following form, viz:

"NOTICE"

To the owner or owners of the following described property located in the City of Pulaski, Tennessee, or to the person in charge of the following described property in said city:

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 Section 4 of an ordinance adopted by the City of Pulaski, Tennessee on the ____ day of _____, 19____, the same being Ordinance Number _____, and you are further notified that a hearing will be conducted by the municipal judge of the municipal court for the City of Pulaski, Tennessee, at the court room for said court in the city hall of the City of Pulaski, Tennessee, at _____ o'clock __M. on the _____ day of _____, 19____, at which time and place you are directed to appear and show cause, if any you have, why the said automobile should not be declared a nuisance and an order issued requiring the same to be removed and impounded.

(2) The notice provided for in the foregoing section shall be served upon the owner of said property (or the person having same in charge, as the case may be), if he is known and can be found within the City of Pulaski, Tennessee, or its police jurisdiction, but if such person is not known or cannot be found within the City of Pulaski, Tennessee, or its police jurisdiction, service of said notice shall be effected by posting one 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 days before the date fixed for hearing before the municipal judge.

(3) At the time and place appointed in the notice provided for in (1) hereof, 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 days from the making of said order.

(4) The owner or person having in charge any such premises, who having been personally served with the notice provided for in (1) hereof, who shall fail to comply with the order of the municipal judge requiring the removal of vehicle shall be guilty of violation of this section, and on conviction shall be punished as provided in this chapter. (Ord. #2, 1998, April 1998)

13-307. Vehicles to be sold at public auction. At least every six months, the director of safety, 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 months or more, the sales to be made after notice of the time and place therefor shall have first been given by publication once a week for two successive weeks in a newspaper of general circulation published in the city. The first publication shall be at least twenty 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 be 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 city. (Ord. #2, 1998, April 1998)

13-308. Redemption. The owner 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. #2, 1998, April 1998)

13-309. Penalties. Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor, and upon a conviction thereof shall be fined in an amount not less than \$25.00 and not to exceed \$100.00.

Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. (Ord. #2, 1998, April 1998)