

## TITLE 13

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

#### CHAPTER

1. MISCELLANEOUS.
2. JUNKYARDS.
3. ABANDONED MOTOR VEHICLES.

#### CHAPTER 1

#### MISCELLANEOUS

#### SECTION

- 13-101. Health officer.
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- 13-105. Dead animals.
- 13-106. Health and sanitation nuisances.
- 13-107. House trailers.
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**13-101. Health officer.** The "health officer" shall be such municipal, county, or state officer as the mayor shall appoint or designate to administer and enforce health and sanitation regulations within the city. (1980 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. (1980 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. (1980 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 city clerk or chief of police to cut such vegetation when it has reached a height of over one (1) foot. (1980 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. (1980 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. (1980 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 city and unless a permit therefor shall have been first duly issued by the building official, as provided for in the building code. (1980 Code, § 8-104)

**13-108. Deposit of waste in streams, etc., prohibited.** It shall be unlawful for any person, firm, or corporation to cast, deposit, or place garbage, refuse, or any waste of any kind in any stream, water course, or source of water supply in the city. (1980 Code, § 8-112)

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

13-201. Junkyards.

**13-201. 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 (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. (1980 Code, § 8-111)

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<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).

**CHAPTER 3****ABANDONED MOTOR VEHICLES, ETC.****SECTION**

- 13-301. Short title.
- 13-302. Definitions.
- 13-303. Storing, parking, or leaving dismantled or other such motor vehicles prohibited; exceptions.
- 13-304. Notice to remove.
- 13-305. Responsibility for removal.
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- 13-307. Content of notice.
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- 13-310. Removal of motor vehicle from property.
- 13-311. Notice of removal.
- 13-312. Disposition of vehicles.
- 13-313. Contents of public sale notice.
- 13-314. Public sale.
- 13-315. Redemption of impounded vehicles.
- 13-316. Liability of owner or occupant.

**13-301. Short title.** This chapter shall be known and may be cited as the "Abandoned, wrecked, dismantled, or inoperative motor vehicle ordinance." (1980 Code, § 9-701)

**13-302. Definitions.** For the purposes of this chapter the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(1) "City" is the City of Red Boiling Springs.

(2) "Director of traffic" is the chief of police of the City of Red Boiling Springs.

(3) "Motor vehicle" is any vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to, automobiles, buses, motor-bikes, motorcycles, motorscooters, trucks, tractors, go-carts, golf carts, campers, and trailers.

(4) "Junked motor vehicle" is any motor vehicle, as defined by subsection (3) which does not have lawfully affixed thereto an unexpired license plate or plates, and the condition of which is wrecked, dismantled, partially dismantled, inoperative, abandoned, or discarded.

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

(6) "Private property" shall mean any real property within the city which is privately owned and which is not public property as defined in this section.

(7) "Public property" shall mean any street or highway which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel, and shall also mean any other publicly owned property or facility. (1980 Code, § 9-702)

**13-303. Storing, parking, or leaving dismantled or other such motor vehicles prohibited; exceptions.** No person shall park, store, leave, or permit the parking, storing, or leaving of any motor vehicle of any kind which is in an abandoned, wrecked, dismantled, inoperative, rusted, junked, or partially dismantled condition whether attended or not, upon any public or private property within the city for a period of time in excess of seventy-two (72) hours. The presence of an abandoned, wrecked, dismantled, inoperative, rusted, junked, or partially dismantled vehicle or parts thereof on private or public property is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this chapter. This section shall not apply to any vehicle enclosed within a building on private property or to any vehicle held in connection with a business enterprise, lawfully licensed by the city and properly operated in the appropriate business zone, pursuant to the zoning laws of the city, or to any motor vehicle in operable condition specifically adopted or designed for operation on drag strips or raceways, or any vehicle retained by the owner for antique collection purposes. (1980 Code, § 9-703)

**13-304. Notice to remove.** Whenever it comes to the attention of the city that any nuisance as defined in § 13-303 exists in the City of Red Boiling Springs, a notice in writing shall be served upon the occupant of the land where the nuisance exists, or in case there is no such occupant, then upon the owner of the property or his agent, notifying them of the existence of the nuisance and requesting its removal in the time specified in this chapter. (1980 Code, § 9-704)

**13-305. Responsibility for removal.** Upon proper notice and opportunity to be heard, the owner of the abandoned, wrecked, dismantled, or inoperative vehicle and the owner or occupant of the private property on which the same is located, either or all of them, shall be responsible for its removal. In the event of removal and disposition by the city, the owner or occupant of the private property where same is located shall be liable for the expenses incurred. (1980 Code, § 9-705)

**13-306. Notice procedure.** The chief of police of the city shall give notice of removal to the owner or occupant of the private property where it is located at least seven (7) days before the time of compliance. It shall constitute sufficient notice when a copy of same is posted in a conspicuous place upon the private property on which the vehicle is located and duplicate copies are sent by registered mail to the owner or occupant of the private property at his last known address. (1980 Code, § 9-706)

**13-307. Content of notice.** The notice shall contain the request for removal within the time specified in this chapter, and the notice shall advise that upon failure to comply with the notice to remove, the city or its designee shall undertake such removal with the costs of removal to be levied against the owner of the property. (1980 Code, § 9-707)

**13-308. Request for hearing.** The persons to whom the notices are directed, or their duly authorized agents, may file a written request for hearing before the city council of the City of Red Boiling Springs or its designee within the seven (7) day period of compliance prescribed in § 13-306 for the purpose of defending the charges by the city. (1980 Code, § 9-708)

**13-309. Procedure for hearing.** The hearing shall be held as soon as practicable after the filing of the request and the persons to whom the notices are directed shall be advised of the time and place of said hearing at least five (5) days in advance thereof. At such hearing the city and the persons to whom the notices have been directed may introduce such witnesses and evidence as either party deems necessary. (1980 Code, § 9-709)

**13-310. Removal of motor vehicle from property.** If the violation described in the notice has not been remedied within the seven (7) day period of compliance, or in the event that a notice requesting a hearing is timely filed, a hearing is had and the existence of the violation is affirmed by the city council or its designee, the chief of police or his designee shall have the right to take possession of the junked motor vehicle and remove it from the premises. It shall be unlawful for any person to interfere with, hinder, or refuse to allow such person or persons to enter upon private property for the purpose of removing a vehicle under the provisions of this chapter. (1980 Code, § 9-710)

**13-311. Notice of removal.** Within forty-eight (48) hours of the removal of such vehicle, the chief of police shall give notice to the registered owner of the vehicle, if known, and also to the owner or occupant of the private property from which the vehicle was removed that said vehicle, or vehicles, have been impounded and stored for violation of this chapter. The notice shall give the location of where the vehicle or vehicles are stored, and the costs incurred by the city for removal. (1980 Code, § 9-711)

**13-312. Disposition of vehicles.** Upon removing a vehicle under the provisions of § 13-310, the city shall, after ten (10) days, cause it to be appraised. If the vehicle is appraised at \$75.00 or less, the chief of police shall execute an affidavit so attesting and describing the vehicle, including the license plates, if any, and stating the location and appraised value of the vehicle. The chief of police, after complying with the above, may summarily dispose of the vehicle and execute a certificate of sale. If the vehicle is appraised at over \$75.00, the chief of police shall give notice of public sale not less than twenty (20) days before the date of the proposed sale. (1980 Code, § 9-712)

**13-313. Contents of public sale notice.** The notice of sale shall state:

- (1) The sale is of abandoned property in the possession of the city.
- (2) A description of the vehicle, including make, model, license number, and any other information which will accurately identify the vehicle.
- (3) The terms of the sale.
- (4) The date, time, and place of the sale. (1980 Code, § 9-713)

**13-314. Public sale.** The vehicle shall be sold to the highest and best bidder. At the time of payment of the purchase price, the chief of police shall execute a certificate of sale in duplicate, the original of which is to be given to the purchaser, and the copy thereof to be filed with the city clerk. Should the sale for any reason be invalid, the city's liability shall be limited to the return of the purchase price. (1980 Code, § 9-714)

**13-315. Redemption of impounded vehicles.** The owner of any vehicle seized under the provisions of this chapter may redeem such vehicle at any time after its removal but prior to the sale or destruction thereof upon proof of ownership and payment to the chief of police of such sum as he may determine and fix for the actual and reasonable expenses of removal, and any preliminary sale advertising expenses, plus five dollars (\$5.00) per day for storage for each vehicle redeemed. (1980 Code, § 9-715)

**13-316. Liability of owner or occupant.** Upon the failure of the owner or occupant of property on which abandoned vehicles have been removed by the city to pay the unrecovered expenses incurred by the city in such removal, a lien shall be placed upon the property for the amount of such expenses. (1980 Code, § 9-716)