

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. SLUM CLEARANCE.
3. ABANDONED MOTOR VEHICLES.
4. AUTOMOBILE GRAVEYARDS.

CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Health officer.
- 13-102. Stagnant water.
- 13-103. Prohibition of weeds, grass, and overgrown and dirty lots.
- 13-104. Repealed.
- 13-105. Dead animals.
- 13-106. Health and sanitation nuisances.
- 13-107. Pollution of waters.

13-101. Health officer. The "health officer" shall be such city, county, or state officer as the city council shall appoint or designate to administer and/or enforce health and sanitation regulations within the city. He or she shall have such powers and duties as are prescribed for such official herein and in the general laws of the state. (1970 Code, § 8-101, as replaced by Ord. #07-1103, May 2007, and Ord. #11-67, Feb. 2013)

13-102. Stagnant water. It shall be unlawful for any person to knowingly allow any pool of stagnant water to accumulate and stand on his property located within the corporate limits. (1970 Code, § 8-105, as replaced by Ord. #07-1103, May 2007, and Ord. #11-67, Feb. 2013)

13-103. Prohibition of weeds, grass, and overgrown and dirty lots.
 (1) Pursuant to the authority granted to municipalities, under Tennessee Code Annotated, § 6-54-113, it shall be unlawful for any owner of

¹Municipal code references

Animal control: title 10.

Littering streets, etc.: § 16-107.

Toilet facilities in beer places: § 8-212(12).

record to create, maintain or permit to be maintained on any parcel of real estate located within the corporate limits of the City of Rockwood,

(a) The growth of grass in excess of eight inches (8") in height for a period of more than seven (7) calendar days;

(b) The growth of vegetation, vines, saplings and/or underbrush in excess of twenty-four inches (24") in height for a period of more than seven (7) calendar days when said growth is within two hundred feet (200') of any other improved and/or occupied property or within two hundred feet (200') of the right-of-way of any street thoroughfare, highway or alley;

(c) The growth of shrubbery, vegetation, hedge row, trees vines, saplings and/or underbrush so near or upon any street, thoroughfare or highway as to obstruct the view of any person driving on said street, thoroughfare or highway or to otherwise constitute a hazard to vehicle and/or pedestrian traffic;

(d) The accumulation of debris in excess of one hundred (100) square feet for more than seven (7) calendar days; and/or

(e) The accumulation of trash, litter and garbage in excess of one cubic yard for more than seven (7) calendar days when not within receptacles manufactured and designed for the storage of trash, litter and garbage.

(2) Application. The provisions of this section shall apply to any parcel of property located within the corporate city limits.

(3) Designation of public officer or department. The city recorder, building inspector, codes enforcement officer or any city police officer is hereby empowered to enforce the provisions of this section.

(4) It shall be the duty of the department or person empowered to enforce this section of the Rockwood Municipal Code to serve notice upon the owner of record of the property in violation of this section, 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, or regular United States Mail, addressed to the last known address of the record owner, or the notice may be personally served on the record owner, The notice shall state that the owner of property is entitled to a hearing, and shall, at a minimum, contain the following additional information:

(a) A brief statement that the owner is in violation of this section of the Rockwood Municipal Code, which has been enacted under the authority of Tennessee Code Annotated, § 6-54-113,

(b) A brief description of what the record owner must do to bring the property into compliance with this section of the Rockwood Municipal Code,

- (c) The consequences of failing to remedy the noted condition,
- (d) The person, office, address and telephone number of the department of person giving the notice,
- (e) A cost estimate for remedying the noted condition, which shall be in conformity with the standards of cost in the city, and
- (f) A place where the notified party may return a copy of the notice indicating a desire for a hearing.

If no hearing is applied for, the property shall be brought into compliance within ten (10) calendar days of the notice of violation (or twenty (20) calendar 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).

(5) Clean-up 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, electric, gas, liquids, steam, sewage or other materials), the department or person empowered to enforce the provisions of this section 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 Roane 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, and the 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 the 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.

(6) Appeal. The owner of record who is aggrieved by the determination and order of the public officer or department empowered to enforce this section of the Rockwood Municipal Code may appeal the determination and order to the board of mayor and city council. The appeal shall be filed with the city recorder within ten (10) days following the receipt of the notice issued pursuant to subsection (4) above. The failure to appeal within this time shall, without exception, constitute a waiver of the right to a hearing.

(7) Judicial review. Any person aggrieved by an order or act of the mayor and city council under the appeal provision set forth above may seek judicial review of the order or act. The time period established for remedying the condition set forth in the aforesaid notice shall be stayed during the pendency of judicial review.

The municipal charter, this municipal code of ordinances or other applicable law which permits the city to proceed against an owner, tenant or occupant of property who has created, maintained, or permitted to be maintained on such property any of the conditions set forth in this section of the Rockwood Municipal Code shall remain in effect, and the City of Rockwood may proceed against the owner, tenant or occupant of property pursuant to the municipal charter, other provisions of this municipal code of ordinances or other applicable law.

(8) Alternate manner of enforcement. If the property owner fails to comply with the time limits specified in § 13-103(5), instead of the city bringing the property into compliance with this section of the Rockwood Municipal Code at the property owner's expense, the property owner may be cited into city court, and subject to fines and court costs. Additionally, any tenant or other non-owner occupant of the property may be cited into city court, and subject to fines and court costs. Fines shall be fifty dollars (\$50.00) per day for each day after the initial time period for compliance set forth in § 13-103(5) that the property has not been brought into compliance with this section of the Rockwood Municipal Code. The city court judge has discretion to waive all or a portion of said fines only if the owner or tenant fully and completely complies with the requirements of this section of the Rockwood Municipal Code within no less than fourteen (14) days from the first court date assigned to the city court citation. If the owner or tenant does not fully and completely comply with the requirements of this section of the Rockwood Municipal Code within said fourteen (14) day period, the city court judge has no discretion to waive the fines, or any portion thereof. (as replaced by Ord. #07-1103, May 2007, and Ord. #11-67, Feb. 2013, amended by Ord. #11-95, Nov. 2014, and replaced by Ord. #12-16, Nov. 2015)

13-104. Repealed. (as replaced by Ord. #07-1103, May 2007 and Ord. #11-67, Feb. 2013, amended by Ord. #11-94, Nov. 2014, and repealed by Ord. #12-16, Nov. 2015)

13-105. Dead animals. The term "small dead animal" shall mean the carcass of a fowl or animal no larger than a dog. No dead animal, small or otherwise, shall be placed in a refuse container. However, the city will pick up small dead animals upon request. The person owning or in possession of larger dead animals shall be responsible for their prompt disposal in such manner as the sanitation department of the city shall direct. (1970 Code, § 8-107, as replaced by Ord. #07-1103, May 2007, and Ord. #11-67, Feb. 2013)

13-106. Health and sanitation nuisances. It shall be unlawful for any person to permit any premises such person owns, occupies or controls to be used for human occupation or habitation if such premises does not have functioning utilities, including, but not limited to, running water, sewage disposal and electrical, installed and maintained in accordance with all applicable building,

housing and property maintenance codes, and for which permits have been obtained and complied with. It shall also be unlawful for any person to permit any premises such person owns, occupies or controls to be used in a manner that creates noxious or offensive smells and odors or to allow the accumulation or creation of human waste, or to be used in a manner that causes the breeding or accumulation of flies, rodents or other vermin on the premises or on the premises of people residing in the vicinity.

It shall be the duty of the health officer or any other department or person empowered to enforce this section of the Rockwood Municipal Code to serve notice upon the person owning, occupying or controlling the premises in violation of this section. Said notice shall contain a brief statement that the premises are in violation of this section and a brief description of what must be done to bring said premises into compliance with this section of the Rockwood Municipal Code. If said premises is not brought into compliance with the provisions of this section of Rockwood Municipal Code as set forth in said notice within fifteen (15) days from service thereof, the person owning, occupying or controlling said premises may be cited into Rockwood Municipal Court and subject to fines and court costs. Fines shall be fifty dollars (\$50.00) per day for each day after the initial fifteen (15) day period for compliance as set forth in the aforesaid, notice that the property has not been brought into compliance with this section of the Rockwood Municipal Code, as specified in said notice. This manner of enforcement through the Rockwood Municipal Court is intended as an alternate to all matters of enforcement set forth in all applicable construction, housing and property maintenance codes, and does not supplant or supersede the enforcement procedures set forth in said building, housing and property maintenance codes adopted in the City of Rockwood. (1970 Code, § 8-102, as replaced by Ord. #07-1103, May 2007, Ord. #11-67, Feb. 2013, and Ord. #12-58, March 2019 *Ch3_6-18-19*)

13-107. Pollution of waters. No deleterious or poisonous substance shall be thrown or be caused, permitted, or allowed to run or be washed into any waters, either private or public, in quantities injurious to fish live, or which could be injurious to the propagation of fish. (1970 Code, § 8-104, as replaced by Ord. #07-1103, May 2007, and Ord. #11-67, Feb. 2013)

CHAPTER 2**SLUM CLEARANCE¹****SECTION**

13-201.--13-214. Repealed.

13-215. Property maintenance code adopted.

13-201.--13-214. Repealed. (as repealed by Ord. #12-45, Sept. 2017)

13-215. Property maintenance code adopted. Pursuant to the authority granted in title 13, chapter 21, Tennessee Code Annotated, the International Property Maintenance Code,² 2018 edition, including all appendix chapters and all subsequent amendments or additions to said code, as prepared and adopted by the International Code Council, Inc., is hereby adopted and incorporated by reference as a part of the Rockwood Municipal Code as if copied verbatim, and is hereinafter referred to as the property maintenance code for the City of Rockwood, in the State of Tennessee.

All remaining provisions of § 13-215 shall remain in full force and effect and that no changes or alterations are made to § 13-215(1) or 13-215(2), except all references to the 2012 International Property Maintenance Code contained therein are hereby amended to refer to the 2018 International Property Maintenance Code. (as added by Ord. #12-45, Sept. 2017, as replaced by Ord. #12-56, Feb. 2019 *Ch3_6-18-19*)

¹State law reference

Tennessee Code Annotated, title 13, chapter 21.

²Copies of this code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

CHAPTER 3

ABANDONED MOTOR VEHICLES

SECTION

- 13-301. Definition.
- 13-302. Public nuisance.
- 13-303. Impoundment and disposal.
- 13-304. Order to remove.
- 13-305. Abatement of public nuisance.
- 13-306. Exceptions.
- 13-307. Violation and penalty.

13-301. Definition. A junked motor vehicle is any motor vehicle, the condition of which is any one or more of the following:

- (1) Wrecked,
- (2) Dismantled or partially dismantled,
- (3) Inoperative,
- (4) Discarded.

An abandoned motor vehicle is such as is defined in Tennessee Code Annotated § 55-16-103.

A motor vehicle for all purposes hereunder is defined as 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. (Ord. #1004, June 1996)

13-302. Public 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, tendering 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 City of Rockwood. (Ord. #1004, June 1996)

13-303. Impoundment and disposal. Junked and abandoned motor vehicles, as defined herein and by reference, shall be impounded and disposed of by the police department in accordance with the provisions of Tennessee Code Annotated, § 55-16-101 through § 55-16-110 and in instances wherein said state

code sections are not applicable in accordance with the following section of the chapter. (Ord. #1004, June 1996)

13-304. Order to remove. Whenever any junked motor vehicle is found within the City of Rockwood in violation of this chapter, the chief of police or his duly authorized representative shall cause the owner of the vehicle or the occupant of the premises on which such vehicle is located to be served with an order to remove such vehicle within ten (10) days after service of such order and it shall be unlawful for the person, or persons, upon whom said order is served to fail, neglect, or refuse to obey such order within the time prescribed therein. (Ord. #1004, June 1996)

13-305. Abatement of public nuisance. 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 § 55-16-110, 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. #1004, June 1996)

13-306. 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. #1004, June 1996)

13-307. Violation and penalty. Any person, firm, corporation, or other legal entity, violating this chapter upon conviction thereof shall be subject to a civil penalty of not more than five hundred dollars (\$500.00) for each offense, and each day of continued violation shall constitute a separate and distinct offense.

The City of Rockwood shall also have the remedy to file proceedings in any state court which has jurisdiction to abate a public nuisance. (Ord. #1004, June 1996, modified)

CHAPTER 4

AUTOMOBILE GRAVEYARDS

SECTION

13-401. Purpose.

13-402. Definitions.

13-403. Violation and penalty.

13-401. Purpose. For the purpose of promoting the public safety, health, welfare, convenience and enjoyment of public travel, to protect the public investment in public highways, and to preserve and enhance the scenic beauty of lands bordering public highways, it is hereby declared to be in the public interest to regulate and restrict the establishment, operation and maintenance of junkyards in areas adjacent to the streets, alleys, and byways within the City of Rockwood. (Ord. #1006, July 1996)

13-402. Definitions. For the purposes of this section "automobile graveyard" means any lot or place which is exposed to the weather and upon which more than five (5) motor vehicles of any kind, incapable of being operated, and which it would not be economically practical to make operative, are placed, located or found. "Automobile graveyard" or "automobile junkyard" shall not be construed to mean an establishment having facilities for processing iron, steel or nonferrous scrap and whose principal produce is scrap iron, steel or nonferrous scrap for sale for remelting purposes only. (Ord. #1006, July 1996)

13-403. Violation and penalty. Any lot or place which is determined to be an "automobile graveyard" as determined by the above definition, which is not within the proper zoning, does not meet all requirements as set forth in Tennessee Code Annotated, § 54-20-101 through 54-20-123, and is not properly licensed by the State of Tennessee or the City of Rockwood, shall be deemed in violation of this code section; and upon conviction thereof, shall be subject to a civil penalty of not more than \$500.00 for each offense, and each day of continued violation shall constitute a separate and distinct offense.

The City of Rockwood shall also have the remedy to file proceedings in any state court which has jurisdiction to abate a public nuisance. (Ord. #1006, July 1996, modified)