

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. OVERGROWN AND DIRTY LOTS.
3. LANDSCAPING, TRIMMING AND REPAIRING OF TREES AND SHRUBBERY.

CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Health officer.
- 13-102. House trailers.
- 13-103. Smoke, soot, cinders, etc.
- 13-104. Stagnant water.
- 13-105. Weeds.
- 13-106. Dead animals.
- 13-107. Health and sanitation nuisances.
- 13-108. Junkyards.
- 13-109. Fluoridation of water supply.

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. (1986 Code, § 8-101)

13-102. 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 municipality and unless a permit therefor shall have been first duly issued by the building official, as provided for in the building code. (1986 Code, § 8-104)

¹Municipal code references
 Animal control: title 10.
 Littering streets, etc.: § 16-107.
 Refuse disposal: title 17.

13-103. 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. (1986 Code, § 8-105)

13-104. 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. (1986 Code, § 8-106)

13-105. 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 recorder or chief of police to cut such vegetation when it has reached a height of over one (1) foot. (1986 Code, § 8-107)

13-106. 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. (1986 Code, § 8-108)

13-107. 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. (1986 Code, § 8-109)

13-108. Junkyards. All junk yards 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 junk yards 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 it will be impossible for stray cats and/or stray dogs to have access to such junk yards.

(3) All such junk yards within one thousand (1,000) feet of any right-of-way within the town shall be screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the right-of-way.

(4) 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. (1986 Code, § 8-110)

13-109. Fluoridation of water supply. The addition of fluoride to the water supply of the town in accordance with the rules and regulations of the Tennessee Department of Public Health is hereby authorized and approved. (1986 Code, § 8-112)

CHAPTER 2

OVERGROWN AND DIRTY LOTS

SECTION

- 13-201. Nuisance declared.
- 13-202. Designation of public officer.
- 13-203. Notice to property owner.
- 13-204. Cleanup at property owner's expense.
- 13-205. Appeal.
- 13-206. Judicial review.
- 13-207. Supplemental nature of chapter.

13-201. Nuisance declared. It is declared to be a nuisance 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, underbrush and/or the accumulation of debris, trash, litter, or 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. Such nuisance may be abated and the cost of the abatement shall be assessed against the owner of the property. (Ord. #8-14-90-1, Oct. 1990)

13-202. Designation of public officer. The city recorder is the public officer who shall enforce the provisions of this chapter. (Ord. #8-14-90-1, Oct. 1990)

13-203. Notice to property owner. It shall be the duty of the city recorder to serve upon the owner of record in violation of § 13-201 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. 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 maintaining a nuisance in violation of this chapter of the Rogersville Municipal Code, 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 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. #8-14-90-1, Oct. 1990)

13-204. Cleanup 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 city recorder 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 of the county in which the property lies, the cost 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. #8-14-90-1, Oct. 1990)

13-205. Appeal. The owner of record who is aggrieved by the determination and order of the city recorder 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 § 13-203 above. The failure to appeal within this time shall, without exception, constitute a waiver of the right to a hearing. (Ord. #8-14-90-1, Oct. 1990)

13-206. Judicial review. Any person aggrieved by an order or act of the city recorder or of the board of mayor and aldermen under this chapter may seek judicial review of the ordinance or act. The time period established in § 13-203 above shall be stayed during the pendency of judicial review. (Ord. #8-14-90-1, Oct. 1990)

13-207. Supplemental nature of chapter. The provisions of this chapter 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 debris, trash, litter, or garbage or any combination of the preceding elements. (Ord. #8-14-90-1, Oct. 1990)

CHAPTER 3

LANDSCAPING, TRIMMING AND REPAIRING OF TREES AND SHRUBBERY

SECTION

13-301. Persons engaged in business of landscaping or trimming, repairing, etc., of trees and shrubbery.

13-302. Permit required--fee duration, etc.

13-303. Disposal of limbs, etc.

13-304. Violations.

13-301. Persons engaged in business of landscaping or trimming, repairing, etc., of trees and shrubbery. No person shall perform any service of economic gain wherein trees or shrubbery are cut, trimmed, removed or altered, and wherein an accumulation of brush, wood, vines, debris or other refuse attendant to landscaping as a result of such work or service without being equipped with a truck or other vehicle capable of removing said brush, wood, vines, debris or other refuse which shall be so removed by the person causing or creating its accumulation. (Ord. #12-11-01-1, Feb. 2002)

13-302. Permit required--fee, duration ,etc. No person, firm, or corporation shall perform the services as provided in § 13-301 without first filing an application with the recorder on a form provided by the municipality and paying the sum of ten dollars (\$10.00) for a permit to engage in said occupation, which permit shall be for a period of one (1) year and shall be renewable annually on the anniversary date of the permit. In addition, a returnable deposit shall be made with the recorder in the amount of fifty dollars (\$50.00) to insure the removal of all trees as required in this section. (Ord. #12-11-01-1, Feb. 2002)

13-303. Disposal of limbs, etc.. Any person, firm or corporation cutting or trimming trees for compensation within the corporate limits of Rogersville shall remove all cuttings, limbs, laps, and debris resulting from said work and deposit such in an appropriate manner outside corporate limits in a location acceptable pursuant to applicable law. (Ord. #12-11-01-1, Feb. 2002)

13-304. Violations. Any violation of this chapter shall incur a civil penalty and/or fine of up to fifty dollars (\$50.00) for each offense. Each day such violation shall continue shall constitute a separate offense. (Ord. #12-11-01-1, Feb. 2002)