

TITLE 13

PROPERTY MAINTENANCE REGULATIONS

CHAPTER

1. MISCELLANEOUS.
2. SLUM CLEARANCE.
3. JUNKYARDS.
4. ABANDONED MOTOR VEHICLES

CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Smoke, soot, cinders, etc.
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- 13-105. Dead animals.
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13-101. 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. (Ord. #325, as replaced by Ord. #417, § 1, March 1993, and Ord. #526, May 2006)

13-102. 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. (Ord. #325, as replaced by Ord. #417, § 2, March 1993, and Ord. #526, May 2006)

13-103. Weeds and grass. 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 building inspector/code enforcement officer to cut such vegetation

when it has reached a height of over eight (8) inches. (Ord. #325, as replaced by Ord. #417, § 3, March 1993, and Ord. #526, May 2006)

13-104. Overgrown and dirty lots. 1. Prohibition. 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, underbrush and/or the accumulations 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.

2. 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 section.

3. Notice to property owner. It shall be the duty of the department or person designated by the board of mayor and aldermen to enforce this section to serve notice upon the owner of record in violation of subsection (1) 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 by personal delivery of such notice to 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:

a. A brief statement that the owner is in violation of § 13-104 of the Selmer 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 by the Town of Selmer at the expense of the owner and a lien placed against the property to secure the cost of the clean-up;

b. The person, office, address, and telephone number of the department or person giving the notice;

c. A place wherein the notified party may return a copy of the notice, indicating the desire for a hearing.

4. 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, electricity, gas, liquids, steam, sewage, or other materials), the department or person designated by the board of mayor and aldermen 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 McNairy 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.

5. 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 town recorder within ten (10) days following the receipt of the notice issued pursuant to subsection (3) above. The failure to appeal within this time shall, without exception, constitute a waiver of the right to a hearing.

6. Judicial review. Any person aggrieved by an order or act of the board of mayor and aldermen under subsection (5) above may seek judicial review of the order or act. The time period established in subsection (4) above shall be stayed during the pendency of judicial review.

7. Supplemental nature of this section. 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. #325, as replaced by Ord. #417, § 4, March 1993, and Ord. #526, May 2006)

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 town and dispose of such animal in such manner as the town shall direct. (Ord. #325, as replaced by Ord. #417, § 5, March 1993, and Ord. #526, May 2006)

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. (Ord. #325, as replaced by Ord. #417, § 6, March 1993, and Ord. #526, May 2006)

13-107. Accumulation of furniture and waste on porches, lawns or public right of way. 1. It shall be unlawful for any person to permit any furniture or other household goods, including, but not limited to, sofas, divans, recliners, refrigerators, ranges, washing machines, clothes dryers, and similar objects, which are not designed for outdoor use, to be maintained or located on any porch, lawn, parking lot, driveway or public right-of-way.

2. It shall be unlawful for any person to permit the accumulation of construction waste upon a lot in the Town of Selmer. The term "construction waste" shall mean materials from construction, demolition, remodeling, construction site preparation, including but not limited to rocks, trees, debris, dirt, bricks, fill, plaster, and all types of scrap building materials.

3. 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.

(4) It shall be unlawful for any person to place any items on or near a curb/street for bulk pickup by the street and sanitation department, except at the designated and published times for such bulk pickup. Any violation of this ordinance will cause the street and sanitation department to remove the items, and the occupant of the affected premises shall then be billed for the cost of such pickup in an amount not less than two hundred fifty dollars (\$250.00). Failure of the occupant of the affected premises to pay such bill within ten (10) days of its presentation shall result in such bill being added to the garbage portion of the occupant's utility bill from the Town of Selmer, and collected in the prescribed manner of collecting utility bills.

In addition to the recovery of the cost of such violation, any violation of this ordinance shall subject the offender to the penalty prescribed in § 13-108. (Ord. #325, as replaced by Ord. #417, § 7, March 1993, and Ord. #526, May 2006, and amended by Ord. #679, April 2020 **Ch8_06-29-23**)

13-108. Violations and penalty. Violations of this chapter shall subject the offender to a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

(Ord. #325, as replaced by Ord. #417, § 8, March 1993, and Ord. #526, May 2006)

13-109. [Deleted.] (Ord. #325, as replaced by Ord. #417, § 9, 1993, and Ord. #526, May 2006)

13-110. [Deleted.] (Ord. #325, as replaced by Ord. #417, § 10, 1993, and Ord. #526, May 2006)

13-111. [Deleted.] (Ord. #325, as replaced by Ord. #417, § 11, 1993, and Ord. #526, May 2006)

13-112. [Deleted.] (Ord. #325, as replaced by Ord. #417, § 12, 1993, and Ord. #526, May 2006)

13-113. [Deleted.] (Ord. #325, as replaced by Ord. #417, § 13, 1993, and Ord. #526, May 2006)

CHAPTER 2

SLUM CLEARANCE

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.
- 13-214. Structures unfit for human habitation deemed unlawful.

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 or may exist in the future in the town 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 town. (as added by Ord. #526, May 2006)

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 town.

3. "Municipality" shall mean the Town of Selmer, Tennessee, and the areas encompassed within existing town limits or as hereafter annexed.

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

5. "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.

6. "Place of public accommodation" means any building or structure in which goods are supplied or services performed, or in which the trade of the general public is solicited.

7. "Public authority" shall mean any housing authority or any officer who is in charge of any department or branch of the government of the town or state relating to health, fire, building regulations, or other activities concerning structures in the town.

8. "Public officer" means any officer or officers of a municipality or the executive director or other chief executive officer of any commission or authority established by such municipality or jointly with any other municipality who is authorized by this chapter to exercise the power prescribed herein and pursuant to Tennessee Code Annotated, §13-21-101, et seq.

9. "Structure" means any dwelling or place of public accommodation or vacant building or structure suitable as a dwelling or place of public accommodation.

10. "Board of appeals" means the board created in title 12 of the Selmer Municipal Code to hear appeals of orders made by the building inspector relative to the 2003 International Building Code. (as added by Ord. #526, May 2006)

13-203. "Public officer" designated; powers. There is hereby designated and appointed a "public officer," to be the building inspector of the town, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the building inspector. (as added by Ord. #526, May 2006)

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 town 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 board of appeals 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 board of appeals. (as added by Ord. #526, May 2006)

13-205. Orders to owners of unfit structures. If, after such notice and hearing as provided for in the preceding section, the board of appeals determines

that the structure under consideration is unfit for human occupation or use, the board of appeals shall state in writing their 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. (as added by Ord. #526, May 2006)

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." (as added by Ord. #526, May 2006)

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. (as added by Ord. #526, May 2006)

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 McNairy 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 collected by the municipal tax collector or county trustee 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. In addition, the municipality may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The municipality may bring one (1) action for debt against more than one or all of the owners of properties against whom said costs have been assessed and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a misjoinder of parties. 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 McNairy 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 Town of Selmer to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (as added by Ord. #526, May 2006)

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 Town of Selmer. 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. (as added by Ord. #526, May 2006)

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 town. 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 McNairy County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (as added by Ord. #526, May 2006)

13-211. Enjoining enforcement of orders. Any person affected by an order issued by the board of appeals served pursuant to this chapter may file a

complaint 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 board of appeals, such person shall file such complaint in the court.

The remedy provided herein shall be the exclusive remedy and no person affected by an order of the board of appeals shall be entitled to recover any damages for action taken pursuant to any order of the board of appeals, or because of noncompliance by such person with any order of the board of appeals. (as added by Ord. #526, May 2006)

13-212. Additional powers of public officer and the board of appeals. The public officer and the board of appeals, 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 town 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 the functions and powers under this chapter to such officers and agents as they may designate. (as added by Ord. #526, May 2006)

13-213. Powers conferred are supplemental. This chapter shall not be construed to abrogate or impair the powers of the town 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. (as added by Ord. #526, May 2006)

13-214. Structures unfit for human habitation deemed unlawful. It shall be unlawful for any owner of record to create, maintain or permit to be maintained in the town 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 town.

Violations of this section shall subject the offender to a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense. (as added by Ord. #526, May 2006)

CHAPTER 3

JUNKYARDS

SECTION

- 13-301. Definitions.
- 13-302. Junkyard screening.
- 13-303. Screening methods.
- 13-304. Requirements for effective screening.
- 13-305. Maintenance of screens.
- 13-306. Utilization of highway right-of-way.
- 13-307. Non-conforming junkyards.
- 13-308. Permits and fees.
- 13-309. Violations and penalty.

13-301. Definitions. 1. "Junk" shall mean old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles, trucks, vehicles of all kinds, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

2. "Junkyard" shall mean an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. This definition includes scrap metal processors, used auto parts yards, yards providing temporary storage of automobile bodies or parts awaiting disposal as a normal part of the business operation when the business will continually have like materials located on the premises, garbage dumps, sanitary landfills, and recycling centers.

3. "Recycling center" means an establishment, place of business, facility or building which is maintained, operated, or used for the storing, keeping, buying, or selling of newspaper or used food or beverage containers or plastic containers for the purpose of converting such items into a usable product.

4. "Person" means any individual, firm, agency, company, association, partnership, business trust, joint stock company, body politic, or corporation.

5. "Screening" means the use of plantings, fencing, natural objects, and other appropriate means which screen any deposit of junk so that the junk is not visible from the highways and streets of the town. (as added by Ord. #526, May 2006)

13-302. Junkyard screening. Every junkyard shall be screened or otherwise removed from view by its owner or operator in such a manner as to bring the junkyard into compliance with this chapter. (as added by Ord. #526, May 2006)

13-303. Screening methods. The following methods and materials for screening are given for consideration only:

1. Landscape planting. The planting of trees, shrubs, etc., of sufficient size and density to provide a year-round effective screen. Plants of the evergreen variety are recommended.
2. Earth grading. The construction of earth mounds which are graded, shaped, and planted to a natural appearance.
3. Architectural barriers. The utilization of:
 - a. Panel fences made of metal, plastic, fiberglass, or plywood.
 - b. Wood fences of vertical or horizontal boards using durable woods such as western cedar or redwood or others treated with a preservative.
 - c. Walls of masonry, including plain or ornamented concrete block, brick, stone, or other suitable materials.
4. Natural objects. Naturally occurring rock outcrops, woods, earth mounds, etc., may be utilized for screening or used in conjunction with fences, plantings, or other appropriate objects to form an effective screen. (as added by Ord. #526, May 2006)

13-304. Requirements for effective screening. Screening may be accomplished using natural objects, earth mounds, landscape plantings, fences, or other appropriate materials used singly or in combination as approved by the town. The effect of the completed screening must be the concealment of the junkyard from view on a year-round basis.

1. Screens which provide a "see-through" effect when viewed from a moving vehicle shall not be acceptable.
2. Open entrances through which junk materials are visible from the main traveled way shall not be permitted except where entrance gates, capable of concealing the junk materials when closed, have been installed. Entrance gates must remain closed from sundown to sunrise.
3. Screening shall be located on private property and not on any part of the highway right-of-way.
4. At no time after the screen is established shall junk be stacked or placed high enough to be visible above the screen nor shall junk be placed outside of the screened area. (as added by Ord. #526, May 2006)

13-305. Maintenance of screens. The owner or operator of the junkyard shall be responsible for maintaining the screen in good repair to insure the continuous concealment of the junkyard. Damaged or dilapidated screens, including dead or diseased plantings, which permit a view of the junk within shall render the junkyard visible and shall be in violation of this code and shall be replaced as required by the town.

If not replaced within sixty (60) days the town shall replace said screening and shall require payment upon demand. Failure to pay in full shall result in

the fee plus interest to be assessed to the property and shall be combined with the subsequent taxation of the property by the town. (as added by Ord. #526, May 2006)

13-306. Utilization of highway right-of-way. The utilization of highway right-of-way for operating or maintaining any portion of a junkyard is prohibited; this shall include temporary use for the storage of junk pending disposition. (as added by Ord. #526, May 2006)

13-307. Non-conforming junkyards. Those junkyards within the town and lawfully in existence prior to the enactment of this code, which do not conform with the provisions of the code shall be considered as "non-conforming." Such junkyards shall be subject to the following conditions, any violation of which shall terminate the non-conforming status:

1. The junkyard must continue to be lawfully maintained.
2. There must be existing property rights in the junk or junkyard.
3. Abandoned junkyards shall no longer be lawful.
4. The location of the junkyard may not be changed for any reason.

If the location is changed, the junkyard shall be treated as a new establishment at a new location and shall conform to the laws of the town.

5. The junkyard may not be extended or enlarged. (as added by Ord. #526, May 2006)

13-308. Permits and fees. It shall be unlawful for any junkyard located within the town to operate without a "junkyard control permit" issued by the town.

1. Permits shall be valid for the fiscal year for which issued and shall be subject to renewal each year. The town's fiscal year begins on July 1 and ends on June 30 the year next following.

2. Each application for an original or renewal permit shall be accompanied by a fee of fifty dollars (\$50.00) which is not subject to either proration or refund.

3. All applications for an original or renewal permit shall be made on a form prescribed by the town.

4. Permits shall be issued only to those junkyards that are in compliance with these rules.

5. A permit is valid only while held by the permittee and for the location for which it is issued. (as added by Ord. #526, May 2006)

13-309. Violations and penalty. Violations of this chapter shall subject the offender to a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense. (as added by Ord. #526, May 2006)

CHAPTER 4

ABANDONED MOTOR VEHICLES ON PRIVATE PROPERTY

SECTION

- 13-401. Restrictions on keeping.
- 13-402. Violations.
- 13-403. Notice to suspected violators.
- 13-404. Failure to comply with notice.
- 13-405. Removal of offending vehicles by building inspector/code enforcement or chief of police.
- 13-406. Authority of town personnel to enter private premises.
- 13-407. Deadline for abating nuisance privately.
- 13-408. Each day constitutes a separate offense.

13-401. Restrictions on keeping. It shall be unlawful to park, store, or leave, or to permit the parking or storing of any licensed or unlicensed motor vehicle of any kind, for a period in excess of seventy-two (72) hours, which is in a rusted, wrecked, junked, partially dismantled, inoperative, or abandoned condition, whether attended or not, upon any private property within the town, unless the same is completely enclosed within a building or unless it is connected with a business enterprise operated in a lawful place and manner and licensed as such and when necessary to the operation of such business enterprise. (as added by Ord. #526, May 2006)

13-402. Violations. The accumulation and storage of one (1) or more such vehicles in violation of the provisions of this chapter shall constitute rubbish and unsightly debris, and a nuisance detrimental to the health, safety, and general welfare of the inhabitants of the Town of Selmer, and it shall be the duty of the registered owner of such motor vehicle and it shall also be the duty of the person in charge or control of the private property upon which such motor vehicle is located whether as owner, tenant, occupant, lessee, or otherwise to remove the same to a place of lawful storage, or to have the motor vehicle housed within a building where it will not be visible from the street. (as added by Ord. #526, May 2006)

13-403. Notice to suspected violators. Whenever there is reasonable grounds to believe that a violation of a provision of this chapter exists, the building inspector/code enforcement officer or chief of police will give, or cause to be given, written notice that said motor vehicle violates the provisions of this chapter and demand that said motor vehicle be removed to a place of lawful storage within ten (10) days of the mailing of such notice, or within ten (10) days of the mailing of such notice said motor vehicle be housed in a building where it will not be visible from the street and advise of the intention of the building

inspector/code enforcement officer or chief of police to remove and impound such motor vehicle if it has not been so removed or housed at the end of such time. Such notice will be given by:

1. Affixing notice on such motor vehicle;
2. Sending notice by mail to the owner of such motor vehicle at his last known address if the owner is reasonably ascertainable; and
3. By sending notice by mail to the person owning or controlling the property on which the motor vehicle is located.
4. By personal service of such notice to the owner of such motor vehicle or to the person owning or controlling the property on which the motor vehicle is located. (as added by Ord. #526, May 2006)

13-404. Failure to comply with notice. Any person who fails, neglects or refuses to remove the abandoned, wrecked, junked, partially dismantled or inoperative motor vehicle or to house the same and abate said nuisance in accordance with the notice given pursuant to the provisions of §13-403 of this chapter, shall be in violation of the provisions of this chapter and shall be guilty of a misdemeanor. (as added by Ord. #526, May 2006)

13-405. Removal of offending vehicles by building inspector/code enforcement officer or chief of police. In addition to and not in lieu of any other procedure prescribed in this chapter or in this code for removal of abandoned motor vehicles from private property, if the registered owner of such vehicle which is in violation of this chapter or the owner or person in lawful possession or control of the private property upon which same is located shall fail, neglect, or refuse to remove or house such abandoned, wrecked, junked, partially dismantled, or inoperative motor vehicle in accordance with the notice given pursuant to the provisions of §13-403 of this chapter, the building inspector/code enforcement officer or chief of police may remove and impound said motor vehicle until lawfully claimed. If not lawfully claimed within a period of ten (10) days, the chief may dispose of such vehicle at public sale and he may thereafter maintain an action in the name of the Town of Selmer, in the appropriate court, against any person, or persons upon whom notice was served as required by §13-403 of this chapter to recover the cost of removing, impounding, and disposing of such motor vehicle in the event the proceeds of any sale thereof shall be insufficient to recover such cost. Any such unsatisfied cost shall become a lien upon the real property upon which said motor vehicle was located in violation of this chapter, said lien to be satisfied as any other delinquent tax lien. (as added by Ord. #526, May 2006)

13-406. Authority of town personnel to enter private premises. The building inspector/code enforcement officer or chief of police or any regularly employed and salaried officer of the police department of the Town of Selmer, contracting agents of the Town of Selmer, and employees of such contracting

agents, and authorized office employees and agents of the Town of Selmer, and each of them, are hereby expressly authorized to enter upon property for the purpose of enforcing the provisions of this chapter. It shall be unlawful for any person to interfere with, hinder, or refuse to allow them to enter upon private property for such purpose and to remove any motor vehicle in accordance with the provision of this chapter. (as added by Ord. #526, May 2006)

13-407. Deadline for abating nuisance privately. Any person to whom notice was given pursuant to §13-403 of this chapter shall have the right to remove or house such motor vehicle in accordance with said notice at his own expense at any time prior to the arrival of the building inspector/code enforcement officer or chief of police or his authorized representatives for the purpose of removal of said motor vehicle. (as added by Ord. #526, May 2006)

13-408. Each day constitutes a separate offense. Each day any violation under this chapter is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. (as added by Ord. #526, May 2006)