

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. SLUM CLEARANCE.
3. JUNKYARDS.
4. STORAGE, ABANDONMENT AND IMPOUNDMENT OF VEHICLES.

CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Smoke, soot, cinders, etc.
- 13-102. Stagnant water.
- 13-103. Overgrown and dirty lots.
- 13-104. Health Officer.
- 13-105. Untenable buildings.

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, 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. (1996 Code, § 13-101)

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. (1996 Code, § 13-102)

13-103. Overgrown and dirty lots.

(1) Prohibition. Pursuant to the authority granted to municipalities under Tennessee Code Annotated § 6-54-13, 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

¹Municipal code references

Animal control: title 10.

Littering streets, etc.: § 16-207.

Wastewater treatment: title 18, chapter 2.

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, liquid, 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:

(a) A brief statement that owner is in violation of § 13-103 of the Sevierville 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 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 cost estimate for remedying the noted condition, which shall be in conformity with the standards of cost in the City; and

(d) A place wherein the notified party may return a copy of the notice indicating the desire for a hearing .

(4) Clean-up at the 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 (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, liquid, 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. The City may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The City may bring one (1) action for debt against more than one (1) or all the owners of properties against whom such 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. Upon the filing of the notice with the Office of the Register of Deeds in Sevier 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 assessment, 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) Clean-up of owner-occupied property. When the owner of an owner-occupied residential property fails or refuses to remedy the condition within ten (10) days after receiving the notice, 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 accordance with reasonable standards in the community, with these costs to be assessed against the owner of the property. The provision of subsection (4) shall apply to the collection of costs against the owner of an owner-occupied residential property except that the municipality must wait until the cumulative charges for remediation equal or exceed five hundred dollars (\$500.00) before filing the notice with the Register of Deeds and the charges becoming a lien on the property. After this threshold has been met and the lien attaches, charges for costs for which the lien attached are collectible as provided in subsection (4) for these charges.

(6) Appeal. The owner of record who is aggrieved by the determination and order of the Public Officer may appeal the determination and order of the Board of Mayor and Aldermen. The appeal shall be filed with the 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.

(7) Judicial review. Any person aggrieved by an order or act of the Board of Mayor and Aldermen under subsection (4) above may seek judicial review of the order or act. The time period established in subsection (3) above shall be stayed during the pendency of judicial review.

(8) 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 City 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 accumulation of the debris, trash, litter, or garbage or any combination of the proceeding elements, under its charter, any other provisions of this municipal code of ordinances or any other applicable law. (Ord. #2011-010, Oct. 2011)

13-104. Health Officer. The "Health Officer" shall be such municipal, county or state officer as the Board of Mayor and Aldermen shall appoint or designate to administer and enforce health and sanitation regulations within the City. (1996 Code, § 13-104)

13-105. Untenable buildings. It shall be the duty of the Building and/or Fire Inspector to make an inspection of any building or structure damaged by fire, wind, neglect, or otherwise. If the inspector finds that any such building or structure is untenable and/or detrimental to the health and safety of the citizens and the public in general, the inspector shall make a report and file the same with the City Recorder. The inspector shall likewise transmit to the owner of the structure a copy of the report and shall notify the owner to dismantle, repair, or tear down such building or structure within sixty (60) days from the date of notice.

It shall be unlawful for the owner of any such building or structure to fail to dismantle, repair, or tear down said building or structure within sixty (60) days after such notice is mailed to him or personally delivered to him by an officer.

Should the owner fail to remedy such conditions as described in the reports, the City Administrator is empowered and directed to remedy the condition by contract or cause the same to be done by City personnel. Upon completion, the City Administrator shall determine the reasonable costs thereof and bill the owner. Should the owner fail to pay the City within thirty (30) days of notice, the City Attorney shall be directed to perfect a lien upon the property for which the expenditure is made, said lien may be enforced by suit in Chancery Court. (1996 Code, § 13-105)

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 salvaged 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. (1996 Code, § 13-201)

13-202. Definitions.

- (1) "Governing body" shall mean the Board of Mayor and Aldermen charged with governing the City.
- (2) "Municipality" shall mean the City of Sevierville, Tennessee, and the areas encompassed within existing City limits or as hereafter annexed.
- (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. (1996 Code, § 13-202)

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. (1996 Code, § 13-203)

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 occupancy 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. (1996 Code, § 13-204)

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 occupancy 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, during the time specified in the order, to repair, alter, or improve such structure to render

it fit for human occupancy or use or to vacate and close the structure for human occupancy 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. (1996 Code, § 13-205)

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 occupancy or use; the use or occupation of this building for human occupancy or use is prohibited and unlawful." (1996 Code, § 13-206)

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. (1996 Code, § 13-207)

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, upon the filing of the notice with the Office of the Register of Deeds of Sevier 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. 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 Sevier 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 provided, however, that nothing in this section shall be construed to impair or limit in any way the power of the City of Sevierville to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (1996 Code, § 13-208)

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 Sevierville; 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; and uncleanness. (1996 Code, § 13-209)

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 person is 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 the premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the Register of Deeds Office of Sevier County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (1996 Code, § 13-210)

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 suit 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 suit 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. (1996 Code, § 13-211)

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. (1996 Code, § 13-212)

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. (1996 Code, § 13-213)

CHAPTER 3**JUNKYARDS¹****SECTION**

13-301. Definitions.

13-302. Regulations.

13-303. Violation and penalty.

13-301. Definitions. Whenever used in this chapter:

(1) "Automobile graveyard" shall mean any establishment or place of business which is maintained, used or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts. Ten (10) or more such vehicles will constitute an automobile graveyard.

(2) "Junk" shall mean old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

(3) "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 and sanitary landfills.

Provided, however, a "junkyard" shall not be construed to include a recycling center.

(4) "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 for the purpose of converting such items into a usable product. (1996 Code, § 13-301)

13-302. Regulations. All junkyards within the City of Sevierville 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.

¹Municipal code reference

Refuse and trash disposal: title 17.

(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 feet (6') in height, such fence to be so built as 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. (1996 Code, § 13-302)

13-303. Violation and penalty. Any person owning or operating a junkyard in violation of the above provisions shall bring such junkyard into compliance with this chapter within thirty (30) days upon receiving notice from the City. Any person failing to do so shall be guilty of a violation of this chapter and shall be fined fifty dollars (\$50.00) for each day of violation. Each day's subsequent violation shall constitute a separate offense. (1996 Code, § 13-303)

CHAPTER 4**STORAGE, ABANDONMENT AND IMPOUNDMENT OF VEHICLES****SECTION**

- 13-401. Definitions.
- 13-402. Storage of vehicles on public property.
- 13-403. Abandonment of vehicles.
- 13-404. Wrecked or discarded vehicles.
- 13-405. Impoundment or removal.
- 13-406. Notice of removal.
- 13-407. Penalties.

13-401. Definitions. The following definitions shall apply in the interpretation and enforcement of this chapter:

(1) "Abandoned motor vehicle." A vehicle which meets any of the following conditions:

(a) A motor vehicle that is over four (4) years old and left unattended on public property for more than ten (10) days,

(b) A motor vehicle in an obvious state of disrepair that is left unattended on public property for more than three (3) days,

(c) A motor vehicle that has remained illegally on public property for a period of more than forty-eight (48) hours,

(d) A motor vehicle that has remained on private property without the consent of the owner or person in control of the property for more than forty-eight (48) hours.

(2) "Antique motor vehicle." A motor vehicle over twenty-five (25) years old which is owned solely as a collector's item and is used for participation in club activities, exhibits, parades, tours, and similar uses, but in no event for general transportation, and which is registered as an antique vehicle under applicable title and registration laws.

(3) "Dismantled." A dismantled vehicle is one in which any one (1) or more of the following are missing from the vehicle, to wit:

(a) Windshield;

(b) Rear window;

(c) Hood or trunk lid;

(d) Two (2) or more fenders;

(e) Two (2) or more side windows.

(4) "Inoperable motor vehicle." A motor vehicle which does not have an engine in running condition, four (4) tires, a battery, and a valid state license plate issued to the person owning the land on which it is parked.

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

(6) "Property." Any real property within the City.

(7) "Vehicle." Any machine propelled by power other than human power designed to travel by use of wheels, tread, runners, or slides and transport persons or property or pull machinery and shall include, without limitation, automobile, truck, trailer, motorcycle, tractor, buggy and wagon.

(8) "Wrecked condition." A motor vehicle or parts thereof, which would require its movement to be made by forces external to the vehicle, or does not meet State of Tennessee Department of Safety Standards for operation of that vehicle on a public roadway. (Ord. #2007-027, Nov. 2007, as amended by Ord. #2011-010, Oct. 2011)

13-402. Storage of vehicles on public property. No person shall use any street, sidewalk, alley, or other publicly owned property within the City for the purpose of storing vehicles. This chapter shall not be construed as restricting any right of any person to park a vehicle temporarily in any space set aside and designated as a parking space for vehicles. (Ord. #2007-027, Nov. 2007)

13-403. Abandonment of vehicles. No person shall abandon any vehicle on any property within the City or leave any vehicle at any place within the City for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned. The presence of an abandoned, dismantled, or inoperable motor vehicle on public or private property is hereby declared a nuisance, which may be abated in accordance with the provisions of this chapter. (Ord. #2007-027, Nov. 2007)

13-404. 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 dismantled, partially dismantled, non-operating wrecked, junked, discarded, unlicensed or expired licensed vehicle to remain on such property longer than fourteen (14) days; except that, this chapter shall not apply with regard to a vehicle that is not visible from the street or other public or private property, or stored in a garage, carport, storage building, an approved car cover, or is stored on the premises of a 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. #2007-027, Dec. 2007)

13-405. Impoundment or removal. The Police Chief or his authorized representative is hereby empowered to remove any vehicle on public property found in violation of §§ 13-402, 13-403, or 13-404 of this code to a safe and secure place designated by him for that purpose. The Police Chief or his authorized representative is hereby empowered to cause the removal of any vehicle on private property found in violation of §§ 13-402, 13-403, or 13-404 of this code. (Ord. #2011-010, Oct. 2011)

13-406. Notice of removal. Prior to the removal of any vehicle on public property by the Police Chief, by authority of this chapter, the vehicle will be tagged with a notice specifying date and time after which the vehicle may be removed. Prior to the removal of any vehicle on private property the Police Chief, by authority of this chapter, the property owner will be given forty-five (45) days' notice. The notice shall be given by United States mail and addressed to the last known address of the property owner of record. Failure to remove or properly store the vehicle may cause the City to remove the vehicle. (Ord. #2011-010, Oct. 2011)

13-407. Penalties. Any person who shall violate any of the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punishable under the general penalty clause of this code. (Ord. #2007-027, Dec. 2007)