

**TITLE 13**

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

**CHAPTER**

1. MISCELLANEOUS.
2. JUNKYARDS.
3. ABANDONED, WRECKED, JUNKED AND DISMANTLED MOTOR VEHICLES.
4. REMOVAL OF VEGETATION AND DEBRIS FROM CERTAIN LOTS.
5. SLUM CLEARANCE.

**CHAPTER 1**

**MISCELLANEOUS**

**SECTION**

- 13-101. Health officer.
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- 13-104. Weeds and grass.
- 13-105. Overgrown and dirty lots.
- 13-106. Dead animals.
- 13-107. Health and sanitation nuisances.
- 13-108. Penalties.

**13-101. Health officer.** The "health officer" shall be the chief of police or such municipal, county, or state officer as the city council shall appoint or designate to administer and enforce health and sanitation regulations within the municipality. (1974 Code, § 8-101, as amended by Ord. of March 12, 2002)

**13-102. Smoke, soot, cinders, etc.** It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust, or gases as to be detrimental to or to endanger the health, comfort, and safety of the public or so as to cause or have a tendency to cause injury or damage to property or business. (1974 Code, § 8-105)

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<sup>1</sup>Municipal code references  
Animal control: title 10.  
Littering streets, etc.: § 16-107.

**13-103. Stagnant water.** It shall be unlawful for any person to knowingly allow any pool of stagnant water to accumulate and stand on his property without treating it so as to effectively prevent the breeding of mosquitoes. (1974 Code, § 8-106)

**13-104. Weeds and grass.** Every owner or tenant of real property located within the city limits of Watertown, Tennessee, 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 health officer to cut such vegetation when it has reached a height of over one (1) foot. (1974 Code, § 8-107, as amended by Ord. of March 12, 2002)

**13-105. Overgrown and dirty lots.** It shall be unlawful for any owner of record of real property, or any tenant 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. (1974 Code, § 8-108, as replaced by Ord. of March 2002)

**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. (1974 Code, § 8-109, as replaced by Ord. of March 12, 2002)

**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. (1974 Code, § 8-104, as replaced by Ord. of March 12, 2002)

**13-108. Penalties.** (1) Any person violating any of the provisions of this chapter shall be served by the health officer, or his designee, with a written warning ticket stating the nature of the violation and providing up to, but not limited to, ten (10) days time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(2) Should the offender fail to completely correct the violation cited in the warning ticket to the satisfaction of the health officer, then the health officer, or his designee, may proceed with one of the following alternatives, but not both:

(a) A written citation shall be issued to the violator requiring them to appear at the next date of the Watertown City Court where, upon conviction, they shall be subject to a penalty of up to \$50.00 for each offense. Each day a violation is allowed to continue shall constitute a separate offense.

(b) Or, alternatively, if the violator of any of these ordinances shall fail to correct the violation within the time allowed by the warning citation, the health officer, or a designated representative of the city, may take whatever action necessary to correct the nuisance, keeping an account of the expense of the action necessary to correct the violation and such expense shall be charged and paid by such owner or occupant. These charges shall be a lien upon the premises. A bill representing the cost and expense to include any and all reasonable legal fees and court costs incurred by the city in enforcing these ordinances and incurred or payable for the service shall be presented to the owner. If this bill is not paid within 30 days of submission of the bill, a notice of lien of the costs and expenses thereof incurred by the city shall be recorded in the following manner:

(i) A description of the real estate sufficient for identification thereof.

(ii) The amount of money representing the cost and expense incurred or payable for the service.

(iii) The date or dates when said cost and expense was incurred by the city and shall be filed within sixty days after the cost and expense is incurred.

(c) Payment. Notice of such lien claim shall be mailed to the owner of the premises if his address is known, or to his last known address. Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the city or person in whose name the lien has been filed and the release shall be filed of record in the same manner as filing notice of the lien. All lien and release filing fees shall be paid by the owner of the property.

(d) Foreclosure of lien. Properties subject to a lien for unpaid charges shall be sold for non-payment of the same and the proceeds of such sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in the name of the city and may not proceed until after the lien has been in effect for sixty (60) days. (as added by Ord. of March 12, 2002)

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

## 13-201. Junkyards.

**13-201. Junkyards.**<sup>1</sup> All junkyards within the corporate limits of the City of Watertown shall be operated and maintained subject to the following regulations:

(1) All junk stored or kept in such yards shall be so kept that it will not catch and hold water in which mosquitoes may breed and so that it will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared, or propagated.

(2) All such junkyards shall be enclosed within close fitting plank or metal solid fences touching the ground on the bottom and being not less than six (6) feet in height, such fence to be built so that it will be impossible for stray cats and/or stray dogs to have access to such junkyards.

(3) Such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety. (1974 Code, § 8-111)

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<sup>1</sup>State law reference

The provisions of this section were taken substantially from the Bristol ordinance upheld by the Tennessee Court of Appeals as being a reasonable and valid exercise of the police power in the case of Hagaman v. Slaughter, 49 Tenn. App. 338, 354 S.W.2d 818 (1961).

### CHAPTER 3

#### ABANDONED, WRECKED, JUNKED, AND DISMANTLED MOTOR VEHICLES

#### SECTION

- 13-301. Short title.
- 13-302. Definitions.
- 13-303. Storing, parking or leaving dismantled or other such vehicle prohibited, and declared nuisance; exceptions.
- 13-304. Notice to remove.
- 13-305. Responsibility for removal.
- 13-306. Notice procedure.
- 13-307. Content of notice.
- 13-308. Request for hearing.
- 13-309. Procedure for hearing.
- 13-310. Removal of motor vehicle from property.
- 13-311. Notice of removal.
- 13-312. Disposition of vehicles.
- 13-313. Contents of public sale notice.
- 13-314. Public sale.
- 13-315. Redemption of impounded vehicles.
- 13-316. Penalty.

**13-301. Short title.** This chapter shall be known and may be cited as the "Abandoned, Wrecked, Dismantled or Inoperative Motor Vehicle Chapter." (Ord. #\_\_\_\_\_, Dec. 1984, as amended by Ord. #\_\_\_\_\_, May 1991)

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

- (1) "City" is the City of Watertown.
- (2) "Chief of police" is the Chief of Police of the City of Watertown.
- (3) "Motor vehicle" is any vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to automobiles, buses, motor-bikes, motorcycles, motorscooters, trucks, tractors, go-carts, golf carts, campers and trailers.
- (4) "Junked motor vehicle" is any motor vehicle, as defined by subsection (3) of § 13-302, which does not have lawfully affixed thereto an unexpired license plate or plates and the condition of which is wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded.

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

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

(7) "Public property" shall mean any street or highway which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel, and shall also mean any other publicly owned property or facility. (Ord. #\_\_\_\_\_, Dec. 1984, as amended by Ord. #\_\_\_\_\_, May 1991)

**13-303. Storing, parking or leaving dismantled or other such vehicle prohibited, and declared nuisance; exceptions.** No person shall park, store, leave or permit the parking, storing, or leaving of any motor vehicle of any kind which is in an abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled condition whether attended or not, upon any public or private property within the city for a period of time in excess of seventy-two (72) hours. The presence of an abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled vehicle or parts thereof, on private or public property is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this chapter. This section shall not apply to any vehicle enclosed within a building on private property or to any vehicle held in connection with a business enterprise, lawfully licensed by the city and properly operated in appropriate business zone, pursuant to the zoning laws of the city, or to any motor vehicle in operable condition specifically adopted or designed for operation on drag strips or raceways, or any vehicle retained by the owner for the antique collection purposes. (Ord. #\_\_\_\_\_, Dec. 1984, as amended by Ord. #\_\_\_\_\_, May 1991)

**13-304. Notice to remove.** Whenever it comes to the attention of the chief of police that any nuisance as defined in § 13-303 of this chapter exists in the City of Watertown, a notice in writing shall be served upon the occupant of the land where the nuisance exists, or in case there is no such occupant, then upon the owner of the property or his agent, notifying them of the existence of the nuisance and requesting its removal in the time specified in this chapter. (Ord. #\_\_\_\_\_, Dec. 1984, as amended by Ord. #\_\_\_\_\_, May 1991)

**13-305. Responsibility for removal.** Upon proper notice and opportunity to be heard, the owner of the abandoned, wrecked, dismantled, or inoperative vehicle and the owner or occupant of the private property on which the same is located, either or all of them, shall be responsible for its removal. In the event of removal and disposition by the city, the owner or occupant of the private property where same is located, shall be liable for the expenses incurred. (Ord. #\_\_\_\_\_, Dec. 1984, as amended by Ord. #\_\_\_\_\_, May 1991)

**13-306. Notice procedure.** The chief of police of the city shall give notice of removal to the owner or occupant of the private property where it is located, at least seven (7) days before the time of compliance. It shall constitute sufficient notice, when a copy of same is posted in a conspicuous place upon the private property on which the vehicle is located and duplicate copies are sent by registered mail to the owner or occupant of the private property at his last known address. (Ord. #\_\_\_\_\_, Dec. 1984, as amended by Ord. #\_\_\_\_\_, May 1991)

**13-307. Content of notice.** The notice shall contain the request for removal within the time specified in this chapter, and the notice shall advise that upon failure to comply with the notice to remove, the city or its designee shall undertake such removal with the cost of removal to be levied against the owner or occupant of the property. (Ord. #\_\_\_\_\_, Dec. 1984, as amended by Ord. #\_\_\_\_\_, May 1991)

**13-308. Request for hearing.** The persons to whom the notices are directed, or their duly authorized agents may file a written request for hearing before the city council of the City of Watertown or its designee within the seven (7) day period of compliance prescribed in § 13-306 for the purpose of defending the charges by the city. (Ord. #\_\_\_\_\_, Dec. 1984, as amended by Ord. #\_\_\_\_\_, May 1991)

**13-309. Procedure for hearing.** The hearing shall be held as soon as practicable after the filing of the request and the persons to whom the notices are directed shall be advised of the time and place of said hearing at least five (5) days in advance thereof. At any such hearing the city and the persons to whom the notices have been directed may introduce such witnesses and evidence as either party deems necessary. (Ord. #\_\_\_\_\_, Dec. 1984, as amended by Ord. #\_\_\_\_\_, May 1991)

**13-310. Removal of motor vehicle from property.** If the violation described in the notice has not been remedied with the seven (7) day period of compliance, or in the event that a notice requesting a hearing is timely filed, a hearing is had, and the existence of the violation is affirmed by the council of the City of Watertown or its designee, the chief of police or his designee shall have the right to take possession of the junked motor vehicle and remove it from the premises. It shall be unlawful for any person to interfere with, hinder, or refuse to allow such person or persons to enter upon private property for the purpose of removing a vehicle under the provisions of this chapter. (Ord. #\_\_\_\_\_, Dec. 1984, as amended by Ord. #\_\_\_\_\_, May 1991)

**13-311. Notice of removal.** Within forty-eight (48) hours of the removal of such vehicle, the chief of police shall give notice to the registered owner of the

vehicle, if known, and also to the owner or occupant of the private property from which the vehicle has removed, that said vehicle, or vehicles, has been impounded and stored for violation of this chapter. The notice shall give the location of where the vehicle, or vehicles, is stored, and the costs incurred by the city for removal. (Ord. #\_\_\_\_\_, Dec. 1984, as amended by Ord. #\_\_\_\_\_, May 1991)

**13-312. Disposition of vehicles.** Upon removing a vehicle under the provisions of § 13-310, the city shall after ten (10) days, cause it to be appraised. If the vehicle is appraised at \$75.00 or less, the chief of police shall execute an affidavit so attesting and describing the vehicle, including the license plates, if any, and stating the location and appraised value of the vehicle. The chief of police, after complying with the above, may summarily dispose of the vehicle and execute a certificate of sale. If the vehicle is appraised at over \$75.00, the chief of police shall give notice of public sale not less than seven (7) days before the date of the proposed sale. (Ord. #\_\_\_\_\_, Dec. 1984, as amended by Ord. #\_\_\_\_\_, May 1991)

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

- (1) The sale is of abandoned property in the possession of the city.
- (2) A description of the vehicle, including make, model, license number and any other information which will accurately identify the vehicle.
- (3) The terms of the sale.
- (4) The date, time and place of the sale. (Ord. #\_\_\_\_\_, Dec. 1984, as amended by Ord. #\_\_\_\_\_, May 1991)

**13-314. Public sale.** The vehicle shall be sold to the highest and best bidder. At the time of payment of the purchase price, the chief of police shall execute a certificate of sale in duplicate, the original of which to be given to the purchase, and the copy thereof to be filed with the recorder of the city. Should the sale for any reason be invalid, the city's liability shall be eliminated to the return of the purchase price. (Ord. #\_\_\_\_\_, Dec. 1984, as amended by Ord. #\_\_\_\_\_, May 1991)

**13-315. Redemption of impounded vehicles.** The owner of any vehicle seized under the provisions of this chapter may redeem such vehicle at any time after its removal but prior to the sale or destruction thereof upon proof of ownership and payment to the chief of police of such sum as he may determine and fix for the actual and reasonable expense of removal, and any preliminary sale advertising expenses. (Ord. #\_\_\_\_\_, Dec. 1984, as amended by Ord. #\_\_\_\_\_, May 1991)

**13-316. Penalty.** Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction shall be subject



to a fine of not more than \$50.00. Each act in violation of any of the provisions hereof shall be deemed a separate offense. (Ord. #\_\_\_\_\_, Dec. 1984, as amended by Ord. #\_\_\_\_\_, May 1991)

## CHAPTER 4

### REMOVAL OF VEGETATION AND DEBRIS FROM CERTAIN LOTS

#### SECTION

13-401. Title.

13-402. Definitions, limitations, notice, enforcement.

13-403. Overgrown and dirty lots.

**13-401. Title.** This chapter shall be known as the "Removal of Vegetation and Debris from Certain Lots Ordinance."

**13-402. Definitions, limitations, notice, enforcement.** For purposes of this chapter the following terms, phrases, or words used in the present tense include the future, words in the plural number include the singular and words in the singular include the plural. The word "shall" is always mandatory and not merely directory.

**13-403. 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) Limitation on application. The provisions of this section shall not apply to any parcel of property upon which an owner-occupied residence is located.

(3) 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.

(4) 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. 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 § 13-401 et seq., of the Watertown 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.

(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, 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 Wilson 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.

(6) 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 city 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 (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.

(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 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. #94-3, Dec. 1994)

## CHAPTER 5

### SLUM CLEARANCE<sup>1</sup>

#### SECTION

- 13-501. Findings of board.
- 13-502. Definitions.
- 13-503. "Building inspector" designated; powers.
- 13-504. Initiation of proceedings; hearings.
- 13-505. Orders to owners of unfit structures.
- 13-506. When public officer may repair, etc.
- 13-507. When building inspector may remove or demolish.
- 13-508. Lien for expenses; sale of salvage materials; other powers not limited.
- 13-509. Basis for a finding of unfitness.
- 13-510. Service of complaints or orders.
- 13-511. Enjoining enforcement of orders.
- 13-512. Additional powers of building inspector.
- 13-513. Powers conferred are supplemental.
- 13-514. Structures unfit for human habitation deemed unlawful.

**13-501. 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. (as added by Ord. #2002-\_\_\_, June 2002)

**13-502. 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 city.

(3) "Municipality" shall mean the City of Watertown, Tennessee, and the areas encompassed within existing city limits or as hereafter annexed.

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

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<sup>1</sup>State law reference

Tennessee Code Annotated, title 13, chapter 21.

(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 city or state relating to health, fire, building regulations, or other activities concerning structures in the city.

(8) "Building inspector" 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. (as added by Ord. #2002-\_\_\_, June 2002)

**13-503. "Building inspector" designated; powers.** There is hereby designated and appointed a "building inspector," 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. (as added by Ord. #2002-\_\_\_, June 2002)

**13-504. Initiation of proceedings; hearings.** Whenever a petition is filed with the building inspector 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 building inspector (on his own motion) that any structure is unfit for human occupation or use, the building inspector 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 building inspector (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 building inspector. (as added by Ord. #2002-\_\_\_, June 2002)

**13-505. Orders to owners of unfit structures.** If, after such notice and hearing as provided for in the preceding section, the building inspector

determines that the structure under consideration is unfit for human occupation 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, within the time 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. #2002-\_\_\_, June 2002)

**13-506. When building inspector 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 building inspector may cause such structure to be repaired, altered, or improved, or to be vacated and closed; and the building inspector 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. #2002-\_\_\_, June 2002)

**13-507. When building inspector may remove or demolish.** If the owner fails to comply with an order, as specified above, to remove or demolish the structure, the building inspector may cause such structure to be removed and demolished. (as added by Ord. #2002-\_\_\_, June 2002)

**13-508. 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 building inspector 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 Wilson 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 building inspector, 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 Wilson County by the building inspector, 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 City of Watertown to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (as added by Ord. #2002-\_\_\_, June 2002)

**13-509. Basis for a finding of unfitness.** The building inspector 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 Watertown. 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. #2002-\_\_\_, June 2002)

**13-510. Service of complaints or orders.** Complaints or orders issued by the building inspector 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 building inspector in the exercise of reasonable diligence, and the building inspector 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 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 Wilson County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (as added by Ord. #2002-\_\_\_, June 2002)

**13-511. Enjoining enforcement of orders.** Any person affected by an order issued by the building inspector served pursuant to this chapter may file a complaint in Chancery Court for an injunction restraining the building



inspector from carrying out the provisions of the order, and the court may, upon the filing of such suit, issue a temporary injunction restraining the building inspector pending the final disposition of the cause; provided, however, that within sixty (60) days after the posting and service of the order of the building inspector, 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 building inspector shall be entitled to recover any damages for action taken pursuant to any order of the building inspector, or because of noncompliance by such person with any order of the building inspector. (as added by Ord. #2002-\_\_\_, June 2002)

**13-512. Additional powers of building inspector.** The building inspector, 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. (as added by Ord. #2002-\_\_\_, June 2002)

**13-513. 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. (as added by Ord. #2002-\_\_\_, June 2002)

**13-514. 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 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.

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. #2002-\_\_\_, June 2002)