

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

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3. OUTDOOR BURNING.
4. SLUM CLEARANCE.
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CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Health officer.
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- 13-103. Stagnant water.
- 13-104. Removal of vegetation and debris from lots.
- 13-105. Dead animals.
- 13-106. Health and sanitation nuisances.
- 13-107. House trailers.
- 13-108. Littering streams, lakes, etc., prohibited.
- 13-109. Violations and penalties.

13-101. Health officer.² The "health officer" shall be such municipal, county, or state officer as the city council shall appoint or designate to administer and enforce health and sanitation regulations within the City of Dickson. (1980 Code, § 8-101)

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

¹Municipal code references

Animal control: title 10.

Littering streets, etc.: § 16-107.

Toilet facilities in beer places: § 8-213(10).

²Municipal code reference

Health officer to issue ordinance summonses: title 3, chapter 3.

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. (1980 Code, § 8-105)

13-103. Stagnant water. (1) It shall be unlawful for any person, whether owner, tenant or occupant, knowingly to 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.

(2) Failure on the part of such owner, tenant or occupant to comply with a written notice from the codes enforcement officer or chief of police to treat such pool of stagnant water to effectively prevent the breeding of mosquitoes within fifteen (15) days from the date of notice shall provide the necessary authority for the city to perform such treatment with its total cost being assessed against the owner of such property in addition to any fine that may be levied under the general penalty clause. (1980 Code, § 8-106)

13-104. Removal of vegetation and debris from lots. (1) If it is determined by the health officer that any owner of record of real property has created, maintained or permitted to be maintained on such property the growth of trees, vines, grass, underbrush and/or the accumulation of debris, trash, litter, or garbage, or any combination of the preceding elements, so as to endanger the health, safety or welfare of other citizens or to encourage the infestation of rats and other harmful animals, the health officer shall provide notice to the owner of record to remedy the condition within ten (10) days. The notice shall be given by 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. A request for a hearing shall be made within ten (10) days following the receipt of the notice. Failure to make the request within this time shall without exception constitute a waiver of the right to a hearing. The notice shall be written in plain language and shall also include, but not be limited to, the following elements:

- (a) A brief statement of this section which shall contain the consequences of failing to remedy the noted condition;
- (b) The address and telephone number of the health officer.
- (c) A place wherein the notified party may return a copy of the notice, indicating the desire for a hearing.

(2) If the person fails or refuses to remedy the condition within ten (10) days after receiving the notice, the health officer shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards and the cost thereof assessed against the owner of the property. Upon the filing of the notice with the tax collector's office, the costs shall be a lien on the property in favor of the City of Dickson, second only to liens of the State of Tennessee, Dickson County and the City of Dickson 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 tax collector at the same time and in the 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. (1980 Code, § 8-107, as replaced by Ord. #958, Feb. 1997)

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 health officer and dispose of such animal in such manner as the health officer shall direct. (1980 Code, § 8-108)

13-106. Health and sanitation nuisances. It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him, whether commercial or residential, to become or remain in a filthy condition, or permit or allow the accumulation for open storage of any abandoned motor vehicle, refrigerator, stove, building material, ice box, rubbish, weeds, dead trees, trash, garbage, etc. or permit the uses or occupation of same in such a manner as to create noxious 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 be a menace of the public health or the annoyance of people residing within the vicinity. The health officer shall enforce this section. (1980 Code, § 8-109)

13-107. House trailers. It shall be unlawful for any person to park, locate, or occupy any house trailer or portable building unless it complies with all plumbing, electrical, sanitary, and building provisions applicable to stationary structures and the proposed location conforms to the zoning provisions of the City of Dickson and unless a permit therefor shall have been first duly issued by the building official, as provided for in the building code. (1980 Code, § 8-104)

13-108. Littering streams, lakes, etc., prohibited. It shall be unlawful for any person to cast or place any refuse, garbage, dead animals or other waste materials into any public fountain, pond, lake, stream, bay, or any other body of water within the boundaries of the City of Dickson. (1980 Code, § 8-112)

13-109. Violations and penalties. Any violation of this chapter may be punishable by a fine not to exceed five hundred dollars (\$500.00). Any penalty assessed for violations of this chapter shall not prevent the forced removal of prohibited conditions. (1980 Code, § 8-114)

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

13-201. Junkyards.

13-201. Junkyards.¹ All junkyards within the corporate limits shall be operated and maintained subject to the following regulations:

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

(2) All such junkyards shall be enclosed within close fitting plank or metal solid fences touching the ground on the bottom and being not less than seven (7) 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. (1980 Code, § 8-110)

¹State 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

OUTDOOR BURNING

SECTION

- 13-301. Permit must be secured.
- 13-302. Restrictions.
- 13-303. Types of materials to be burned.
- 13-304. Bonfires or cookouts.
- 13-305. Use of fire for demolition, clean-up, clearing.
- 13-306. Violations.
- 13-307. Liability.

13-301. Permit must be secured. No person, firm or corporation shall burn or attempt to burn any material outdoors on private or public property within the corporate limits of the City of Dickson, Tennessee without first securing a permit from the City of Dickson Fire Department. (1980 Code, § 7-501, as replaced by Ord. #1253, June 2008)

13-302. Restrictions. Before issuing a permit, the fire marshal or his designee shall advise all applicants that the following restrictions apply to outdoor burning:

- (1) Open burning, as listed below may be conducted, subject to specified limitations and provided further that no public nuisance is or will be created by such open burning. The issuance of a permit will in no way relieve the person responsible for such burning from the consequences or the damages, injuries or claims resulting from such burning.
- (2) All materials to be burned shall be readily combustible.
- (3) An area of at least 10 feet surrounding the material to be burned must be cleared to prevent the spread of fire.
- (4) A continuous water supply equipped with a shut off nozzle and a hose long enough to reach fifteen (15) feet beyond the farthest pile shall be provided.
- (5) If the permit holder cannot meet the requirements of section 4 the permit holder shall have on site a bulldozer with qualified operator during the period of the permit.
- (6) The permit holder shall have on site a responsible adult whose sole duty shall be to attend the fire from the time it is first set until the fire is totally extinguished.
- (7) Burning shall not be permitted on any property where four (4) or more dwelling units are located.
- (8) Materials shall used to facilitate such burning shall be minimal amounts of diesel fuel.

(9) Burning shall be permitted only from 7:00 A.M. until thirty (30) minutes before sunset unless the fire chief or his designee grants additional time.

(10) When a fire is used to clear land where trees and brush are present the fire marshal may require that an air curtain destructor be used when the distance of such burn is less than five-hundred (500) feet to an air port, hospital, nursing home, school, or a federal or state highway. Air curtain destructor shall be required when the pile to be burned is within two hundred fifty feet (250) of a residence. (1980 Code, § 7-502, as replaced by Ord. #1253, June 2008)

13-303. Types of materials to be burned. (1) Vegetation grown on the property where the burning is to occur.

(2) Natural, untreated wood products. Wood that is treated or painted shall be prohibited from being burned.

(3) Paper products are prohibited from being burned either to facilitate such burning or burned as waste material.

(4) Domestic burning consisting of rubbish or garbage is prohibited. The fire marshal or his designee may allow the burning of such materials in case where refuse collection service for the material is not available. (1980 Code, § 7-503, as replaced by Ord. #1253, June 2008)

13-304. Bonfires or cookouts. Bonfires or cookouts are allowed between the hours of 7:00 P.M. and 12:00 midnight. All other conditions set out in this chapter shall apply, except that the fire marshal or his designee may allow an extension of the permissible hours. (1980 Code, § 7-504, as replaced by Ord. #1253, June 2008)

13-305. Use of fire for demolition, clean-up, clearing. The use of fire for demolition of buildings, for clean-up of construction sites or for clearing land is prohibited except as set out herein.

(1) Burning off of farmland or fence rows shall not be permitted.

(2) Materials to be burned shall be stacked in piles. The size and location of such piles shall be approved by the fire marshal or his designee before burning.

(3) Tires shall not be burned under any condition.

(4) Only a minimal amount of "Class B" (flammable) liquids shall be used to start the fire. Not more than five (5) gallons of diesel fuel shall be used.

(5) No building shall be burned before it is demolished. However, special permission may be granted to allow a standing building to be burned by the fire marshal or his designee.

(6) Only "Class A" (ordinarily combustible) materials disposed of from the building under construction at the address shown on the permit shall be burned. Shingles, styrofoam products, and plastic products shall not be burned.

The permit shall be valid only while the contractor has the authority to be on the property.

(7) The fire department shall be notified immediately prior to the time the fire is started. (1980 Code, § 7-505, as replaced by Ord. #1253, June 2008)

13-306. Violations. Any person violating any of the provisions of this chapter shall be served with written notice stating the nature of the violation. In order to maintain an active permit, such persons shall correct such violation as per the fire marshal or his designee. The fire marshal or his designee may refuse or revoke any permit not in accordance with this chapter.

Failure to obtain a valid open burning permit from the City of Dickson Fire Department or failure to adhere to the provisions and conditions of the issued permit shall be construed as a violation of this chapter. Corrective and/or punitive measures for such violations may be enforced as deemed appropriate by the City of Dickson Fire Department.

A schedule of equipment and manpower is listed below with a minimum charge of one (1) hour:

Fire apparatus	\$150 per hour per apparatus
Fire fighters	\$50 per hour per person
Materials	Per the cost of any materials plus thirty percent (30%).

The above fees shall be doubled on the second and third offenses. (1980 Code, § 7-506, as replaced by Ord. #1253, June 2008)

13-307. Liability. Any person violating any of the provisions of this chapter shall becomes liable to the city for any expense, loss or damage occasioned by city personnel or equipment by reason of such violation. The person conducting outdoor burning shall be responsible for containing such burning. The City of Dickson is in no way liable for damages caused by open burning. (1980 Code, § 7-507, as replaced Ord. #1253, June 2008)

CHAPTER 4

SLUM CLEARANCE

SECTION

- 13-401. Findings of council.
- 13-402. Definitions.
- 13-403. "Public officer" designated; powers.
- 13-404. Initiation of proceedings; hearings.
- 13-405. Orders to owners of unfit structures.
- 13-406. When public officer may repair, etc.
- 13-407. When public officer may remove or demolish.
- 13-408. Lien for expenses; sale of salvaged materials; other powers not limited.
- 13-409. Basis for a finding of unfitness.
- 13-410. Service of complaints or orders.
- 13-411. Enjoining enforcement of orders.
- 13-412. Additional powers of public officer.
- 13-413. Powers conferred are supplemental.
- 13-414. Structures unfit for human habitation or use deemed unlawful.

13-401. Findings of council. Pursuant to Tennessee Code Annotated, § 13-21-101, et seq., the city council finds that there exists in the city structures which are unfit for human occupation or use 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. (1980 Code, § 8-601, as replaced by Ord. #1287, July 2010)

13-402. 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 city council charged with governing the city.

(3) "Municipality" shall mean the City of Dickson, 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.

(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) "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.

(9) "Structure" means any dwelling or place of public accommodation or vacant building or structure suitable as a dwelling or place of public accommodation. (1980 Code, § 8-602, as replaced by Ord. #1287, July 2010)

13-403. "Public officer" designated; powers. There is hereby designated and appointed a "public officer," to be the building official of the city, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the building official. (1980 Code, § 8-603, as replaced by Ord. #1287, July 2010)

13-404. 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 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 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. (1980 Code, § 8-604, as replaced by Ord. #1287, July 2010)

13-405. 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 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 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. (1980 Code, § 8-605, as replaced by Ord. #1287, July 2010)

13-406. 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." (1980 Code, § 8-606, as replaced by Ord. #1287, July 2010)

13-407. 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. #1287, July 2010)

13-408. 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 Dickson 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 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 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 Dickson 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 city to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (as added by Ord. #1287, July 2010)

13-409. 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 or 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 Dickson. 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. #1287, July 2010)

13-410. 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 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 Dickson County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (as added by Ord. #1287, July 2010)

13-411. Enjoining enforcement of orders. Any person affected by an order issued by the public officer served pursuant to this chapter may file a bill 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 bill 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. (as added by Ord. #1287, July 2010)

13-412. 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 and in compliance with legal requirements for gaining entry;
- (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. #1287, July 2010)

13-413. 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. #1287, July 2010)

13-414. Structures unfit for human habitation or use 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 or use 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 of fifty dollars (\$50.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (as added by Ord. #1287, July 2010)

CHAPTER 5**LITTER****SECTION**

13-501. Definitions for litter control.

13-502. Criminal littering - penalty.

13-503. Hauling litter.

13-501. Definitions for litter control. The following definitions apply:

(1) "Garbage" includes putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food;

(2) "Litter" includes garbage, refuse, rubbish and all other waste material;

(3) "Refuse" includes all putrescible and nonputrescible solid waste; and

(4) "Rubbish" includes nonputrescible solid waste consisting of both combustible and non-combustible waste. (as added by Ord. #977, July 1997)

13-502. Criminal littering - penalty. (1) A person commits an offense who:

(a) Knowingly places, drops or throws litter on any public or private property without permission and does not immediately remove it;

(b) Negligently places or throws glass or other dangerous substances on or adjacent to water to which the public has access for swimming or wading;

(c) On or within fifty feet (50') of a public highway; or

(d) Negligently discharges sewage, minerals, oil products or litter into any public waters or lakes within the city.

(2) Criminal littering shall be a Class B misdemeanor which permits a fine not to exceed five hundred dollars (\$500.00).

(3) In addition to the penalty prescribed in subsection (2), the court may at its discretion require a person convicted under this part to:

(a) Remove any substance listed under subsection (1) which was dropped, placed or discharged by the person and restore the property or waters damaged by the littering to its former condition at the person's expense;

(b) Remove litter from the highway system, public playgrounds, public parks or other appropriate public locations for any stated period of time not to exceed eleven (11) months and twenty-nine (29) days.

(4) If litter is discovered on any public property other than public property designated for the disposal of litter, or if litter is discovered upon the private property of a person who has not given permission for the disposal of litter, and the litter bears the name of a natural person, there is an inference

that the natural person has committed the offense of criminal littering. (as added by Ord. #977, July 1997)

13-503. Hauling litter. (1) Any motor vehicle, which transports litter or any material likely to fall or be blown onto the highways, shall be required to have such material either in an enclosed space or fully covered by a tarpaulin. If such motor vehicle is a non-commercial, not-for-hire pickup truck, the provisions of this subsection shall be construed to be complied with if the material on such non-commercial, not-for-hire pickup truck is secured in such a way as to reasonably ensure it will not fall or be blown off the vehicle. All other pickup trucks and other motor vehicles are required to comply with the provisions of this section.

(2) A violation of this section is a Class B misdemeanor. In addition to the penalty for such misdemeanor, the court may in its discretion impose any of the penalties set forth in section 13-502(2)(3). (as added by Ord. #977, July 1997)

CHAPTER 6**MAINTENANCE OF PRIVATE DRIVES, ROADS
STREETS AND ALLEYS****SECTION**

13-601. Maintenance of private drives, roads, streets, and alleys.

13-601. Maintenance of private drives, roads, streets, and alleys.

If it is determined by the building official that any owner of record has failed to maintain any private drive, road, street or alley, which may endanger the safety or welfare of other citizens, the building official shall provide notice to the owner of record to remedy the condition within thirty (30) days. The notice shall be given by 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. A request for a hearing shall be made within ten (10) days following the receipt of the notice. Failure to make the request within this time shall without exception constitute a waiver of the right to a hearing. The notice shall be written in plain language and shall also include, but not be limited to, the following elements:

- (1) A brief statement of this section which shall contain the consequences of failing to remedy the noted condition;
- (2) The address and telephone number of the building official.
- (3) A place wherein the notified party may return a copy of the notice, indicating the desire for a hearing.

If the person fails or refuses to remedy the condition within thirty (30) days after receiving the notice, the building official shall immediately cause the condition to be remedied at a cost in conformity with reasonable standards and the cost thereof assessed against the owner of the property. Upon the filing of the notice with the tax collector's office, the costs shall be a lien on the property in favor of the City of Dickson, second only to liens of the State of Tennessee, Dickson County and the City of Dickson 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 tax collector at the same time and in the 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 taxes. (as added by Ord. #1049, Dec. 1999)