

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. JUNKYARDS.
3. SLUM CLEARANCE.

CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Health officer.
- 13-102. Smoke, soot, cinders, etc.
- 13-103. Stagnant water.
- 13-104. Weeds and plants, etc.
- 13-105. Dead animals.
- 13-106. Health and sanitation nuisances.
- 13-107. House trailers.
- 13-108. Junked motor vehicles.

13-101. Health officer. The "health officer" shall be such municipal, county, or state officer as the board of commissioners shall appoint or designate to administer and enforce health and sanitation regulations within the town. (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 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. 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. (1980 Code, § 8-106)

¹Municipal code references

Animal control: title 10.

Littering streets, etc.: § 16-107.

Toilet facilities in beer places: § 8-212(11).

13-104. Weeds and plants, etc. (1) In order to suppress potential hazards to the health and safety of the residents of the town, every owner or tenant of real property within the corporate boundaries of the Town of Burns shall maintain his property in such condition that weeds, grass, brush and other such vegetation which is within a distance of two hundred (200) feet of any residence, commercial property, street, or public thoroughfare shall not exceed one (1) foot in height, provided that the presence of poison ivy, poison oak, or any other such noxious vegetation or plants are deemed a hazard to health and safety although such plants have not attained the height of one (1) foot.

(2) Every owner or tenant having trees on his property shall remove therefrom any dead trees or dead limbs.

(3) It shall be unlawful for any such owner to fail to comply with a written order of the codes enforcement officer or the chief of police to cut such vegetation, plants, or trees within fifteen (15) days from the date of notice, that are declared by this section to be dangerous or a hazard to health. Failure on the part of such owner or tenant to cut or remove the vegetation, plants or trees as ordained in this section shall provide the necessary authority for the town to conduct such removal with the total cost of such work being assessed against the owner of such property in addition to any fine that may be levied under the general penalty clause. (1980 Code, § 8-107)

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 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.

Failure on the part of the owner or tenant to remove any such health or sanitation nuisance upon five (5) days notification by the codes enforcement officer or the chief of police shall provide the necessary authority for the town to conduct such removal with the total cost of such work being assessed against the owner of such property in addition to any fine that may be levied under the general penalty clause. (1980 Code, § 8-109)

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 town 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. Junked motor vehicles. It shall be unlawful for any person to keep on his property or property controlled by him any junked motor vehicle. "Junked motor vehicle" for the purposes of this section shall mean any motor vehicle which is over five (5) years old and which is incapable of movement under its own power and which has been incapable of such movement for more than three (3) months. It shall be the duty of any owner or person in control of any property where a junked motor vehicle is being kept to remove such vehicle upon notification of the health officer or building inspector to do so. (1980 Code, § 8-112)

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 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. (1980 Code, § 8-111)

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

SLUM CLEARANCE

SECTION

- 13-301. Building inspector to exercise certain powers.
- 13-302. Complaints, notices, and hearings.
- 13-303. Authorized orders by building inspector.
- 13-304. Failure of owner to repair, alter, or vacate, etc.
- 13-305. Failure of owner to remove or demolish.
- 13-306. Town to have lien for repairing, demolishing, etc., by building inspector.

13-301. Building inspector to exercise certain powers. The Building Inspector for the Town of Burns, Tennessee is hereby appointed to exercise the powers prescribed by the ordinances. (1980 Code, § 8-501)

13-302. Complaints, notices, and hearings. When a petition is filed with the building inspector by a public authority or by at least five (5) residents of the municipality alleging that any structure is unfit for human occupation or use, or whenever it appears to the building inspector on his own motion that any structure is unfit for 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 days after the serving of the complaint.

The notice shall contain the following information:

- (1) That the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and
- (2) That the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the building inspector. (1980 Code, § 8-502)

13-303. Authorized orders by building inspector. If, after such notice and hearing, the building inspector determines that the structure under consideration is unfit for human occupation or use, he shall state in writing his findings 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, 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 as a place of human occupation or use; or

(2) If the repair, alteration or improvement of the structure cannot be made at a reasonable cost in relation to the value of the structure, requiring the owner, within the time specified in the order to remove or demolish such structure. (1980 Code, § 8-503)

13-304. Failure of owner to repair, alter, or vacate, etc. If the owner fails to comply with an order to repair, alter, or improve or to vacate and close the structure, the public officer may cause such structure to be repaired, altered, or improved, or to be vacated and closed; that the public officer may cause to be posted on the main entrance of any structure 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, § 8-504)

13-305. Failure of owner to remove or demolish. If the owner fails to comply with an order to remove or demolish the structure, the building inspector may cause such structure to be removed or demolished. (1980 Code, § 8-505)

13-306. Town to have lien for repairing, demolishing, etc., by building inspector. The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the building inspector shall, upon the filing of the notice with the office of the register of deeds of the county in which the property lies, 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 upon 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. 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 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. (1980 Code, § 8-506)