

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

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3. CLEARING, CLEANING OF LOTS, ETC.
4. NUISANCES.
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CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Health officer.
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13-101. Health officer. The "health officer" shall be such municipal, county, or state officer as the governing body shall appoint or designate to administer and enforce health and sanitation regulations within the municipality. (1974 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. (1974 Code, § 8-105)

¹Municipal code references

Animal control: title 10.

Littering streets, etc.: § 16-107.

Toilet facilities in beer places: § 8-212(12).

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. (1974 Code, § 8-106)

13-104. Weeds. Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property, and it shall be unlawful for any person to fail to comply with an order by the city recorder or chief of police to cut such vegetation when it has reached a height of over one (1) foot. (1974 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. (1974 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. (1974 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 municipality and unless a permit therefor shall have been first duly issued by the building official, as provided for in the building code. (1974 Code, § 8-104)

13-108. Milk ordinance adopted by reference.¹ (1) The production, transportation, processing, handling, sampling, examination, grading, labeling, and sale of all milk and milk products sold for ultimate consumption within the City of Algood or its police jurisdiction; the inspection of dairy herds, dairy farms, and milk plants; and the issuance and revocation of permits to milk

¹The provisions in this section are taken substantially from the model ordinance prepared and distributed by the Tennessee Department of Health.

producers, haulers, and distributors shall be regulated in accordance with the provisions of Part I of the Grade A Pasteurized Milk Ordinance--1965 Recommendations of the United States Public Health Service,¹ three (3) copies of which shall be filed in the office of the city recorder; provided, that in Section 1, "Definitions," A, "Milk" - Milk shall be understood to contain not less than 8½ per cent milk solids-not-fat and not less than 3½ per cent milkfat and that "not less than 8¼ per cent milk solids-not-fat and not less than 3¼ per cent milkfat" shall be deleted; D - "Reconstituted or Recombined Milk and Milk Products" and, I - "Fortified Milk and Milk Products" shall be deleted; O - "Milk Products" -- It shall be understood that "cottage cheese" and "creamed cottage cheese" have been added to this definition as defined in footnote No. four and that "modified skim milk", "modified flavored skim milk drink," and "modified cultured buttermilk" as defined in the Tennessee Dairy Laws are included in this definition; provided further, that in Section 3, the paragraph beginning with the words, "Upon written application of any person whose permit has been suspended _____," shall be deleted in its entirety, and any reference elsewhere in this ordinance dealing with hearings before a permit can be suspended is also deleted; provided further, that the last sentence in the first paragraph of Section 5 shall read "Any violation of the same requirement of Section 7 on such reinspection shall call for permit suspension in accordance with Section 3 as amended, and/or court action."; provided further, that Sections 9, 16, and 17 of said unabridged ordinance shall be replaced respectively by Sections 2, 3, and 4 below.

(2) From and after the date on which this ordinance is adopted, only Grade A pasteurized milk and milk products shall be sold to the final consumer, or to restaurants, soda fountains, grocery stores, or similar establishments; provided, that in an emergency, the sale of pasteurized milk and milk products which have not been graded, or the grade of which is unknown, may be authorized by the health authority, in which case, such milk and milk products shall be labeled "ungraded."

(3) Any person who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$500.00, and/or such persons may be enjoined from continuing such violations. Each day upon which such a violation occurs shall constitute a separate violation.

¹This ordinance is Public Health Service Publication No. 229 and is for sale by the Superintendent of Documents U.S. Government Printing Office, Washington, D.C., 20402. Price \$1.25.

(4) All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed, and this ordinance shall be in full force and effect upon adoption as provided for by law. (1974 Code, § 8-112, as amended by Ord. #334B, Oct. 1993)

13-109. Food service sanitation ordinance adopted by reference.

(1) The definitions; the inspection of food-service establishments; the issuance, suspension, and revocation of permits to operate food-service establishments; the prohibiting of the sale of adulterated or misbranded food or drink; and the enforcement of food service sanitation regulations shall be regulated in accordance with the unabridged form of the 1962 edition of the United States Public Health Service Food Service Sanitation Ordinance and Code¹, three copies of which are on file in the office of the recorder provided, that the words "municipality of Algood" in said unabridged form shall be understood to refer to the City of Algood, Tennessee; provided further, that in said ordinance all parenthetical phrases referring to grading and subsection H. 2. e. shall be understood to be deleted; and provided further, that subsections H. 7. and H. 8. shall be replaced respectively by subsections (2) and (3) below.

(2) Any person who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars (\$50.00). In addition thereto, such persons may be enjoined from continuing such violations. Each day upon which such a violation occurs constitutes a separate violation.

(3) This ordinance shall be in full force and effect from and after its adoption as provided by law and all ordinances and parts of ordinances in conflict with this ordinance are hereby repealed. (1974 Code, § 8-113, as amended by Ord. #334B, Oct. 1993)

¹This ordinance and the code are contained in Public Health Service Publication No. 934 which is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D. C., 20402. Price 55 cents.

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. (1974 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

CLEARING, CLEANING OF LOTS, ETC.

SECTION

13-301. Inspection of lots, etc.

13-302. Report of required action to council.

13-303. Action may be taken by city council after notice.

13-301. Inspection of lots, etc. Upon the direction of the Mayor and Council of Algood, a servant of the city so designated shall inspect and investigate the conditions existing on any property within the city relative to the filling up, draining, clearing of grounds, yards and vacant lots within the city, and he shall report his findings to the city council. (1974 Code, § 8-501)

13-302. Report of required action to council. Upon the direction of the council, the recorder shall notify the owner or occupant of any lands within the city of the required action which should be taken by the said owner or occupant with respect to filling up, draining, cleaning or clearing of the property to protect the health, sanitation and safety of the citizens. (1974 Code, § 8-502)

13-303. Action may be taken by city council after notice. If upon thirty (30) days notice, the owner or occupant of the land has not acted as directed by the council, the recorder may direct that the required action be taken under the supervision of a servant of the city and that the expense incurred may be recovered by action, or the same may be a lien on the property and recovered in like manner as municipal taxes. (1974 Code, § 8-503)

CHAPTER 4

NUISANCES

SECTION

13-401. Declaration of nuisances.

13-402. General requirements.

13-403. Notification.

13-404. Failure to comply with an order to correct a violation.

13-405. Penalties for failure to comply.

13-406. Payment of costs.

13-401. Declaration of nuisances. (1) The accumulation of trash, rubbish, abandoned appliances and other debris declared to be a nuisance. The allowing or permitting an accumulation of debris; rubbish; trash; cans; bottles; papers; or abandoned or unusable appliances on any lot, tract, or parcel of land within the corporate limits of the City of Algood constitutes a threat or menace to life, property, public health, or public welfare and/or creates a fire hazard is hereby specifically prohibited and declared to be a public nuisance.

(2) The accumulation of abandoned or undriveable motor vehicles declared to be a nuisance. The allowing or permitting an accumulation of abandoned, wrecked, junked, partially dismantled or inoperative motor vehicles on any lot, tract, or parcel of land, and on the public rights-of-way, within the corporate limits of the City of Algood constitutes a threat or menace to life property, public health, or public welfare and/or creates a fire hazard is hereby specifically prohibited and declared to be a public nuisance.

(3) Overgrown vegetation declared to be a nuisance. The allowing or permitting a dense growth of trees, vines, grass, and underbrush to develop or occur on any lot, tract, or parcel of land within the corporate limits of the City of Algood constitutes a threat or menace to life property, public health, or public welfare and/or creates a fire hazard is hereby, specifically prohibited and declared to be a public nuisance. (Ord. #329-A, Oct. 1992)

13-402. General requirements. (1) Premises to be kept clean. All persons, firms, and corporations within the corporate limits of the City of Algood are hereby required to keep their premises in a clean and sanitary condition, free from accumulations of debris, rubbish, cans, bottles, papers, refuse, offal, filth and trash.

(2) Outside storage of appliances restricted. The outside storage of any appliance with a latching door is prohibited except as may be permitted in the City of Algood Zoning Code. Such appliances include, but are limited to refrigerators, chest-type freezers, and up-right freezers. In those zones where

the outside storage of such appliances may be permitted, the door shall be removed or the latching mechanism rendered inoperable.

(3) Storage of abandoned vehicles prohibited. The allowing or permitting the accumulation of abandoned, wrecked, junked, partially dismantled, or inoperative motor vehicles on any lot, tract, or parcel of land, and on the public rights-of-way, within the corporate limits of the City of Algood is prohibited except as may be permitted in by the City of Algood Zoning Code. Abandoned, wrecked, junked, partially dismantled or inoperative motor vehicles meeting the following conditions are exempt from this provision:

(a) Any motor vehicle in operable condition specifically adapted or constructed for racing or operation on privately owned dragstrips or raceways.

(b) Any motor vehicle over twenty-five years in age that is retained by its owner for collection purposes rather than for salvage or for transportation; said vehicle shall be maintained in operable condition and may be required to be kept in conformance with the following paragraph.

(c) Any abandoned, wrecked, junked, partially dismantled, or inoperative motor vehicle kept within a building where it will not be visible from any adjacent property or right-of-way.

(d) Any abandoned, wrecked, junked, partially dismantled or inoperative motor vehicle on the premises of a business enterprise operated in strict compliance with all state regulations or as may be permitted by the City of Algood Zoning Code and when necessary to the operation of such business enterprise.

(e) Any abandoned, wrecked, junked, partially dismantled or inoperative motor vehicle in an appropriate storage place or depository maintained at a location officially designated and in a manner approved by the City of Algood.

(4) Removal of abandoned motor vehicles required. It shall be the duty of the person, firm, or corporation that is the owner of lands on which any abandoned, wrecked, junked, partially dismantled, or inoperative motor vehicle is located to remove the same to a place of lawful storage or to have the such vehicle housed within a building where it will not be visible from any adjacent property or right-of-way.

(5) Height of vegetation. Grass and other vegetation commonly recognized as weeds shall be considered in violation of this chapter when said vegetation has reached a height of twelve (12) inches. (Ord. #329-A, Oct 1992)

13-403. Notification. Whenever any public nuisance, as defined by this chapter, exists on lands within the corporate limits of the City of Algood, the

City of Algood shall notify the owner of record of said lands and direct them to abate or remove the same. Said notification shall:

- (1) Be in writing;
- (2) Specify the nature of the public nuisance and give its location;
- (3) Specify the corrective measures required; and
- (4) Require compliance within not less than ten (10) days nor more than thirty (30) days from the date of notification.

The notification shall be served upon the owner or owners of the premises where the nuisance is located by serving them personally or by sending said notice by certified mail, return receipt requested, to their address as shown on the current tax rolls of the City of Algood. (Ord. #329-A, Oct. 1992)

13-404. Failure to comply with an order to correct a violation. If the owner or owners of the premises fail or refuse to comply with the order issued by the City of Algood within the time period specified by the letter of notification, as provided herein such failure or refusal shall be deemed a violation of the provisions of this chapter and said owner or owners shall be subject to the penalties herein provided. (Ord. #329-A, Oct. 1992)

13-405. Penalties for failure to comply. If the owner or owners of the premises fail or refuse to comply with the order issued by the City of Algood within the time period specified by the letter of notification, the City of Algood or its duly authorized representatives may enter into such premises and take the corrective action specified in the letter of notification so that the nuisances identified by said letter is removed or abated. (Ord. #329-A, Oct. 1992)

13-406. Payment of costs. Upon the completion of the corrective action carried out by the City of Algood as authorized herein, the actual costs of such action plus a fee of fifteen percent (15%) for administrative costs, shall be paid by the owner or owners of said property to the City of Algood and said costs shall be billed to the owner or owners of said property. If said bill is not paid in full within sixty (60) days after its date of mailing, a ten percent (10%) penalty shall be added and said costs and penalties shall be placed on the tax rolls of the City of Algood as a lien upon said property and collected in the same manner as other city taxes are collected. (Ord. #329-A, Oct. 1992)

CHAPTER 5

SLUM CLEARANCE¹

SECTION

- 13-501. "Public officer" designated; powers.
- 13-502. Initiation of proceedings; hearings.
- 13-503. Orders to owners of unfit structures.
- 13-504. When public officer may repair, etc.
- 13-505. When public officer may remove or demolish.
- 13-506. Lien for expenses; sale of salvage materials; other powers not limited.

13-501. "Public officer" designated; powers. The "public health officer," is designated to exercise the powers prescribed by this chapter. (Ord. #335A, Nov. 1993)

13-502. Initiation of proceedings; hearings. Whenever a petition is filed with the public health officer by a public authority or by at least five (5) residents of the municipality charging that any structure is unfit for human occupancy or use, or whenever it appears to the public health officer (on his own motion) that any structure is unfit for occupation or use, the public health 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 health officer (or his designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the serving of the complaint that:

(1) 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

(2) The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public health officer. (Ord. #335A, Nov. 1993)

13-503. Orders to owners of unfit structures. If, after such notice and hearing, the public health officer determines that the structure under consideration is unfit for human occupation or use, he shall state in writing his

¹State law reference

Tennessee Code Annotated, title 13, chapter 21.

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 (the ordinance of the municipality may fix a certain percentage of such cost as being reasonable for such purpose), 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 (the ordinance of the municipality may fix a certain percentage of such cost as being reasonable for such purpose), requiring the owner within the time specified in the order, to remove or demolish such structure. (Ord. #335A, Nov. 1993)

13-504. 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, the public health officer may cause such structure to be repaired, altered, or improved, or to be vacated and closed; and the public health 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." (Ord. #335A, Nov. 1993)

13-505. When public officer may remove or demolish. If the owner fails to comply with an order to remove or demolish the structure, the public health officer may cause such structure to be removed and demolished. (Ord. #335A, Nov. 1993)

13-506. 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 health officer 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 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 health

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 by the public health 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 municipality to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (Ord. #335A, Nov. 1993)