

**TITLE 13**

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

**CHAPTER**

1. MISCELLANEOUS.
2. SLUM CLEARANCE.
3. ABANDONED VEHICLES.
4. OPEN BURNING.

**CHAPTER 1**

**MISCELLANEOUS**

**SECTION**

- 13-101. Definitions.
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- 13-104. Stagnant water.
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- 13-106. Dead animals.
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- 13-109. Penalties.
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**13-101. Definitions.** For the purpose of this chapter the following words and terms shall have the designated meaning unless it is clear from the text that a different meaning is intended:

(1) "Junk" means discarded, broken or disabled material including, but not limited to; furniture; appliances; tools; machinery; or other items that are not in functioning condition.

(2) "Litter" means discarded waste materials, including but not limited to: paper wrappings; packaging materials; discarded or used bottles; and discarded or used cans.

(3) "Owner" means any person owning property, as shown on the real property records of the City of Munford, Tennessee or Tipton County, Tennessee

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

or on the last assessment role for taxes, and shall also mean any lessee, tenant or other person having control or possession of the property.

(4) "Property" means land and any building or structures located thereon.

(5) "Trash" means waste food products and other household garbage.

(6) "Agriculture" in this chapter shall mean work of cultivating the soil, producing crops and raising livestock. (1984 Code, § 8-101, as replaced by Ord. #2003-05-01, April 2003)

**13-102. Health officer.** The health officer shall be such municipal, county, or state officer as the board of mayor and aldermen shall appoint or designate to administer and enforce health and sanitation regulations within the city. (1984 Code, § 8-104, as replaced by Ord. #2003-05-01, April 2003)

**13-103. 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. (1984 Code, § 8-105, as replaced by Ord. #2003-05-01, April 2003)

**13-104. 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. (Ord. #94-1, Jan. 1994, as replaced by Ord. #2002-09-04, Sept. 2002, and Ord. #2003-05-01, April 2003)

**13-105. Weeds/grass.** Every property owner or tenant of real property, not being utilized for agriculture purposes, shall keep the weeds/grass cut to a height not to exceed twelve (12) inches. Whenever the property owner or tenant allows the weeds/grass to exceed twelve (12) inches the City of Munford shall serve notice to cut such weeds/grass. If such weeds/grass are not cut within ten (10) days of notice or attempted notice, the city will initiate proper remedial action.

When the owner or tenant can be readily contacted and the property is not brought into compliance within the specified time, that owner or tenant may be cited into court for violation of a city ordinance.

When the owner or tenant cannot be readily contacted and after the specified time, the City of Munford may proceed to:

(1) Cut said weeds/grass and charge a fee, as determined by the board of mayor and aldermen from time to time;

(2) Contract with an independent contractor to cut said weeds/grass and that amount charged by the contractor will be charged to the owner or tenant.

Each day a violation is allowed to continue shall constitute a separate offense.

If the charges to the owner or tenant are not paid within the specified time and upon filing notice with the office of register of deeds such charges shall become a lien on said property in favor of the City of Munford. (1984 Code, § 8-107, as replaced by Ord. #2003-05-01, April 2003)

**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. (1984 Code, § 8-108, as replaced by Ord. #2003-05-01, April 2003)

**13-107. Duty to maintain property.** No person owning, leasing, renting, occupying, being in possession or having charge of any property in the City of Munford, including vacant lots, shall maintain or allow to be maintained on such property, except as may be permitted by any other city ordinance, any of the following conditions visible from any public street or alley.

(1) Junk, trash, litter, boxes, discarded lumber, salvage materials, or other similar materials in any front yard, side yard, rear yard or vacant lot;

(2) Attractive nuisances dangerous to children, including but not limited to abandoned, broken or neglected equipment, machinery, refrigerators and freezers, excavations, wells or shafts;

(3) Broken or discarded furniture, household equipment and furnishings in any front yard, side yard, rear yard or vacant lot;

(4) Shopping carts in any front yard, side yard, rear yard or vacant lot;

(5) Dead, decayed, diseased or hazardous trees, or any other vegetation a majority of which (other than vegetation located in flowerbeds, or trees or shrubbery) exceeds twelve inches in height, or which is dangerous to public health, safety and welfare, located in any front yard, side yard, or rear yard or vacant lot;

(6) Graffiti or signs, not in compliance with the zoning ordinance, on the exterior of any building, fence or other structure in any front yard, side yard, rear yard or vacant lot;

(7) Vehicle parts or other articles of personal property which are discarded or left in a state of partial construction or repair in any front yard, side yard, rear yard or vacant lot;

(8) Utility trailers with any prohibited condition or item listed in § 13-107 or unmounted camper tops located in any front yard or side yard;

(9) Any accumulation of weeds, brambles, berry vines, or other vegetation which is overgrowing any structure or which exceeds an average height of three (3) feet, other than maintained landscaping, or any accumulation of junk, litter, trash, dead organic matter, debris, offal, rat harborages, stagnant

water, combustible materials or vegetation, and similar materials or conditions constituting fire, health or safety hazards;

(10) Dilapidation or state of filthiness or uncleanness of any dwelling or other structure which endangers health or life or which permits entrance by rats, mice or other rodents;

(11) Unkempt parking lot areas that may become hazardous to vehicles or pedestrians due to lack of proper maintenance in paving or of filling potholes. (as added by Ord. #2003-05-01, April 2003)

**13-108. Junkyards.** 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. (as added by Ord. #2003-05-01, April 2003)

**13-109. Penalties.** Violation of the City of Munford's Property Maintenance Regulations shall be declared a public nuisance and considered a misdemeanor and shall be subject to a fine up to the maximum allowable under the laws of the State of Tennessee for each occurrence. (as added by Ord. #2003-05-01, April 2003)

**13-110. Declaration of public nuisance.** Any property found in violation of chapter 13 of the Munford Municipal Code is hereby declared to be a public nuisance and shall be abated by rehabilitation, removal, trimming, demolition or repair. (as added by Ord. #2003-05-01, April 2003)

**13-111. Enforcement.** The provisions of this chapter shall be enforced by the Health Officer or Building/Codes Enforcement Officer of the City of Munford, Tennessee pursuant to the applicable laws of the State of Tennessee as both presently exist or as may subsequently be amended in a court of law with competent jurisdiction. (as added by Ord. #2003-05-01, April 2003)

**13-112. Third party liability.** It is expressly the purpose of this chapter to provide for and promote the health, safety and welfare of general public, and not to create or otherwise establish or designate any particular class

or group of persons who will or should be especially protected or benefitted by the terms of this chapter.

It is the specific intent of this chapter to place the obligation of complying with its requirements upon the property owner or owners and no provisions nor term used in this chapter is intended to impose any duty whatsoever upon the city or any of its officers and employees, for whom the implementation or enforcement of this chapter shall be discretionary and not mandatory.

Nothing contained in this chapter is intended to be, nor shall be, construed to create or form the basis for any liability on the part of the city, or its officers, employees or agents, for any injury or damage resulting from the failure of property owner to comply with the provisions of this chapter, or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized or issued or done in connection with the implementation or enforcement of this chapter, or by reason of any action or inaction on the part of the city related in any manner to the enforcement of this chapter by its officers, employees or agents. (as added by Ord. #2003-05-01, April 2003)

## CHAPTER 2

### SLUM CLEARANCE

#### SECTION

- 13-201. Findings of board.
- 13-202. Definitions.
- 13-203. "Public officer" designated; powers.
- 13-204. Initiation of proceedings; hearings.
- 13-205. Orders to owners of unfit structures.
- 13-206. When public officer may repair, etc.
- 13-207. When public officer may remove or demolish.
- 13-208. Lien for expenses; sale of salvaged materials; other powers not limited.
- 13-209. Basis for a finding of unfitness.
- 13-210. Service of complaints or orders.
- 13-211. Enjoining enforcement of orders.
- 13-212. Additional powers of public officer.
- 13-213. Powers conferred are supplemental.
- 13-214. Structures unfit for human habitation deemed unlawful.

**13-201. Findings of board.** Pursuant to Tennessee Code Annotated, § 13-21-101, et seq., the board of mayor and aldermen finds that there exists in the city structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city. (1984 Code, § 8-109, as deleted by Ord. #2003-05-01, April 2003, and replaced by Ord. #2006-12-01, Dec. 2006)

**13-202. 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 Munford, 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" 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. #2006-12-01, Dec. 2006)

**13-203. "Public officer" designated; powers.** There is hereby designated and appointed a "public officer," to be the building inspector/code enforcement officer of the city, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the building inspector/code enforcement officer. (as added by Ord. #2006-12-01, Dec. 2006)

**13-204. Initiation of proceedings; hearings.** Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the city charging that any structure is unfit for human occupancy or use, or whenever it appears to the public officer (on his own motion) that any structure is unfit for human 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. (as added by Ord. #2006-12-01, Dec. 2006)

**13-205. Orders to owners of unfit structures.** If, after such notice and hearing as provided for in the preceding section, the public officer determines that the structure under consideration is unfit for human 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. (as added by Ord. #2006-12-01, Dec. 2006)

**13-206. When public officer may repair, etc.** If the owner fails to comply with the order to repair, alter, or improve or to vacate and close the structure as specified in the preceding section hereof, the public officer may cause such structure to be repaired, altered, or improved, or to be vacated and closed; and the public officer may cause to be posted on the main entrance of any dwelling so closed a placard with the following words: "This building is unfit for human occupation or use. The use or occupation of this building for human occupation or use is prohibited and unlawful." (as added by Ord. #2006-12-01, Dec. 2006)

**13-207. When public officer may remove or demolish.** If the owner fails to comply with an order, as specified above, to remove or demolish the structure, the public officer may cause such structure to be removed and demolished. (as added by Ord. #2006-12-01, Dec. 2006)

**13-208. Lien for expenses; sale of salvaged materials; other powers not limited.** The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer shall 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 Tipton 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 (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 Tipton 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 of Munford to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (as added by Ord. #2006-12-01, Dec. 2006)

**13-209. Basis for a finding of unfitness.** The public officer defined herein shall have the power and may determine that a structure is unfit for human occupation and use if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants or users of such structure, the occupants or users of neighboring structures or other residents of the City of Munford. 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. #2006-12-01, Dec. 2006)

**13-210. Service of complaints or orders.** Complaints or orders issued by the public officer pursuant to this chapter shall be served upon persons, either personally or by registered mail, but if the whereabouts of such 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 Tipton County. 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 Tipton County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (as added by Ord. #2006-12-01, Dec. 2006)

**13-211. Enjoining enforcement of orders.** Any person affected by an order issued by the public officer served pursuant to this chapter may file a 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. #2006-12-01, Dec. 2006)

**13-212. Additional powers of public officer.** The public officer, in order to carry out and effectuate the purposes and provisions of this chapter, shall have the following powers in addition to those otherwise granted herein:

(1) To investigate conditions of the structures in the city in order to determine which structures therein are unfit for human occupation or use;

(2) To administer oaths, affirmations, examine witnesses and receive evidence;

(3) To enter upon premises for the purpose of making examination, provided that such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession;

(4) To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this chapter; and

(5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate. (as added by Ord. #2006-12-01, Dec. 2006)

**13-213. Powers conferred are supplemental.** This chapter shall not be construed to abrogate or impair the powers of the city with regard to the enforcement of the provisions of its charter or any other ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by the charter and other laws. (as added by Ord. #2006-12-01, Dec. 2006)

**13-214. 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. #2006-12-01, Dec. 2006)

## CHAPTER 3

### ABANDONED VEHICLES

#### SECTION

- 13-301. Definitions.
- 13-302. Declared a public nuisance.
- 13-303. Storage on public or private property prohibited.
- 13-304. Notice to remove.
- 13-305. Failure to remove declared a misdemeanor.
- 13-306. Abatement and removal by city.
- 13-307. Sale at public auction.
- 13-308. Disposition of worthless vehicles.
- 13-309. Disposition of inoperative vehicles over eight (8) years old.
- 13-310. Return of vehicle to owner.
- 13-311. Storage and sale of valuable property found in abandoned vehicles.
- 13-312. Storage agent requirements.

**13-301. Definitions.** For the purpose of this chapter the following words and terms shall have the designated meaning unless it is clear from the text that a different meaning is intended:

(1) "Abandoned vehicle" shall mean any motor vehicle to which the last registered owner of record thereof has relinquished all further dominion and control and/or any vehicle which is wrecked or partially dismantled or inoperable for a period of ten (10) days. There shall be a presumption that the last registered owner thereof has abandoned such vehicle, regardless of whether the physical possession of said vehicle remains in the technical custody or control of such owner, if it has remained inoperable or partially dismantled, or if the owner has relinquished dominion or control of said vehicle for ten (10) days.

(2) "Municipal representative" shall mean building inspector, the mayor or his duly authorized representative.

(3) "Property" shall mean any real property within the city which is not an improved street or highway.

(4) "Vehicle" shall mean a machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners, or slides and transport persons or property or pull machinery and shall include, without limitation, automobiles, trucks, trailers, motorcycles and tractors. (Ord. #94-3, Jan. 1994)

**13-302. Declared a public nuisance.** The accumulation and storage of abandoned, wrecked, junked, partially dismantled or inoperable motor vehicles on public and private property is hereby found to create an unsightly condition upon said property tending to reduce the value thereof, to invite

plundering, to create fire hazards, and to constitute an attractive nuisance creating a hazard to the health and safety of minors. Such accumulation and storage of vehicles is further found to promote urban blight and deterioration in the community; to violate the zoning regulations of the city in many instances, particularly where such vehicles are maintained in junked, abandoned or partially dismantled condition and where inoperable motor vehicles are in the nature of rubbish, litter and unsightly debris in violation of health and sanitation laws. Therefore, the accumulation and storage of such vehicles on public and private property, except as expressly hereinafter permitted, is hereby declared to constitute a public nuisance which may be abated as such, which remedy shall be in addition to any other remedy provided in the municipal code. (Ord. #94-3, Jan. 1994)

**13-303. Storage on public or private property prohibited.** No person shall park, store, or leave or permit the parking, storing, or leaving of any motor vehicle which is in a rusted, wrecked, junked, partially dismantled, inoperative or abandoned condition unless such vehicle is completely enclosed within a building or unless such vehicle is stored or parked on said property in connection with a duly licensed business or commercial enterprise operated and conducted pursuant to law when such parking or storing of vehicles is necessary to the operation of the business or commercial enterprise. (Ord. #94-3, Jan. 1994)

**13-304. Notice to remove.** Whenever it shall appear that a violation of the provisions of this chapter exists, the municipal representative as designated by the mayor, shall give, or cause to be given, notice to the registered owner of any motor vehicle which is in violation of this chapter, and he shall give such notice to the owner or person in lawful possession or control of the property upon which such motor vehicle is located, advising that said motor vehicle violates the provisions of this section and directing that said motor vehicle be moved to a place of lawful storage within seventy-two (72) hours; such notice shall be served upon the owner of the vehicle by leaving a copy of said notice on or within the vehicle. Notice to the owner or person in lawful possession or control of the property upon which such motor vehicle is located may be served by conspicuously posting said notice upon the premises. In the case of publicly owned property, notice to the owner of the property where the vehicle is found is hereby dispensed with. (Ord. #94-3, Jan. 1994)

**13-305. Failure to remove declared a misdemeanor.** The owner of any abandoned vehicle who fails, neglects, or refuses to remove the said vehicle or to house such vehicle and abate such nuisance in accordance with the notice given pursuant to the provisions of § 13-304 shall be guilty of a misdemeanor, and punished as provided in the general penalty clause of this code. (Ord. #94-3, Jan. 1994)

**13-306. Abatement and removal by city.** If the said vehicle is not disposed of after the time provided for in the aforesaid notice, the municipal representative as designated by the mayor, shall report the location of said vehicle to the storage agent of the city, which agent is defined hereinafter, and the storage agent shall then remove the said vehicle to his lot. At the time that the vehicle is removed by the storage agent, a tow-in ticket shall be completed by the storage agent in triplicate.

(1) Tow-in ticket. The tow-in ticket as hereinabove provided for shall be in the following form:

VEHICLES TO STORAGE AGENT

Ticket No. \_\_\_\_\_

Make of vehicle \_\_\_\_\_ Type \_\_\_\_\_

Motor No. \_\_\_\_\_

Vin. No. \_\_\_\_\_ License No. \_\_\_\_\_ State \_\_\_\_\_

Where found \_\_\_\_\_ Date \_\_\_\_\_

Time \_\_\_\_\_ Parts of vehicle damages or missing \_\_\_\_\_

Keys in vehicle \_\_\_\_\_ Switch locked \_\_\_\_\_ Switch unlocked \_\_\_\_\_

Trunk locked \_\_\_\_\_ Doors locked \_\_\_\_\_ Radio in vehicle \_\_\_\_\_

Spare tire and wheel \_\_\_\_\_ Jack \_\_\_\_\_

Was vehicle driven in? \_\_\_\_\_ By: \_\_\_\_\_

Personal property in vehicle \_\_\_\_\_

Remarks \_\_\_\_\_

Owner \_\_\_\_\_

Address \_\_\_\_\_ City or State \_\_\_\_\_

Signature of Tow Man \_\_\_\_\_

Signature of Municipal Representative \_\_\_\_\_

(2) Removal and storage. Abandoned vehicles shall be transported from the property where they are found to the storage agent's lot only during the daylight hours. The abandoned vehicle shall not be double decked on the storage agent's lot until the title search as been completed by the police department.

(3) Title search by police department. At the time that an abandoned vehicle is moved to the storage agent's lot, the Munford Police Department shall be notified immediately of such fact, and the said department shall procure the serial number on the vehicle. The Munford Police Department shall make, or cause to be made, a title search on the abandoned vehicle, and after the title search has been completed by the Police Department, the results thereof shall be transmitted to both the storage agent and the municipal representative. (Ord. #94-3, Jan. 1994)

**13-307. Sale at public auction.** (1) Procedure when owner known. After a title search of the abandoned vehicle has been made by the Police Department, the city shall give notice by registered mail to the owner of said vehicle that the vehicle shall be sold at public auction. The said notice shall determine the date of the sale of the abandoned vehicles, provided that the vehicles shall be sold within thirty (30) days after the results of the title search have been transmitted to the city. The vehicle shall be sold by the city and the city may sell the vehicle(s) individually or as a group. Each vehicle at the sale shall be subject to the tow-in charge and the storage charges. The storage agent shall be permitted to bid at the sale. There shall be no liability on the part of the city to the storage agent for tow-in or storage charges. The title to the abandoned vehicle sold at the aforesaid public auction shall pass to the purchaser at the time of sale. The proceeds derived from the sale of the vehicles shall be paid over to the storage agent to the extent of the expense incurred by the said storage agent and any additional amount shall be paid to the former owner of the vehicle.

Notice of sale shall be posted at the city hall fifteen (15) days in advance of the sale.

(2) Procedure when owner cannot be ascertained. If the owner of the vehicle cannot be ascertained by the title search of the Munford Police Department within thirty (30) days after said vehicle is moved to the storage agent's lot, the Munford Police Department shall notify the storage agent of such fact, and the vehicle shall be sold in accordance with the provisions as set forth in this section within thirty (30) days of such notification, provided that the notice to the owner by registered mail shall be dispensed with.

(3) Procedure when there is no identification number. If the said vehicle has no serial number or other identification number, then the title search as hereinabove provided for shall be dispensed with, and the vehicle shall be sold in accordance with the provisions of § 13-307 within thirty (30) days of

it being moved to storage agent's lot, provided that the notice by registered mail to the owner shall also be dispensed with. (Ord. #94-3, Jan. 1994)

**13-308. Disposition of worthless vehicles.** Any vehicle, as herein provided, which, after having been advertised and listed for sale, shall bring no price, then and in that event, the purchasing agent shall deem such vehicle as worthless and shall dispose of said vehicle in such a manner as he and the mayor may deem right and proper. (Ord. #94-3, Jan. 1994)

**13-309. Disposition of inoperative vehicles over eight (8) years old.** Notwithstanding any other provision of this chapter, any person, firm, or corporation, or unit of government upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner of a motor vehicle whose title certificate is faulty, lost or destroyed, may dispose of such motor vehicle to a demolisher without that title and without the notification procedures of this chapter, if the motor vehicle is over eight (8) years old and has no engine or is totally inoperable. (Ord. #94-3, Jan. 1994)

**13-310. Return of vehicle to owner.** If during the time that the vehicle is being held by the storage agent, the owner of the vehicle demands the return of said vehicle, then the storage agent shall turn the said vehicle over to the owner upon the payment of the storage and tow-in fees by the owner. The storage agent shall notify the city of such redemption by the owner of the vehicle. (Ord. #94-3, Jan. 1994)

**13-311. Storage and sale of valuable property found in abandoned vehicles.** Any valuable property found in any abandoned vehicle subject to this chapter shall be stored by the storage agent and sold at public auction as determined by the municipal representative. (Ord. #94-3, Jan. 1994)

**13-312. Storage agent requirements.** At the time a person submits his bid for the position of storage agent, he shall certify to the following factors:

(1) That he has an adequate number of wreckers and further, an adequate area to store the abandoned vehicles pending the sale of same, the number of wreckers and amount of storage being subject to approval of the municipal representative.

(2) That the storage agent carry liability insurance in such amount as may be approved by existing statutes.

(3) That he has space available for the storage of valuable property found in the abandoned vehicles at the time they are towed in.

(4) An established fee schedule determined to be equitable with other storage agents (towing/storage charges). (Ord. #94-3, Jan. 1994)

## CHAPTER 4

### OPEN BURNING OF REFUSE AND DEBRIS

#### SECTION

- 13-401. Definitions.
- 13-402. Standards for open burning.
- 13-403. Prohibited open burning.
- 13-404. Locations.
- 13-405. Attendance.
- 13-406. Bonfires.
- 13-407. Recreational fires.
- 13-408. Permits.
- 13-409. Penalties.

**13-401. Definitions.** (1) "Open burning." The burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include road flares, smudge pots and similar devices associated with safety or occupational uses typically considered open flames or recreational fires. For the purpose of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open. (IFC 2003)

(2) "Recreational fire." An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes. (IFC 2003)

(3) "Bonfire." An outdoor fire utilized for ceremonial purposes. (IFC 2003)

(4) "Person." Person means any individual, firm, partnership, corporation, association, public or private institution, political subdivision, or government agency.

(5) "Other than burning related word." For the purposes of this chapter certain abbreviations, terms, phrases, words and their derivatives shall be construed as set forth in the definition sections of Tennessee Code Annotated and the City of Munford, Tennessee Code of Ordinances and the 2003 International Fire Code. (Ord. #2000-01-02, Jan. 2000, as replaced by Ord. #2004/05/01, May 2004)

**13-402. Standards for open burning.** (1) No person shall willfully start or cause to be started any open fire within the corporate limits of the City of Munford without first obtaining a burning permit from the city. Prevailing

winds at the time of ignition must be away from any dwelling, structure, major highway, or other populated area, the ambient air of which may be significantly affected by smoke, fly ash, or other air contaminants from burning.

(2) Burning shall not be initiated when it is determined by the fire chief or his designee, based on information supplied by a competent authority, that stagnant air conditions or inversions exist, or that such conditions may occur during the direction of the burn. Asphaltic material, or items containing natural or synthetic rubber, shall not be burned or used to ignite the material to be burned or to promote the burning of such material. (Ord. #2000-01-02, Jan. 2000, as replaced by Ord. #2004/05/01, May 2004)

**13-403. Prohibited open burning.** (1) Open burning that will be offensive or objectionable because of smoke or odor emissions when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited. The fire code official is authorized to order the extinguishment by the permit holder or the fire department of open burning which creates or adds to a hazardous or objectionable situation. (IFC 2003)

(2) A burn permit shall be revoked and ordered extinguished only after a fire department representative has investigated the complaint. Both parties, the complainant and the burn permit holder shall be informed of the decision made and educated on reasons why permit is being revoked.

(3) All fire shall be extinguished by sundown and the burning permit shall be considered revoked and void after such time.

(4) Exceptions:

Recreational fires and bonfires. (Ord. #2000-01-02, Jan. 2000, as replaced by Ord. #2004/05/01, May 2004)

**13-404. Locations.** The location for open burning shall not be less than 50 feet (15 240 mm) from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet (15 240 mm) of any structure. (IFC 2003)

(1) Exceptions:

(a) Fires in approved containers that are not less than 15 feet (4572 mm) from a structure. (IFC 2003)

(b) The minimum required distance from a structure shall be 25 feet (7620 mm) where the pile size is 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height. (IFC 2003) (Ord. #2000-01-02, Jan. 2000, as replaced by Ord. #2004/05/01, May 2004)

**13-405. Attendance.** Open burning, bonfires or recreational fires shall be constantly attended until the fire is extinguished. The attendant must be over the age of 18. A minimum of one portable fire extinguisher complying with Section 906 of the International Fire Code 2003 with a minimum 4-a rating or other approved on-site fire extinguishing equipment, such as dirt, sand, water

barrel, garden hose or water truck, shall be available for immediate utilization. (as added by Ord. #2004/05/01, May 2004)

**13-406. Bonfires.** A bonfire shall not be conducted within 50 feet (15 240 mm) of a structure or combustible material unless the fire is contained in a barbeque pit. Conditions which could cause a fire to spread within 50 feet (15240 mm) of a structure shall be eliminated prior to ignition. (IFC 2003) (as added by Ord. #2004/05/01, May 2004)

**13-407. Recreational fires.** Recreational fires shall not be conducted within 25 feet (7620 mm) of a structure or combustible material. Conditions which could cause a fire to spread within 25 feet (7620 mm) of a structure shall be eliminated prior to ignition. (IFC 2003) (as added by Ord. #2004/05/01, May 2004)

**13-408. Permits.** (1) Burning permits shall be obtained from the fire chief or his designee. Permits issued under this section shall be issued in the name of the person undertaking the burning and shall specify the specific area in which the burning is to occur, the type and amount of material to be burned, the duration of the permit, and such other factors as are necessary to identify the burning which is allowed under the permit. A permit fee of (\$ amount) shall be assessed per 24 hour period. This section does not relieve the person who will be burning from complying with other state and local laws and ordinances.

(2) The fire chief or his designees has the authority to prohibit open burning within the corporate limits of the City of Munford due to hazardous local meteorological conditions. The fire chief or his designee will notify proper state and local agencies, if practicable, that a burning ban has been placed in effect. (as added by Ord. #2004/05/01, May 2004)

**13-409. Penalties.** Any person violating the provisions of this chapter or of any permit issued under the authority of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than five hundred dollars (\$500.00). The penalty under this chapter will be separate and apart and not in lieu of any civil or criminal penalties which may be imposed. (as added by Ord. #2004/05/01, May 2004)