

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. JUNKYARDS.
3. JUNKED AND ABANDONED VEHICLES.

CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Health officer.
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- 13-106. Health and sanitation nuisances.
- 13-107. Dumping on posted premises.
- 13-108. Unsafe buildings, etc.
- 13-109. Location and use of portable buildings and trailers restricted.
- 13-110. Food service sanitation ordinance adopted by reference.

13-101. 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 town. (1969 Code, § 8-601)

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. (1969 Code, § 8-605)

13-103. Stagnant water. It shall be unlawful for any person to knowingly allow any pool of stagnant water to accumulate and stand on his

¹Municipal code references

Animal control: title 10.

Littering streets, etc.: § 16-107.

Toilet facilities in beer places: § 8-212.

property without treating it so as to effectively prevent the breeding of mosquitoes. (1969 Code, § 8-606)

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. (1969 Code, § 8-607)

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. (1969 Code, § 8-608)

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. (1969 Code, § 8-609)

13-107. Dumping on posted premises. It shall be unlawful for any person, firm, or corporation to dump refuse, dirt, stone or other such matter on any public or private property posted with a "No Dumping" sign. (1969 Code, § 8-612)

13-108. Unsafe buildings, etc. Every property owner is required to remove, destroy, or repair any building or part of a building remaining on his property when such building has been damaged by fire, water, wind or by any other cause or causes and is creating a danger or hazard or an unsightly appearance to the public.

All repairs of such buildings must conform with the building code.

All property owners are hereby required to repair and maintain in a safe and slightly condition all buildings existing on their property.

All property owners are hereby required to remove from their property any rubbish, abandoned cars, inoperable refrigerators, appliances, or any other form of junk which could become hazardous and/or would mar the appearance of the town.

All property owners are required to keep their property in an orderly manner and state of maintenance so that its appearance will not mar the appearance of the town.

All property owners shall be given thirty (30) days from the enactment of this section to comply with its provisions, after which they will be given notification by registered mail and have thirty (30) days to show cause why the provisions of this section should not be complied with.

Any property owner or owners not complying with the above provisions shall be deemed to be guilty of a misdemeanor. Also, the mayor may cause to be corrected any condition existing violation of this section and charge the costs thereof against the property owner. (1969 Code, § 8-610)

13-109. Location and use of portable buildings and trailers restricted. (1) The board of mayor and aldermen of the Town of Tazewell does hereby legislatively find that the unregulated use and occupancy of portable buildings and trailers constitutes a public nuisance in that the same creates hazardous conditions with respect to fire prevention and to the health of the community.

The board further finds that the unregulated use and occupancy of portable buildings and trailers as herein defined is detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of the Town of Tazewell and it is necessary to exercise the general police powers of the town in the adoption of this section.

(2) The following definitions shall apply in the interpretation and the enforcement of this section:

(a) "Portable building." The term "portable building" shall mean any small, compact structure, similar to a trailer, intended for or capable of human habitation, mounted on skids or otherwise so constructed that it is capable of being readily moved from one location to another without change in structure or design except for foundation or method of support.

(b) "Trailer." The term "trailer" shall mean any structure intended for or capable of human habitation, mounted or designed for mounting, upon wheels or capable of being mounted on wheels and of being driven, propelled, or towed from place to place without change in structure or design, regardless of whether such structure is actually mounted on wheels or whether the same is placed on a temporary or permanent foundation; provided, that this definition shall not include transport trucks or vans equipped with sleeping space for the driver, and shall not include a structure or car used exclusively upon fixed tracks or rails.

(3) The board of mayor and aldermen may approve permits for large mobile homes that will conform to the Standard Building Code and the Standard Housing Code and which will have connections to the sewer system, permanent water installations from the water system, and permanent foundations if occupied by the owner of property.

(4) It shall be unlawful and a misdemeanor for any person to park,

locate, or occupy any trailer or portable building for the purpose of residing therein, on any street, lot, or parcel of land within the town outside a duly permitted trailer park.

(5) Any person violating any provisions of this section shall be guilty of a misdemeanor, and upon conviction may be fined under the general penalty clause for this code. In addition to the penalties herein above provided, the mayor is expressly authorized to institute suit in any court or competent jurisdiction in the name of the town to enforce compliance herewith by injunctive process. (1969 Code, § 8-604)

13-110. 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 Code,¹ three copies of which are on file in the office of the city recorder; provided, that the words "municipality of _____" in said unabridged form shall be understood to refer to the Town of Tazewell, 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 fifty 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. (1969 Code, § 8-614)

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. (1969 Code, § 8-611)

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

JUNKED AND ABANDONED VEHICLES

SECTION

- 13-301. Definitions.
- 13-302. Violations a civil offense.
- 13-303. Exceptions.
- 13-304. Enforcement.
- 13-305. Penalty for violations.
- 13-306. Severability.

13-301. Definitions. For the purpose of interpretation and application of this chapter, the following words and phrases have the indicated meanings:

(1) "Person" shall mean any natural person, or any firm, partnership, sole proprietor, association, corporation, or organization of any kind and description.

(2) "Private property" shall include all property that is not public property, regardless of how the property is used, unless it is zoned for use as a junkyard.

(3) "Traveled portion of any public street or highway" shall mean the width of the street from the curb to curb, or where there are no curbs, the entire width of the paved portion of the street, or where the street is unpaved, the entire width of the street in which vehicles ordinarily use for travel.

(4) (a) "Vehicle" shall mean any machine propelled by power other than human power, designed to travel along the ground by the use of wheel, treads, self-laying track, runners, slides, or skids, including but not limited to automobiles, trucks, motorcycles, motor scooters, go-carts, campers, tractors, trailers, tractor-trailers, buggies, wagons, earth-moving equipment, and any part of the same.

(b) "Junked vehicle" shall mean a vehicle of any age that is damaged or defective in any one or combination of any of the following ways that either makes the vehicle immediately inoperable, or would prohibit the vehicle from being operated in a reasonable manner upon the public street and highway under its own power if self-propelled, or while being towed or pushed, if not self-propelled.

(i) Flat tires, missing tires, missing wheels, or missing or partially or totally disassembled tire and wheels;

(ii) Missing or partially or totally disassembled essential parts of the vehicle's drive train, including, but not limited to, engine, transmission, transaxle, drive shaft, differential, or axle.

(iii) Extensive exterior body damage or missing or partially or totally disassembled essential body parts, including,

but not limited to, fenders, doors, engine hoods, bumper or bumpers, windshield, or windows.

(iv) Missing or partially or totally disassembled essential interior parts, including, but not limited to, driver's seat, steering wheel, instrument panel, clutch, brake, gear shift lever.

(v) Missing or partially or totally disassembled parts essential to the starting or running of the vehicle under its own power, including, but not limited to, starter, generator or alternator, battery, distributor, gas tank, carburetor or fuel injection system, spark plugs, or radiator.

(vi) Interior is a container for metal, glass, paper, rags or other cloth, wood, auto parts, machinery, waste or discarded material in such quantity, quality and arrangement that a driver cannot be properly seated in the vehicle.

(vii) Lying on the ground (upside down, on its side, or at other extreme angle), sitting on blocks or suspended in the air by any other method.

(viii) General environment in which the vehicle sits, including, but not limited to, vegetation that has grown up around, in or through the vehicle, the collection of pools of water in the vehicle, and accumulation of other garbage or debris around the vehicle.

(c) "Abandoned vehicle" shall mean a vehicle of any age that has remained illegally on any untraveled road or public property for a period of more than forty-eight (48) hours. (as added by Ord. #234, Aug. 2007)

13-302. Violations a civil offense. It shall be unlawful and a civil offense for any person:

(1) To park and or in any other manner place and leave unattended on the traveled portion of any public street or highway a junk vehicle for any period of time, even if the owner or operator of the vehicle did not intend to permanently desert or forsake the vehicle.

(2) To park and or in any other manner place and leave unattended on the untraveled portion of any street or highway, or upon any other public property, a junk vehicle for more than forty-eight (48) continuous hours, even if the owner or operator of the vehicle did not intend to permanently desert or forsake the vehicle.

(3) To park, store, keep, maintain on private property a junk vehicle for more than sixty (60) continuous days.

(4) To park and or in any other manner place and leave unattended on the untraveled portion of any street or highway, or upon any other public property, a junk or abandoned vehicle that is untagged or has no current registration sticker for more than forty-eight (48) continuous hours, even if the

owner or operator of the vehicle did not intend to permanently desert or forsake the vehicle. (as added by Ord. #234, Aug. 2007)

13-303. Exceptions. (1) It shall be permissible for a person to park, store, keep, and maintain a junked vehicle on private property under the following conditions:

(a) The junk vehicle is completely enclosed within a building where neither the vehicle nor any part of it is visible from the street or from any other abutting property. However, this exception shall not exempt the owner or person in possession of the property from any zoning, building, housing, property maintenance, and other regulations governing the building in which such vehicle is enclosed.

(b) The junk vehicle is parked or stored on property lawfully zoned for business engaged in wrecking, junking, restoration, or repairing vehicles. However, this exception shall not exempt the owner or operator of any such business from any other zoning, building, fencing, property maintenance, and other regulations governing business engaged in wrecking, junking, restoring, or repairing vehicles.

(c) The junk vehicle is parked, stored, kept, or maintained on property that is not zoned for business use has a valid state recognized tag with a current year sticker placed on it.

(d) After an investigation by the police or notice to the police department is given by the owner or operator of any vehicle considered under this chapter, the vehicle is being stored, kept, maintained, or parked on private property for someone of active duty to the United States military or recognized service by the town.

(2) No person shall park, store, keep and maintain on private property a junk vehicle for any period of time if it poses an immediate threat to the health, safety, and welfare of the citizens of the Town of Tazewell. (as added by Ord. #234, Aug. 2007)

13-304. Enforcement. The board of mayor and alderman shall appoint the duties of enforcing this chapter to the police department. The police shall upon the complaint of any citizen, or acting on his own information, investigate complaints of junked vehicles on private property. If after such investigation the police find a junked vehicle on private property, they shall issue a ticket to cite the owner or operator to city court. The citation shall be served to the person or persons apparently in lawful possession of the property, and shall give notice to the same to appear and answer the charges against him/her or them. If the offender refuses to sign the agreement to appear, the police department may

(1) Request the city judge to issue a summons; or

(2) Issue the offender a citation in lieu of arrest as authorized by Tennessee Code Annotated, § 7-63-101, et seq., or if the offender refuses to sign

the citation, may arrest the offender for failure to sign the citation in lieu arrest. (as added by Ord. #234, Aug. 2007)

13-305. Penalty for violations. Any person violating this chapter shall be subject to a civil penalty of fifty dollars (\$50.00) plus court cost for each separate violation of this chapter. Each day the violation of this chapter continues shall be considered a separate violation. (as added by Ord. #234, Aug. 2007)

13-306. Severability. Each section, subsection, paragraph, sentence, and clause of this chapter is declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause shall not affect the validity of any other provision of the chapter. (as added by Ord. #234, Aug. 2007)