

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. JUNKYARDS, INOPERATIVE VEHICLES.

CHAPTER 1

MISCELLANEOUS

SECTION

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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. (1971 Code, § 8-901)

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. (1971 Code, § 8-904)

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. (1971 Code, § 8-905)

¹Municipal code references
 Animal control: title 10.
 Littering streets, etc.: § 16-106.

13-104. Overgrown and dirty lots. (1) Prohibition. Pursuant to the authority granted to municipalities under Tennessee Code Annotated, § 6-54-113, it shall be unlawful for any owner of record of real property to create, maintain, or permit to be maintained on such property the growth of trees, vines, grass, underbrush and/or the accumulations of debris, trash, litter, or garbage or any combination of the preceding elements so as to endanger the health, safety, or welfare of other citizens or to encourage the infestation of rats and other harmful animals.

(2) Designation of public officer or department. The board of mayor and aldermen shall designate an appropriate department or person to enforce the provisions of this section.

(3) Notice to property owner. It shall be the duty of the department or person designated by the board of mayor and aldermen to enforce this section to serve notice upon the owner of record in violation of subsection (1) above, a notice in plain language to remedy the condition within ten (10) days (or twenty (20) days if the owner of record is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials), excluding Saturdays, Sundays, and legal holidays. The notice shall be sent by registered or certified United States Mail, addressed to the last known address of the owner of record. The notice shall state that the owner of the property is entitled to a hearing, and shall, at the minimum, contain the following additional information:

(a) A brief statement that the owner is in violation of § 13-104 of the Covington Municipal Code, which has been enacted under the authority of Tennessee Code Annotated, § 6-54-113, and that the property of such owner may be cleaned up at the expense of the owner and a lien placed against the property to secure the cost of the clean-up;

(b) The person, office, address, and telephone number of the department or person giving the notice;

(c) A cost estimate for remedying the noted condition, which shall be in conformity with the standards of cost in the city; and

(d) A place wherein the notified party may return a copy of the notice, indicating the desire for a hearing.

(4) Clean-up at property owner's expense. If the property owner of record fails or refuses to remedy the condition within ten (10) days after receiving the notice (twenty (20) days if the owner is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials), the department or person designated by the board of mayor and aldermen to enforce the provisions of this section shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards, and the costs thereof shall be assessed against the owner of the property. The city may collect the costs assessed against the owner of the property. The city may collect the costs assessed against the owner through an action for debt filed in any court of

competent jurisdiction. The city may bring one (1) action for debt against more than one (1) or all of the owners of properties against whom such 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. Upon the filing of the notice with the office of the register of deeds in Tipton County, the costs shall be a lien on the property in favor of the municipality, secondly 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 on 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.

(5) Clean-up of owner-occupied property. When the owner of an owner-occupied residential property fails or refuses to remedy the condition within ten (10) days after receiving the notice, the department or person designated by the board of mayor and aldermen to enforce the provisions of this section shall immediately cause the condition to be remedied or removed at a cost in accordance with reasonable standards in the community, with these costs to be assessed against the owner of the property. The provisions of subsection (4) shall apply to the collection of costs against the owner of an owner-occupied residential property except that the municipality must wait until cumulative charges for remediation equal or exceed five hundred dollars (\$500.00) before filing the notice with the register of deeds and the charges becoming a lien on the property. After this threshold has been met and the lien attaches, charges for costs for which the lien attached are collectible as provided in subsection (4) for these charges.

(6) Appeal. The owner of record who is aggrieved by the determination and order of the public officer may appeal the determination and order to the board of mayor and aldermen. The appeal shall be filed with the city recorder within ten (10) days following the receipt of the notice issued pursuant to subsection (3) above. The failure to appeal within this time shall, without exception, constitute a waiver of the right to a hearing.

(7) Judicial review. Any person aggrieved by an order or act of the board of mayor and aldermen under subsection (4) above may seek judicial review of the order or act. The time period established in subsection (3) above shall be stated during the pendency of judicial review.

(8) Supplementary nature of this section. The provisions of this section are in addition and supplemental to, and not in substitution for, any other provision in the municipal charter, this municipal code of ordinances or other applicable law which permits the city to proceed against an owner, tenant or occupant of property who has created, maintained, or permitted to be

maintained on such property the growth of trees, vines, grass, weeds, underbrush and/or the accumulation of the debris, trash, litter, or garbage or any combination of the preceding elements, under its charter, any other provisions of this municipal code of ordinances or any other applicable law.

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. (1971 Code, § 8-907)

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. (1971 Code, § 8-908)

13-107. Litter ordinance. The problem of litter and the existence of unsanitary and unsightly conditions in the City of Covington has reached unacceptable proportions, thereby imposing upon the city great limitations with respect to the well-being of its citizens and its continued growth. To overcome this deficiency, the attention and effort of every city citizen is required. In furtherance of that end the board of mayor and aldermen hereby promulgates the following ordinance which establishes appropriate standards, mandates certain acts and prohibits others. This ordinance, upon passage, shall have the full force and effect of law. This ordinance shall not replace any state statutes governing the areas of litter, refuse and/or public health.

(1) **Definitions.** For the purposes of this ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(a) "Garbage." Putrescible (that which is liable to decompose, rot or decay) animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

(b) "Litter." Consists of refuse which is not contained or disposed of in accordance with the provisions of this ordinance.

(c) "Refuse." All putrescible and non-putrescible solid waste (except body waste) including, but not limited to garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and market and industrial waste.

(2) **Provisions.** (a) It shall be unlawful for any person to place, leave, dump or permit to accumulate any refuse in any building or on any

property, so that same shall or may afford food or harborage for rodents, create a health hazard, or cause a public nuisance.

(b) All household refuse roll-outs shall be made in closed containers and secured in such a way as to prevent the contents from escaping therefrom and circulating freely in the environment; wet garbage shall be drained and placed in waterproof containers. Toxic or hazardous substances are prohibited from being placed in these containers.

(c) All commercial and industrial establishments shall dispose of refuse in dumpsters designated for their use in such a way that said dumpsters shall not overflow and the refuse so deposited shall not circulate freely in the environment. Cardboard and wooden boxes shall be compacted prior to disposal.

(d) The maintenance of a litter-free environment at all construction and demolition sites shall be the responsibility of the owners, contractors and subcontractors thereof. All refuse shall be removed from the site frequently enough to preclude a litter problem.

(e) All loading and unloading docks shall be maintained in such a manner as to prevent refuse from accumulating and from circulating freely in the environment. The responsibility for such maintenance shall devolve upon the owners and lessees thereof.

(f) All owners of private dwellings, or the lessees shall be responsible for seeing to the maintenance of a litter free environment in the areas immediately surrounding said dwellings up to the adjacent public street or road. Obnoxious growth shall be removed.

(g) All vacant lots shall be kept clean and free of litter by the owners or lessees thereof. Obnoxious growth shall be removed.

(h) With respect to publicly maintained dumpsters, there shall be no burning of refuse and no scavenging. Refuse shall not be deposited outside the dumpsters. If a dumpster is full, the refuse will be taken to another dumpster that is not full. Large, heavy items as well as hazardous materials and large pieces of wood are prohibited from being placed in or in the vicinity of a dumpster.

(i) Political and commercial posters or other advertisements shall not be placed upon public property or right-of-way (including utility and telephone poles). Handbills and like advertisements shall be distributed in such a manner as to prevent their circulating freely in the environment. These items will not be placed on the outside of vehicles, homes or businesses where they would create a litter hazard.

(j) All organizers of outdoor events are responsible for the rapid removal of all refuse and litter from the site thereof and shall provide appropriate refuse containers for the public's use.

(k) All city residents with special disposal problems shall be responsible for seeking the advice of the city public works director.

(l) All non-functioning vehicles on the public thoroughfare or other public area shall be removed at the owner's expense within a period not to exceed three (3) days.

(m) All parking lots shall be maintained by the owners or lessees thereof in a clean, litter-free manner.

(n) Contents within, or on, commercial and private vehicles shall be secured to prevent loss of material upon public roads, rights-of-way, or other public or private property.

(o) All persons shall insure that any refuse within their control be disposed of in proper containers or places. This will include such items as food and drink containers, tobacco items and other personal use items that could be considered litter.

(p) It shall be unlawful for any person, firm or corporation to dump refuse in any form into any stream, ditch, storm sewer, sanitary sewer or other drain within the city. This does not preclude properly prepared putrescible wastes from domestic "garbage grinders" discharging into sanitary sewers.

(q) No person shall throw or deposit litter in or upon any premises, streets, sidewalks or other public place within the city, except in public receptacles, in authorized private receptacles for collection or in the city or Tipton County landfills.

(r) If an object of litter is discovered on another's property without his permission, on any public highway, street or road, upon public parks or recreation areas, or upon any other public property except that property designated for that use, bearing a persons name, it shall be prima facie evidence that the person whose name appears on the object threw, dumped or deposited it there.

(s) For any violation of this ordinance, applicable law enforcement agencies and the Tipton County Department of Public Health shall have primary jurisdiction and are hereby authorized to issue citations for such violations.

(t) The owner, tenant or person in control of the premises will carry out the orders of applicable law enforcement agencies pertaining to this ordinance at his or their expense, or the City of Covington may carry out such clean-up or other necessary activities and charge the expense of same to the owner or lessee.

(3) Penalty. A person who violates a provision of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not to exceed the maximum amount permissible by law. However, the judge in his discretion may require an individual convicted of a violation of this ordinance to remove litter from public property within the city, or other appropriate locations for any prescribed period in lieu of or in addition to the penalty as provided in this section. (1971 Code, § 8-914, modified)

CHAPTER 2

JUNKYARDS, INOPERATIVE VEHICLES**SECTION**

13-201. Junkyards.

13-202. Inoperative vehicles on or adjacent to residential or commercial property.

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 feet (6') 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. (1971 Code, § 8-910)

13-202. Inoperative vehicles on or adjacent to residential or commercial property. It shall be unlawful for the owner or person in control of any residential or commercial lot in the city to keep any inoperative motor vehicle on the lot or on any street adjacent to the lot for more than ten (10) days unless the vehicle is completely enclosed within a building. (Ord. #1375, June 1995)

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).