

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

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2. JUNKYARDS.
3. SLUM CLEARANCE AND ELIMINATION OF DANGEROUS STRUCTURES.
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CHAPTER 1

MISCELLANEOUS

SECTION

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- 13-103. Stagnant water.
- 13-104. Weeds.
- 13-105. Dead animals.
- 13-106. Health and sanitation nuisances.

13-101. Health officer. The "health officer" shall be such municipal, county, or state officer as the mayor shall appoint or designate to administer and enforce health and sanitation regulations within the town. (1978 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. (1978 Code, § 8-104)

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 to effectively prevent the breeding of mosquitoes. (1978 Code, § 8-105)

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

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 recorder or director of public safety to cut such vegetation when it has reached a height of over one (1) foot. (1978 Code, § 8-106, as amended by Ord. #373, Aug. 1995)

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. (1978 Code, § 8-107)

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. (1978 Code, § 8-108)

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. (1978 Code, § 8-109)

¹State law reference

The provisions of this section were taken substantially from the Bristol ordinance upheld by the Tennessee Court of Appeals as being a reasonable and valid exercise of the police power in the case of Hagaman v. Slaughter, 49 Tenn. App. 338, 354 S.W.2d 818 (1961).

CHAPTER 3

SLUM CLEARANCE AND ELIMINATION OF DANGEROUS STRUCTURES

SECTION

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- 13-312. Recovery of cost and placement of liens.
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13-301. Purpose. The purpose of this regulation is to provide the necessary administrative and legal procedures as required by art. I, § 1.04(i), of the Charter of the Town of Huntingdon and Tennessee Code Annotated, § 13-21-103, for the designation of unsafe, hazardous or dangerous dwellings and structures and for the abatement of same within the municipality. (1978 Code, § 4-801)

13-302. Definitions. The following terms wherever used or referred to in this chapter shall have the following respective meanings for the purposes of this chapter, unless a different meaning clearly appears from the context:

- (1) "Municipality" shall mean the Town of Huntingdon, Tennessee.
- (2) "Governing body" shall mean the Council of the Town of Huntingdon.
- (3) "Public officer" shall mean the officer or officers who are authorized hereinbelow to exercise the powers prescribed by this chapter.
- (4) "Public authority" shall mean any housing authority or any officer who is in charge of any department or branch of the government of the municipality relating to health, fire, building regulations, or other activities concerning structures in the municipality.
- (5) "Owner" shall mean the holder of the title in fee simple and every mortgagee of record.

(6) "Parties of interest" shall mean all individuals, associations, corporations and others who have interest of record in a structure and any who are in possession thereof.

(7) "Dwelling" shall mean any building or structure, or part thereof, used and occupied for human residential habitation or abode or use, or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

(8) "Place of public accommodation" shall mean any building or structure in which goods are supplied or services performed, or in which the trade of the general public is solicited.

(9) "Structure" shall mean any dwelling, any place of public accommodation; any place wherein business, trade, commerce or manufacture is conducted; any advertising sign; fences or any other similar man-made facility or object. (1978 Code, § 4-802)

13-303. Unfit or dangerous structures. All dwellings, structures and other similar facilities within the municipality which are unsuitable or unsafe for human occupancy or use due to dilapidation; defects increasing the hazards of fire, accident or other calamities; damage from fire; lack of ventilation, light or sanitary facilities, or due to other conditions rendering such structures unsafe or unsanitary, or dangerous or detrimental to the health, safety or morals, or otherwise inimical to the welfare of the residents of the Town of Huntingdon, shall be upon proper investigation by the appropriate public official declared as an "Unfit or Dangerous Structure," and shall be and is hereby declared to be a public nuisance, which shall be upon application of the proper procedure by a public authority abated as directed. (1978 Code, § 4-803)

13-304. Conditions rendering structure unfit or dangerous. The public officer may determine that a structure is unfit for human occupation or use, if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants of such structure; the occupants of neighboring structures or other residents of the municipality. 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, caused either by neglect or fire or other such damage; disrepair; structural defects, or uncleanness. The public officer of public authority may also utilize the standards and requirements of other related adopted codes of the municipality, such as the building code, housing code. etc. (1978 Code, § 4-804)

13-305. Designation of public officer. The codes enforcement official/building inspector is designated as the principle public officer for the administering and enforcement of the provisions of this chapter; however, the following duly elected or appointed and serving officers or employees of the

Town of Huntingdon are also authorized to enforce the provisions of this chapter:

- (1) Fire marshal/fire chief.
- (2) Chief of police.
- (3) Town recorder.
- (4) Town attorney.
- (5) Town mayor. (1978 Code, § 4-805)

13-306. Powers given public officer. The Council of the Town of Huntingdon hereby authorizes the public officer to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the following powers in addition to others herein granted:

- (1) To investigate conditions in the municipality 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 examinations, provided that such entries 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.
- (5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate. (1978 Code, § 4-806)

13-307. Service of complaints or orders. Complaints or orders issued by a public officer pursuant to this chapter shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons is 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 the town's official newspaper. A copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the Office of the Register, Carroll County, Tennessee, and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law. [Tennessee Code Annotated, § 12-21-105] (1978 Code, § 4-807)

13-308. Hearings on complaints or petitions. Whenever a petition is filed with the public officer by a public authority; or by at least five (5) residents of the municipality charging that any structure is dangerous or unfit for human occupation or use; or whenever it appears to the public officer (on his own motion) that any structure is dangerous or 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 serving of the complaint; that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint, and that the rules of evidence prevailing in courts in law or equity shall not be controlling in hearings before the public officer. (1978 Code, § 4-808)

13-309. Finding of dangerous or unfit structures. If after such notice and hearing, the public officer determines that the structure under consideration is dangerous or unfit for human occupation or use, he shall state in writing his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order stating that:

(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 (fifty percent [50%] shall be considered a reasonable value) the owner will be required, within the time specified in the order, to repair, alter, or improve such structure to render it safe or fit for human occupation or use, or to vacate and close the structure as a place of human occupation or use; or

(2) If the repair, alteration or improvement of the structure cannot be made at a reasonable cost in relation to the value of the structure (fifty percent [50%] shall be considered reasonable), the owner will be required, within the time specified in the order, to remove or demolish such structure. (1978 Code, § 4-809)

13-310. Failure to comply with order of public officer. If the owner fails to comply with an order to repair, alter, or improve, or to vacate and close the structure, the public officer may cause such structure to be repaired, altered or improved, or to be vacated and closed. The public officer may cause to be posted on the main entrance of any structure so closed (or on the most publicly visible point of a structure such as a billboard or a fence) a placard with the following words: "This structure or building is dangerous or unfit for human occupation or use, and the utilization of this structure or building for human occupation or use is prohibited and unlawful." (1978 Code, § 4-810)

13-311. Removal or demolition by municipality. If the owner fails to comply with an order to remove or demolish the structures, the public officer may cause such structure to be removed or demolished. (1978 Code, § 4-811)

13-312. Recovery of cost and placement of liens. 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 a lien against the real property upon which such cost was incurred.

(1) 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 removal or demolition, and any balance remaining shall be deposited in the chancery court 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.

(2) Nothing in this section or chapter 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. (1978 Code, § 4-812)

13-313. Allocation of funds for program The governing body of the municipality shall prepare an estimate of the annual expenses of cost to establish, maintain and administer the program authorized by this chapter, and same shall be allocated and funded as a component of the town's annual general fund budget. (1978 Code, § 4-813)

13-314. Applicability. The provisions of this chapter extend to all man-made structures within the municipality, including, but not limited to: residential dwellings or abodes; commercial, business or industrial facilities; storage buildings; barns, sheds, and outbuildings; towers; outdoor advertising signs or billboards, and fences. (1978 Code, § 4-814)

13-315. Conflicts. In any case where the provisions of this chapter may be in conflict with the provisions of other chapters of the Huntingdon Municipal Code which relate to the regulation of dangerous, unfit or nonconforming buildings or structures, the provisions of the chapter or regulation providing the highest degree of protection to the residents of the municipality shall prevail. (1978 Code, § 4-815)

CHAPTER 4

REMOVAL OF VEGETATION AND DEBRIS FROM CERTAIN LOTS

SECTION

- 13-401. Purpose.
- 13-402. Conditions regulated.
- 13-403. Designation of public official(s).
- 13-404. Notification to remedy.
- 13-405. Charges shall be a lien upon property.
- 13-406. Requirement for public hearing.
- 13-407. Judicial review.
- 13-408. Exceptions.

13-401. Purpose. The purpose of this chapter is to provide the required rules and regulations necessary for the enforcement of the provisions of chapter 564 of the Public Acts of 1988 of the Tennessee General Assembly as pertain to elimination of vegetation and debris on certain lots which may endanger the health, safety and welfare of the citizenry. (1978 Code, § 8-701)

13-402. Conditions regulated. It shall be unlawful for the owner of record of any real property within the corporate limits of the Town of Huntingdon (the "town") to create or allow to be created, or to maintain or permit to be maintained on such property the growth of trees, vines, grass, underbrush and/or the accumulation of debris, trash, litter, or garbage, or any combination of the preceding elements so as to endanger the health, safety and welfare of other citizens or to encourage the infestation of rats and other harmful animals. (1978 Code, § 8-702)

13-403. Designation of public official(s). The town codes enforcement official is designated as the principal officer for the administration and enforcement of provisions of this chapter; however, the following elected or appointed officials are also authorized to enforce the provisions of same:

- (1) Town Mayor.
- (2) Town Recorder.
- (3) Town Attorney.
- (4) Director of Public Safety.
- (5) Fire Marshall/Codes Enforcement Officer. (1978 Code, § 8-703, as amended by Ord. #373, Aug. 1995)

13-404. Notification to remedy. When it has been determined by the appropriate official that the condition of any real property located within the town's corporate limits violates the conditions regulated by § 13-402, above, the owner of record shall be notified to remedy the conditions immediately. The

notice shall be given by certified United States mail, return receipt required, 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. The notice shall be written in plain language and shall include but not be limited to the following elements:

- (1) A brief statement of the requirements of this regulation which shall contain the consequences of failing to remedy the noted condition;
- (2) The person, office, address and telephone number of the official giving notice;
- (3) A cost estimate for remedying the noted condition which shall be in conformity with the standards of cost in the community; and
- (4) A place wherein the notified party may return a copy of the notice, indicating the desire for a hearing, which shall be the town recorder's office. (1978 Code, § 8-704)

13-405. Charges shall be a lien upon property. If the person fails or refuses to remedy the condition within ten (10) days after receiving the notice, the appropriate official shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards and the cost thereof assessed against the owner of the property. These costs shall be placed upon the tax rolls of the town as a lien upon the property and shall be collected in the same manner as the town's taxes are collected. Provided, however, 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, the ten (10) day period of the first sentence of this section shall be twenty (20) days, excluding Saturdays, Sundays and legal holidays. (1978 Code, § 8-705)

13-406. Requirement for public hearing. (1) The owner of the cited property shall be entitled to a hearing. Upon receipt of a written request from the person aggrieved by the determination made pursuant to § 13-404, above, which must be filed with the town recorder in his office in the Huntingdon Municipal Building within the appropriate notification period as provided by § 13-405, above, a hearing shall be called and held within ten (10) days of said filing.

(2) Failure to file such request within the time limits shall without exception constitute a waiver of the right to a hearing.

(3) The standing committee for public works of the town council may constitute the panel to conduct such hearings.

(4) Any order issued pursuant to § 13-404, above, shall be stayed until the completion of such hearing. (1978 Code, § 8-706)

13-407. Judicial review. Any person aggrieved by any order of an official or agency or the town issued under the provision of this chapter may

seek judicial review of the order within ten (10) days of entry, time to be computed under Tennessee rules of civil procedure. The time period established in § 13-405, above, shall be stayed during the dependency of a hearing in the appropriate court of record, provided proper official notice of such hearing is filed with the town recorder. (1978 Code, § 8-707)

13-408. Exceptions. (1) The provisions of this chapter shall not apply to any parcel of property upon which an owner-occupied residence is located.

(2) No provision of this chapter shall negate the authority of the town to control or cause to be controlled the growth of grass or other vegetation commonly recognized as "weeds" on any property pursuant to the authority contained in HMC, title 13, § 13-104.

(3) No provision of this chapter shall negate the authority of the Town to abate or cause to be abated any/all health and sanitation nuisances pursuant to the authority contained in HMC, title 13, § 13-106. (1978 Code, § 8-708)