

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. POOL REGULATIONS.
3. MINIMUM PROPERTY MAINTENANCE PROCEDURES.
4. SLUM CLEARANCE.

CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Health and sanitation nuisances.
13-102. Overgrown and dirty lots.

13-101. Health and sanitation nuisances. The following are hereby declared to be public nuisances, unlawful and dangerous to the health and welfare of the public:

(1) Every pool, pond, privy, privy vault, cow pen, pig pen, horse lot, stable, chicken house or other lot, house or enclosure within the city limits which becomes filthy, offensive or acts as a breeding place of disease or disease-carrying pests, such as flies, mosquitoes etc.

(2) Every house or structure of any kind which has fallen into decay, or into heaps and piles.

(3) Every lot, premise, enclosure or other place, on which filth, tin cans, garbage, slops, manure, human excreta, dead fowls, dead animals, or other foul matter is thrown and allowed to accumulate so as to become offensive or spread disease, or endanger the health of the inhabitants of any part of the City of Lawrenceburg.

Where any such nuisance or any other public nuisance is brought to the attention of the city building official, he shall give the owner of said property, if the owner is known and in the City of Lawrenceburg, if not, then to the occupant of the property, notice to abate such nuisance within a stipulated period not exceeding fourteen (14) days from the service of such notice and if the same be not begun within said time and completed as rapidly as possible, then

¹Municipal code references

Animal control: title 10.

Littering streets, etc.: § 16-104.

Toilet facilities in beer places: § 8-114(9).

the city building official, shall have said nuisance abated and report the cost of same to the city attorney, who shall institute an action against the owner of the property in the name and for the use of the City of Lawrenceburg to recover same in some court having jurisdiction thereof.

Anyone violating any of the provisions of §§ 13-101 and 13-102 shall be guilty of a misdemeanor, and shall be fined not more than state authorized limits for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (1999 Code, § 13-102, modified)

13-102. 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) Limitation on application. The provisions of this section shall not apply to any parcel of property upon which an owner-occupied residence is located.

(3) Designation of public officer or department. The Board of Mayor and Council shall designate an appropriate department and the city administrator shall designate appropriate personnel to enforce the provisions of this section.

(4) Notice to property owner. It shall be the duty of the designated department or personnel 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 § 13-102 of the Lawrenceburg 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.

(5) 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 designated department or personnel shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards, and the cost thereof shall be assessed against the owner of the property. Upon the filing of the notice with the office of the register of deeds in Lawrence County, the costs shall 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 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, the costs 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.

(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 zoning appeals. The appeal shall be filed with the building official 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 building official under subsection (5) above may seek judicial review of the order or act. The time period established in subsection (4) above shall be stayed during the pendency of judicial review.

(8) Supplemental 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. (1999 Code, § 13-104, modified, and amended by Ord. #1091, March 2012)

CHAPTER 2

POOL REGULATIONS

SECTION

- 13-201. Title.
- 13-202. Fencing requirements.
- 13-203. Gates and doors.
- 13-204. Modifications of regulations.
- 13-205. Pool defined.
- 13-206. Penalty.

13-201. Title. This chapter shall be known as the "Family Pool Ordinance" of the City of Lawrenceburg, Tennessee. (1999 Code, § 13-201)

13-202. Fencing requirements. Every outdoor family swimming pool shall be completely surrounded by a fence or wall not less than four (4) feet in height, which shall be so constructed as not to have openings, holes, or gaps larger than four (4) inches in any dimension except for doors and gates; and if a picket fence is erected or maintained, the horizontal dimension shall not exceed four (4) inches. A dwelling house or accessory building may be used as part of such enclosure.

This requirement shall be applicable to all new family pools constructed after August 5, 1976, other than indoor pools, and shall apply to all existing pools which have a minimum depth of eighteen (18) inches of water. No person in possession of land within the city, either as owner, purchaser, lessee, tenant or a licensee, upon which is situated a family swimming pool having a minimum depth of eighteen (18) inches shall fail to provide and maintain such fence or wall as herein provided. (1999 Code, § 13-202)

13-203. Gates and doors. All gates or doors opening through such enclosures shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of enclosure need not be so equipped. (1999 Code, § 13-203)

13-204. Modifications of regulations. The planning and development department may make modifications in individual cases, upon a showing of good cause with respect to the height, nature or location of the fence, wall, gates, or latches, or the necessity therefor, provided the protection as sought hereunder is not reduced thereby. The planning and development department shall allow a reasonable period within which to comply with the requirements of this section. (1999 Code, § 13-204, modified)

13-205. Pool defined. "Family pool" is a swimming pool used or intended to be used solely by the owner, operator, or lessee thereof and his family and by friends invited to use it without payment of any fee; and is considered a body of water in an artificial or semi-artificial receptacle or other container, whether located indoors or outdoors, but is not to include swimming pools operated and maintained in conjunction with or by clubs, motels, hotels, community associations, or private clubs. (1999 Code, § 13-205)

13-206. Penalty. It is hereby declared a misdemeanor for any person to own, operate, or lease a family pool that does not comply with the above sections of this chapter; and every person guilty of such misdemeanor shall on conviction be fined not more than state authorized limits with each day constituting a separate offense. (1999 Code, § 13-206, modified)

CHAPTER 3

MINIMUM PROPERTY MAINTENANCE PROCEDURES

SECTION

13-301. International property maintenance code adopted.

13-302. Modifications.

13-303. Violations.

13-301. International property maintenance code adopted. The International Property Maintenance Code,¹ 2012 edition, is hereby adopted by reference as though it was copied herein fully. (Ord. #955, July 2002, as amended by Ord. #1141, Aug. 2014)

13-302. Modifications. Any matters in the international property maintenance code which are contrary to existing ordinances of the City of Lawrenceburg, Tennessee shall prevail and all ordinances in conflict are hereby amended to comply with the provisions of this chapter and to that extent any existing ordinances to the contrary are hereby repealed in that respect only. (Ord. #955, July 2002)

13-303. Violations. It shall be a civil offense for any person to violate or fail to comply with any provision of the international property maintenance code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of no more than the state authorized limits and costs. Each day a violation is allowed to continue shall constitute a separate offense. The building official or his or her deputy or assistant is empowered to issue citations to answer in the municipal court of the city by any person, firm or corporation found to be in such violation.

¹Municipal code reference

International Property Maintenance Code: title 12, chapter 6.

CHAPTER 4

SLUM CLEARANCE¹

SECTION

- 13-401. Findings of building official.
- 13-402. Definitions.
- 13-403. "Public officer" designated; powers.
- 13-404. Initiation of proceedings; hearings.
- 13-405. Orders to owners of unfit structures.
- 13-406. When building official may repair, etc.
- 13-407. When building official may remove or demolish.
- 13-408. Lien for expenses; sale of salvage materials; other powers not limited.
- 13-409. Basis for a finding of unfitness.
- 13-410. Service of complaints or orders.
- 13-411. Enjoining enforcement of order.
- 13-412. Additional powers of building official.
- 13-413. Powers conferred are supplemental.

13-401. Findings of building official. Pursuant to Tennessee Code Annotated, § 13-21-101, et seq., the building official of the City of Lawrenceburg 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 insanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city. (1999 Code, § 13-401, modified)

13-402. Definitions. (1) "Municipality" shall mean the City of Lawrenceburg, Tennessee, and the areas encompassed within existing city limits or as hereafter annexed.

(2) "Governing body" shall mean the Board of Mayor and Council charged with governing the city.

(3) "Public officer" shall mean the officer or officers who are authorized by this chapter to exercise the powers prescribed herein and pursuant to Tennessee Code Annotated, § 13-21-101, et seq.

(4) "Public authority" shall mean 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.

¹State law reference

Tennessee Code Annotated, title 13, chapter 21.

(5) "Owner" shall mean the holder of title in fee simple and every mortgagee of record.

(6) "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.

(7) "Structures" shall mean any building or structure, or part thereof, used for human occupation and intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. (1999 Code, § 13-402, modified, and amended by Ord. #1091, March 2012)

13-403. "Public officer" designated; powers. There is hereby designated and appointed a "public officer," to be the building official of the city, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the building official. (1999 Code, § 13-403, modified)

13-404. Initiation of proceedings; hearings. Whenever a petition is filed with the building official 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 building official (on his own motion) that any structure is unfit for human occupation or use, the building official 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 zoning board of appeals (or its 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 court of law or equity shall not be controlling in hearings before the public officer. (1999 Code, § 13-404, modified)

13-405. Orders to owners of unfit structures. If, after such notice and hearing as provided for in the preceding section, the building official determines that the structure under consideration is unfit for human occupancy 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, during the time specified in the order, to repair, alter, or improve such structure to render it fit for human occupancy or use or to vacate and close the structure for human occupancy 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. (1999 Code, § 13-405, modified)

13-406. When building official 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 building official may cause such structure to be repaired, altered, or improved, or to be vacated and closed; and the building official 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 occupancy or use; the use or occupation of this building for human occupancy or use is prohibited and unlawful." (1999 Code, § 13-406, modified)

13-407. When building official may remove or demolish. If the owner fails to comply with an order, as specified above, to remove or demolish the structure, the building official may cause such structure to be removed and demolished. (1999 Code, § 13-407, modified)

13-408. 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 building official shall, upon the filing of the notice with the office of the register of deeds of Lawrence 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 placed upon the tax rolls of the City of Lawrenceburg 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. If the structure is removed or demolished by the building official, he shall sell the materials of such structure if in his individual judgment a sale of the materials is practical or feasible 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 Lawrence County by the building official, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court provided, however, that nothing in this section shall be construed to impair or limit in any way the power of the City of Lawrenceburg to define and

declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (1999 Code, § 13-408, modified)

13-409. Basis for a finding of unfitness. The building official 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 Lawrenceburg; 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; and uncleanliness. (1999 Code, § 13-409, modified)

13-410. Service of complaints or orders. Complaints or orders issued by the building official pursuant to this chapter shall be served upon persons, either personally or by registered mail, but if the whereabouts of such person is unknown and the same cannot be ascertained by the building official in the exercise of reasonable diligence, and the building official 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 the city. In addition, 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 Register's Office of Lawrence County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (1999 Code, § 13-410, modified)

13-411. Enjoining enforcement of order. Any person affected by an order issued by the building official served pursuant to this chapter may file a suit in chancery court for an injunction restraining the building official from carrying out the provisions of the order, and the court may, upon the filing of such suit, issue a temporary injunction restraining the building official pending the final disposition of the cause; provided, however, that within sixty (60) days after the posting and service of the order of the building official, such person shall file such suit in the court.

The remedy provided herein shall be the exclusive remedy and no person affected by an order of the building official shall be entitled to recover any damages for action taken pursuant to any order of the building official, or because of noncompliance by such person with any order of the building official. (1999 Code, § 13-411, modified)

13-412. Additional powers of building official. The building official, 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 delegate any of his functions and powers under this chapter to such officers and agents as he may designate. (1999 Code, § 13-412, modified)

13-413. 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. (1999 Code, § 13-413)