

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.

CHAPTER 1

MISCELLANEOUS²

SECTION

- 13-101. Health officer.
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13-101. Health officer. The "health officer" shall be such city, county, or state officer as the board of mayor and aldermen shall appoint or designate to administer and/or enforce health and sanitation regulations within the town. He shall have such powers and duties as are prescribed for such official herein and in the general laws of the state. (1989 Code, § 8-101)

13-102. Adulterated food, drugs, and cosmetics. It shall be unlawful and a violation of this section for any person in this municipality to violate any provisions of the Tennessee food, drug, and cosmetic laws. (1962 code, § 8-102)

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

²For specific health and sanitation provisions elsewhere in this code with respect to the following, see the references indicated:

- (1) animals and fowls. title 10.
- (2) littering streets, etc. § 16-207.
- (3) spitting. § 11-230.
- (4) taxicabs. § 9-206.

13-103. 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 the growth of trees, maintain, or permit to be maintained on such property to, 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 aldermen shall designate an appropriate department or person to enforce the provisions of this section.

(4) 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 § 13-103 of the Livingston 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 notice;

(c) A cost estimate for remedying the noted condition, which shall be in conformity with the standard 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 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 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 Overton County, the costs shall be a lien on the property in favor of the municipality, second only to liens if 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.

(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 (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 the 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 charger, any other provisions of this municipal code or ordinances or any other applicable law. (Ord. #2000-1-2, Feb. 2000)

13-104. Disturbing refuse containers. No unauthorized person shall uncover, rifle, pilfer, dig into, turn over or in any other manner disturb or use any refuse container belonging to any other private person or business without the latter's consent. (1989 Code, § 8-104)

13-105. Refuse collection vehicles. Refuse collectors shall use only such vehicles as have beds constructed of impervious materials which are easily cleanable and are so constructed that there will be no leakage of liquids draining from the refuse onto the streets and alleys. Furthermore, all refuse collectors shall utilize vehicles with closed beds or such coverings as will effectively prevent the scattering of refuse over the public streets and alleys. (1989 Code, § 8-105)

13-106. Dead animals. The owner thereof shall promptly remove and bury any dead animal found within the corporate limits. (1989 Code, § 8-106)

13-107. Slaughter houses. All slaughter houses operated within the corporate limits shall be kept in a clean and sanitary condition. (1989 Code, § 8-107)