

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. SLUM CLEARANCE.
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CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Health officer.
- 13-102. House trailers.
- 13-103. Smoke, soot, cinders, etc.
- 13-104. Stagnant water.
- 13-105. Weeds.
- 13-106. Dead animals.
- 13-107. Maintenance, health and sanitation nuisances.
- 13-108. Presence of junked motor vehicles as a public nuisance.

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 of Mountain City. (1978 Code, § 8-101)

13-102. House trailers. It shall be unlawful for any person to park, locate, or occupy any house trailer or portable building unless it complies with all plumbing, electrical, sanitary, and building provisions applicable to stationary structures and the proposed location conforms to the zoning provisions of the Town of Mountain City and unless a permit therefor shall have been first duly issued by the recorder or the building official, as provided for in the building code. (1978 Code, § 8-104)

13-103. 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,

¹Municipal code references

Animal control: title 10.

Littering streets, etc.: section 16-107.

Wastewater treatment: title 18, chapter 2.

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, § 8-105)

13-104. 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. (1978 Code, § 8-106)

13-105. 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 town recorder or chief of police to cut such vegetation when it has reached a height of over one (1) foot. (1978 Code, § 8-107)

13-106. 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, § 8-108)

13-107. Maintenance, health or sanitation nuisances. Every owner or tenant of property shall maintain yards and/or vacant lots in a manner as not to be a menace to public health; but in a clean and sanitary condition, free from refuse or debris which might provide harborage or breeding place for rodents, vermin, insects or snakes.

The following is used to define refuse, weeds, junk, trash or garbage as used in this chapter; whether individually; jointly, and collectively mean any waste resulting from the handling, preparation, cooking, and consumption of food, and waste from handling, storage, and use of produce foods, any combustible trash, paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, wood furniture, bedding, metals, tin cans, metal furniture, dirt, small quantities of rock and pieces of concrete, glass, crockery, other mineral waste, rubbish, leaves, cinders, lumber, scraps, shavings, residue from fires, cloth products, and any and all other organic and inorganic materials which have weight or occupy space. (1978 Code, § 8-109, as replaced by Ord. #____, Dec. 2001)

13-108. Presence of junked motor vehicles as a public nuisance.

(1) Definition of junked motor vehicles. Any motor vehicle the condition of which is anyone or more of the following:

- (a) Wrecked;
- (b) Dismantled;
- (c) Inoperative;
- (d) Abandoned; or

(e) Discarded.

A motor vehicle, for all purposes here under, is defined as any vehicle which is self propelled and any device in, upon, or by which any persons or property is or may be transported or drawn from one location to another, except devices moved only by human power or used exclusively upon stationary rails or tracks.

(2) Presence of junked motor vehicles a public nuisance. The location or presence of any junked motor vehicle on a lot, tract, or parcel of land, or portion thereof, occupied, improved, or unimproved, within the Town of Mountain City, Tennessee, shall be deemed a public nuisance, and it shall be unlawful for any persons. or other legal entity to cause, maintain, or permit such public nuisance by wrecking, dismantling, rendering inoperable, abandoning, or discarding a motor vehicle or vehicles on property of another, or to suffer, permit or allow the same to be placed, located, maintained, or to exist upon real property belonging to such party. However, this section shall not apply to the following:

(a) Any junked motor vehicle in a completely enclosed building.

(b) Any junked motor vehicle in an appropriate storage place or depository maintained in an officially designated place and manner by the Town of Mountain City.

(3) Notice to remove. Whenever it shall appear that a violation of the provisions of this chapter exists, the recorder shall give, or cause to be given, notice to the registered owner of any motor vehicle which is in violation of this chapter, and he shall give such notice to the owner or person in lawful possession or control of the property upon which such motor vehicle is located, advising that said motor vehicle violates the provisions of this chapter and directing that said motor vehicle be moved to a place of lawful storage within ten (10) days. Such notice shall be served upon the owner of the vehicle by leaving a copy of said notice on or with the vehicle. Notice to the owner or person in lawful possession or control of the property upon which such motor vehicle is located may be served by conspicuously posting said notice upon the premises. In case of publicly owned property, notice to the owner of the property where the vehicles is found is hereby dispensed with. (1978 Code, § 8-111, as replaced by Ord. #____, Dec. 2001)

CHAPTER 2

SLUM CLEARANCE¹

SECTION

- 13-201. Findings of board.
- 13-202. Definitions.
- 13-203. "Public officer" designated; powers.
- 13-204. Initiation of proceedings; hearings.
- 13-205. Orders to owners of unfit structures.
- 13-206. When public officer may repair, etc.
- 13-207. When public officer may remove or demolish.
- 13-208. Lien for expenses; sale of salvage materials; other powers not limited.
- 13-209. Basis for a finding of unfitness.
- 13-210. Service of complaints or orders.
- 13-211. Enjoining enforcement of orders.
- 13-212. Additional powers of public officer.
- 13-213. Powers conferred are supplemental.
- 13-214. Structures unfit for human habitation deemed unlawful.

13-201. Findings of board. Pursuant to Tennessee Code Annotated, section 13-21-101 et seq., the board of mayor and aldermen finds that there exist in the town 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 unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the town.

13-202. Definitions. (1) "Municipality" shall mean the Town of Mountain City, Tennessee, and the areas encompassed within existing town limits or as hereafter annexed.

(2) "Governing body" shall mean the board of mayor and aldermen charged with governing the town.

(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, section 13-21-101 et seq.

¹State law reference

Tennessee Code Annotated, title 13, chapter 21.

Charter reference: art. VI, § 1(22).

(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 town or state relating to health, fire, building regulations, or other activities concerning structures in the town.

(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.

13-203. "Public officer" designated; powers. There is hereby designated and appointed a "public officer," to be the building inspector of the town, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the building inspector.

13-204. Initiation of proceedings; hearings. Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the town charging that any structure is unfit for human occupancy or use, or whenever it appears to the public officer (on his own motion) that any structure is unfit for human occupancy 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 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 courts of law or equity shall not be controlling in hearings before the public officer.

13-205. Orders to owners of unfit structures. If, after such notice and hearing as provided for in the preceding section, the public officer 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: (a) 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 (b) 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.

13-206. When public officer 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 public officer may cause such structure to be repaired, altered, or improved, or to be vacated and closed; and the public officer 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."

13-207. When public officer may remove or demolish. If the owner fails to comply with an order, as specified above, to remove or demolish the structure, the public officer may cause such structure to be removed and demolished.

13-208. 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 public officer shall, upon the filing of the notice with the office of the register of deeds of Johnson 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 Town of Mountain City 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 public officer, he shall sell the materials of such structure 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 Johnson County by the public officer, 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 Town of Mountain City to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise.

13-209. Basis for a finding of unfitness. The public officer 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 Town of Mountain City; 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 uncleanness.

13-210. Service of complaints or orders. Complaints or orders issued by the public officer 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 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 a newspaper printed and published in the town. 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 Johnson County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law.

13-211. Enjoining enforcement of orders. Any person affected by an order issued by the public officer served pursuant to this chapter may file a suit in chancery court for an injunction restraining the public officer from carrying out the provisions of the order, and the court may, upon the filing of such suit, issue a temporary injunction restraining the public officer pending the final disposition of the cause; provided, however, that within sixty (60) days after the posting and service of the order of the public officer, 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 public officer shall be entitled to recover any damages for action taken pursuant to any order of the public officer, or because of noncompliance by such person with any order of the public officer.

13-212. Additional powers of public officer. The public officer, 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 town 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 appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this chapter; and

(5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate.

13-213. Powers conferred are supplemental. This chapter shall not be construed to abrogate or impair the powers of the town 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.

13-214. Structures unfit for human habitation deemed unlawful. It shall be unlawful for any owner of record to create, maintain or permit to be maintained in the town 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 unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the town.

Violations of this section shall subject the offender to a penalty of up to five hundred dollars (\$500) for each offense. Each day a violation is allowed to continue shall constitute a separate offense.

CHAPTER 3

MOBILE HOME PARK

SECTION

- 13-301. Definitions.
- 13-302. Minimum standards.
- 13-303. General plan.
- 13-304. Registration.
- 13-305. Permits.
- 13-306. Enforcement.

13-301. Definitions. (1) "Mobile home." A detached single-family dwelling unit with the following characteristics:

(a) Designed to be transported after fabrication on its own wheels, or on flatbed or other trailers or detachable wheels.

(b) Arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities, and the like.

(2) "Independent mobile home." Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.

(3) "Dependent mobile home." Dependent mobile home shall mean a mobile home that does not have a flush toilet, a tub or shower bath.

(4) "Mobile home park." Mobile home park shall mean any plot of ground containing a minimum of one and one-half acres upon which two or more mobile homes are located or are intended to be located, but does not include sites where unoccupied mobile homes are on display for sale.

(5) "Buffer strip." Buffer strip shall mean a plant material which will provide a screen not less than six feet in height.

(6) "Health officer." Health officer shall mean the health officer of Mountain City, Tennessee or his authorized representative.

(7) "Building inspector." Building inspector shall mean the building inspector of Mountain City, Tennessee or his authorized representative.

(8) "Plumbing inspector." Plumbing inspector shall mean the plumbing inspector of Mountain City, Tennessee or his authorized representative.

(9) "Electric inspector." Electric inspector shall mean the electric inspector of Mountain City, Tennessee or his authorized representative. (1978 Code, § 8-501)

13-302. Minimum standards. (1) The site shall be located on a well drained and flood free site with proper drainage.

(2) The mobile home site shall not be exposed to objectionable smoke, noise, odors, insect or rodent harborage or other such adverse influences.

(3) The site shall be located with direct access to an open public street.

(4) There shall be buffer strips along side and rear lot lines of the park.

(5) The mobile home space shall be a minimum of 75 feet in depth, and shall abut on a driveway with unobstructed access to a public street. Each mobile home shall be set back a minimum of 10 feet from property lines and space lines, and there shall be a minimum distance of 20 feet between mobile homes.

(6) Each mobile home space shall provide a 200 square foot parking space or a common parking area may be provided which shall have one 200 square foot space for each mobile home space.

(7) Each mobile home park shall provide a common area for playgrounds. The area shall contain a minimum of 500 square feet for each mobile home space exclusive of roadways, mobile home spaces and parking spaces.

(8) Municipal water supply and sanitary sewer conditions shall be provided to each mobile home space. Piping and connections shall be specified and approved by the plumbing inspector.

(9) A mobile home park designed to accommodate space for dependent mobile homes, shall provide a service building to house the following facilities:

| Dependent Mobile Home Spaces | <u>Toilets</u> | | <u>Urinals</u> | <u>Lavorties</u> | | <u>Bathtubs or Showers</u> | |
|---------------------------------------|----------------|--------|----------------|------------------|------|------------------------------------|--------|
| | Male | Female | Male | Female | Male | Male | Female |
| | 1-10 | 1 | 2 | 1 | 2 | 2 | 1 |
| 11-20 | 2 | 3 | 1 | 2 | 2 | 2 | 2 |
| 21-50 | 3 | 4 | 2 | 3 | 3 | 3 | 3 |
| 51-100 | 4 | 5 | 3 | 4 | 4 | 3 | 3 |

(10) No service building shall be located less than 10 feet from any mobile home space. Service buildings shall be of permanent construction, adequately ventilated and lighted and built in conformity to all town codes and ordinances.

(11) All service buildings shall be convenient to the spaces which they solely serve and shall be maintained in a clean and sanitary condition.

(12) The drives, walks and park areas shall be paved with a hard surface material which shall not be less than a double bituminous surface.

(13) Driveways shall be a minimum of 18 feet in width.

(14) Any part of the park area not used for buildings or other structures, parking, or access ways shall be landscaped with grass, trees, shrubs, and pedestrian walks.

(15) The park shall be adequately lighted. (1978 Code, § 8-502)

13-303. General plan. The owner or lessee of the land parcel proposed for a mobile home park shall submit a plan for development to the Mountain City Planning Commission for approval. The plat shall show the following:

(1) The park plan drawn to scale.

(2) The area and dimensions of the proposed park.

(3) The location and width of all roadways and walkways.

(4) The location and dimensions of any proposed service buildings and structures.

(5) The location of all water and sewer lines.

(6) The location of all equipment and facilities for refuse disposal and other park improvements.

(7) A plan for drainage of the park.

(8) A certificate of accuracy signed by the surveyor or engineer that the engineering work is correct.

(9) Certificates and signatures of the health officer, building, housing, electrical, plumbing and fire inspectors.

(10) A certificate for planning commission approval.

(11) Any other information deemed pertinent by the planning commission. (1978 Code, § 8-503)

13-304. Registration. (1) Operators of all mobile home parks situated in the corporate limits of Mountain City shall keep a complete and permanent register of the inhabitants of the park, noting the following information:

(a) Car license number and state.

(b) Names, age and sex of occupants of each mobile home.

(c) Dates of admission and departure from the park.

(2) No space shall be rented for residential use of a mobile home in any such park except for periods of 30 days or more, and no mobile home shall be admitted to any park unless it can be demonstrated that it meets the requirements of the building, housing, plumbing, electrical, fire and health officer of Mountain City, Tennessee. (1978 Code, § 8-504)

13-305. Permits. (1) It shall be unlawful for any person to operate a mobile home park within the limits of the town unless such person shall first obtain a permit.

(2) The annual permit fee for each mobile home park shall be \$25.00.

(3) The annual renewal of permits for mobile home parks shall be issued by the building inspector. The issuance of annual permits shall be contingent upon inspection and approval of the park by the health officer and building inspector. (1978 Code, § 8-505)

13-306. Enforcement. (1) This chapter shall be enforced by the building inspector.

(2) Any person or persons who shall willfully neglect or refuse to comply with any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction shall be fined in accordance with the general penalty clause in this code. Each day of violation shall constitute a separate offense. (1978 Code, § 8-506)