

**TITLE 13**

**PROPERTY MAINTENANCE REGULATIONS<sup>1</sup>**

**CHAPTER**

1. MISCELLANEOUS.
2. JUNKYARDS.
3. SLUM CLEARANCE.
4. JUNKED VEHICLES.

**CHAPTER 1**

**MISCELLANEOUS**

**SECTION**

- 13-101. Definitions.
- 13-102. Prohibited acts.
- 13-103. Enforcement.
- 13-104. Notice to correct violations.
- 13-105. Action in the event of noncompliance.
- 13-106. Collection of unpaid costs.

**13-101. Definitions.** (1) "Grass." Any of numerous plants of the family gramines measured to be a minimum of one foot in height, measuring from the base of the plant at ground surface level.

(2) "Weeds." Any of the various commonly or abundantly growing plants measured to be a minimum of one foot in height measuring from the base of the plant at the ground surface level.

(3) "Dead tree." Any tree which is dead and located closer than a distance equal to or less than its own height plus ten feet from the nearest adjoining property line.

(4) "Motor vehicle." Any automobile or any other motor vehicle manufactured for transportation which is incapable of being self-propelled upon the public streets or which does not meet the requirements for operation on the public streets, including current licenses and registration; also, if the vehicle is not functional within thirty (30) days of notice provided hereinbelow and registered within thirty (30) days of the notice provided hereinbelow, it will be considered a motor vehicle subject to the terms of this chapter.

The following motor vehicles shall be specifically exempted from this definition:

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

(a) Motor vehicles in operating condition and specifically adapted or constructed for racing or operation on privately owned drag strips or race ways; and

(b) Motor vehicles retained by the owner for bona fide antique collection purposes rather than for salvage or transportation.

(5) "Abandoned or inoperable appliance." Any manufactured appliance not functional and not presently used for its manufactured purpose.

(6) "Pools of water." Any accumulation of water or other liquid which is allowed to accumulate and remain upon any premises which shall become stagnant and foul.

(7) "Maintenance of nuisance." Any act of any person or group with the city whereby the health or life of any person may be endangered, injured or impaired, or any disease may, directly or indirectly, be caused by the act, or because of the act any property may be endangered, injured or damaged, is hereby declared to be a nuisance and is unlawful. (1989 Code, § 8-101)

**13-102. Prohibited acts.** The following acts shall be prohibited:

(1) Grass and weeds. No owner of any lot, place or area within the city, or the agent of such owner, shall permit on any developed lot, place or area, or on any undeveloped lot, place or area within one hundred fifty (150) feet of any street, residential, or commercial property, any weeds or grass of a height in excess of twelve inches.

(2) Dead tree. Any dead tree as defined under § 13-101 shall be prohibited within the corporate limits of the city.

(3) Motor vehicles. It shall be unlawful to have on any premises any vehicle as defined hereinabove. Provided, however, this chapter is not applicable to the temporary storage of such defined vehicles when such storage is incidental to a related commercial business. Provided, however, that such temporary storage is limited to no more than five such vehicles at any one time. If any additional temporary storage of such vehicles is done, said vehicle shall only be allowed in an enclosed facility meeting the following screening requirements:

(a) A fence a minimum 6' high;

(b) Sight obscuring.

None of the provisions of this chapter shall apply to the following:

(i) Motor vehicles in operating condition and specifically adapted or constructed for racing or operation on privately owned drag strips or raceways; and

(ii) Motor vehicles retained by the owner for bona fide antique collection purposes rather than for salvage or transportation.

(4) Storage of abandoned appliances. Storage of any abandoned appliance as defined in § 13-101 is prohibited. Provided, however, this chapter

is not applicable to the temporary storage of such abandoned appliances when such storage is incidental to a related business.

(5) Acts of nuisance. Acts of nuisance shall include but are not expressly restricted to:

(a) The owner, occupant, or agent of any owner or occupant of lots, parcels, or areas within the city permitting the premises to become unsanitary or a fire menace by allowing any offensive or unsafe matter to grow, accumulate, or otherwise occupy and remain upon such premises.

(b) The owner, occupant, or agent of any owner or occupant of lots, parcels or areas within the city permitting pools of water to accumulate and remain upon the premises.

(c) The owner, occupant, or agent of any owner or occupant of lots parcels, or ares within the city in a residential area allowing any prohibited item as defined in § 13-101 to accumulate and remain upon the premises as a possible harborage for rats, snakes, or other vermin. (1989 Code, § 8-102)

**13-103. Enforcement.** The city police officer is hereby authorized and empowered to investigate and order the correction of any violations of the terms and conditions of this chapter. (1989 Code, § 8-103)

**13-104. Notice to correct violations.** Upon the failure of any owner to cut, trim, remove, screen, or otherwise abate any of the prohibited acts cited in § 13-102 of any of the defined conditions, it shall be the duty of the city police officer to serve a notice mailed by certified mail to the last known address of the person or persons having ownership, possession, or control over the offending premises, or such notice may be served personally to the owner of the property, or may be posted on the property on which the violation exists. Said notice shall set forth those requirements for bringing said property within the terms and conditions of this chapter and shall state that said corrective action shall be taken within fifteen (15) days from the receipt of said notice or posting. (1989 Code, § 8-104)

**13-105. Action in the event of noncompliance.** Upon the failure of any owner of lots or property which is in violation of the terms and conditions of this chapter to correct said violations within fifteen (15) days from notice thereof, the board of aldermen is authorized and directed to correct such violations as specified in this chapter and a statement of the costs thereof shall be prepared and filed with the city recorder for collection. The cost to said owner shall be billed at a designated hourly rate to be determined by the board of aldermen based upon the hourly cost of personnel and equipment used in said removal, or any actual costs for such private services which were contracted by the city, but in no case shall said charge be less than twenty-five and no/100

dollars (\$25.00). The costs and expenses incurred by the city under the provisions of this section shall be billed to the owner of said property. If said charges have not been paid by such owner within thirty (30) days after the date of billing, then the provisions of § 13-106 shall apply. (1989 Code, § 8-105)

**13-106. Collection of unpaid costs.** Where the full amount due the city is not paid by such owner within thirty (30) days after billing for the work required under the provisions of this section, then and in that case, the city recorder shall cause to be recorded in the Register's Office of Henry County, Tennessee, a sworn statement showing the costs and expenses incurred by the city or the costs and expenses incurred on behalf of the city, for the work, the date on which said work was done, and the property on which said work was done. The recordation of such sworn statement shall constitute a lien and privilege on the property, and shall remain in full force and effect for the amount due, plus court costs, attorney's fees, and any other costs of collection, until final payment has been made; said costs and expenses shall be collected in the manner fixed by law for the collection of taxes and, further, shall be subject to a delinquent penalty of eighteen percent (18%) per annum in the event same is not paid in full on or before the date the tax bill on said property is due and payable; sworn statements recorded in accordance with the provisions hereof shall be prima facie with the evidence that all legal formalities have been complied with and that the work has been done properly and satisfactorily, and shall be full notice to every person concerned that the amount of this statement, plus delinquent penalty and other costs and expenses, constitute a charge against the property designated or described in the statement, and that the same is due and collectible as provided by law, when placed in the hands of the city attorney for collection. (1989 Code, § 8-106)

**CHAPTER 2****JUNKYARDS****SECTION**

## 13-201. Junkyards.

**13-201. Junkyards.**<sup>1</sup> 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. (1989 Code, § 8-501)

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<sup>1</sup>State 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<sup>1</sup>

#### SECTION

- 13-301. Findings of board.
- 13-302. Definitions.
- 13-303. "Public officer" designated; powers.
- 13-304. Initiation of proceedings; hearings.
- 13-305. Orders to owners of unfit structures.
- 13-306. When public officer may repair, etc.
- 13-307. When public officer may remove or demolish.
- 13-308. Lien for expenses; sale of salvage materials; other powers not limited.
- 13-309. Basis for a finding of unfitness.
- 13-310. Service of complaints or orders.
- 13-311. Enjoining enforcement of orders.
- 13-312. Additional powers of public officer.
- 13-313. Powers conferred are supplemental.

**13-301. Findings of board.** Pursuant to Tennessee Code Annotated, § 13-21-101, *et seq.*, the board of mayor and aldermen 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 unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city. (1989 Code, § 4-101)

**13-302. Definitions.** (1) "Governing body" shall mean the board of mayor and aldermen charged with governing the city.

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

(3) "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.

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

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<sup>1</sup>State law reference

Tennessee Code Annotated, title 13, chapter 21.

(5) "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.

(6) "Structures" shall mean any building or structure, or part thereof, used for human occupation or use and intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. (1989 Code, § 4-102)

**13-303. "Public officer" designated; powers.** There is hereby designated and appointed a "public officer," to be the mayor of the city, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the mayor. (1989 Code, § 4-103)

**13-304. 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 city 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 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 board of mayor and aldermen 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 board of mayor and aldermen. (1989 Code, § 4-104)

**13-305. Orders to owners of unfit structures.** If, after such notice and hearing as provided for in the preceding section, the board of mayor and aldermen determines that the structure under consideration is unfit for human occupation or use, the public officer 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 occupation or use or to vacate and close the structure for human occupation 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. (1989 Code, § 4-105)

**13-306. 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 occupation or use; the use or occupation of this building for human occupation or use is prohibited and unlawful." (1989 Code, § 4-106)

**13-307. 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. (1989 Code, § 4-107)

**13-308. 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 be a lien against the real property upon which such costs were incurred. 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 Henry 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 to the person found to be entitled thereto by final order or decree of such court, provided, however, that nothing in this section shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceedings or as otherwise may be provided by the charter or ordinances of the city. (1989 Code, § 4-108)

**13-309. 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 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; or uncleanliness. (1989 Code, § 4-109)



**13-310. 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 persons are 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 city. In addition, a copy of such complaint or order shall be posted in a conspicuous place on 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 Henry County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (1989 Code, § 4-110)

**13-311. Enjoining enforcement of orders.** Any person affected by an order issued by the public officer served pursuant to this chapter may file a bill 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. (1989 Code, § 4-111)

**13-312. 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 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 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. (1989 Code, § 4-112)

**13-313. 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. (1989 Code, § 4-113)

## CHAPTER 4

### JUNKED VEHICLES

#### SECTION

- 13-401. Definitions.
- 13-402. Violations a civil offense.
- 13-403. Exceptions.
- 13-404. Enforcement.
- 13-405. Penalty for violations.

**13-401. Definitions.** For the purpose of the interpretation and application of this chapter, the following words and phrases shall have the indicated meanings:

(1) "Person" shall mean any natural person, or any firm, partnership, association, corporation or other organization of any kind and description.

(2) "Private property" shall include all property that is not public property, regardless of how the property is zoned or used.

(3) "Sight obscuring fence" shall mean a fence approved by the Puryear Board of Mayor and Aldermen and which is a continuous, opaque, unperforated barrier extending from the surface of the ground to a uniform height of not less than six feet (6') from the ground at any given point, constructed dirt, wood, stone, steel, or other metal or any substance of a similar nature and strength.

(4) "Traveled portion of any public street or highway" shall mean the width of the street from curb to curb, or where there are no curbs, the entire width of the paved portion of the street, or where the street is unpaved, the entire width of the street which vehicles ordinarily use for travel.

(5) "Vehicle" shall mean any airplane, farm machinery or implements, and machines propelled by power other than human power, designed to travel along the ground by the use of wheels, treads, self-laying tracks, runners, slides or skids, including but not limited to automobiles, trucks, motorcycles, motor scooters, go-carts, campers, recreation vehicles, tractors, trailers, semi tractor-trailers, buggies, wagons, and earth-moving equipment, and any part of the same.

(a) "Junk vehicle" shall mean a vehicle of any age that is damaged or defective in any one (1) or combination of any of the following ways that either makes the vehicle immediately inoperable, or would prohibit the vehicle from being operated in a reasonably safe manner upon the public streets and highways under its own power if self-propelled, or while being towed or pushed, if not self-propelled:

(i) Flat tires, missing tires, missing wheels, or missing or partially or totally disassembled tires and wheels.

(ii) Missing or partially or totally disassembled essential part or parts of the vehicle's drive train, including, but not limited

to, engine, transmission, transaxle, drive shaft, differential, or axle.

(iii) Extensive exterior body damage or missing or partially or totally disassembled essential body parts, including, but not limited to, fenders, doors, engine hood, bumper or bumpers, windshield, or windows.

(iv) Missing or partially or totally disassembled essential interior parts, including, but not limited to, driver's seat, steering wheel, instrument panel, clutch, brake, or gear shift lever.

(v) Missing or partially or totally disassembled parts essential to the starting or running of the vehicle under its own power, including, but not limited to, starter, generator or alternator, battery, distributor, gas tank, carburetor or fuel injection system, spark plugs, or radiator.

(vi) Interior is a container for metal, glass, paper, rags or other cloth, wood, auto parts, machinery, waste or discarded materials in such quantity, quality and arrangement that a driver cannot be properly seated in the vehicle.

(vii) Lying on the ground (upside down, on its side, or at other extreme angle), sitting on block or suspended in the air by any other method.

(viii) General environment in which the vehicle sits, including, but not limited to, vegetation that has grown up around, in or through the vehicle, the collection of pools of water in the vehicle, and the accumulation of other garbage or debris around the vehicle.

(b) Mere licensing of such a vehicle shall not constitute a defense to the finding that the vehicle is a junk vehicle. (as added by Ord. #48-05, Sept. 2005)

**13-402. Violations a civil offense.** It shall be unlawful and a civil offense for any person:

(1) To park and or in any other manner place and leave unattended on the traveled portion of any public street or highway a junk vehicle for any period of time, even if the owner or operator of the vehicle did not intend to permanently desert or forsake the vehicle.

(2) To park or in any other manner place and leave unattended on the untraveled portion of any street or highway, or upon any other public property, a junk vehicle for more than forty-eight (48) continuous hours, even if the owner or operator of the vehicle did not intend to permanently desert or forsake the vehicle.

(3) To temporarily park, store, keep, maintain on private property a junk vehicle for more than thirty (30) days. (as added by Ord. #48-05, Sept. 2005)

**13-403. Exceptions.** (1) It shall be permissible for a person to park, store, keep and maintain a junked vehicle, race car, or an antique vehicle on private property under the following conditions:

(a) The junk vehicle, race car, or antique vehicle is completely enclosed within a building where neither the vehicle nor any part of it is visible from the street or from any other abutting property. However, this exception shall not exempt the owner or person in possession of the property from any zoning, building, housing, property maintenance, and other regulations governing the building in which such vehicle is enclosed; and/or

(b) The junk vehicle, race car, or antique vehicle is hidden from adjoining property, including public streets and alleys, by a sight-obscuring fence of at least six feet (6') in height.

(2) No person shall park, store, keep and maintain on private property a junk vehicle for any period of time if it poses an immediate threat to the health and safety of citizens of the city. (as added by Ord. #48-05, Sept. 2005)

**13-404. Enforcement.** Pursuant to Tennessee Code Annotated, § 7-63-101, the Puryear Police Department is authorized to issue ordinance summons for violations of this chapter on private property. The police department shall upon the complaint of any citizen, or acting on its own initiative, investigate complaints of junked vehicles on private property. If after such investigation the police department finds a junked vehicle on private property, it shall issue an ordinance summons. The ordinance summons shall be served upon the owner or owners of the property, or upon the person or persons apparently in lawful possession of the property, and shall give notice to the same to appear answer the charges against him or them. If the offender refuses to sign the agreement to appear, the police department may:

(1) Request the city judge to issue a summons; or

(2) Request a police officer to witness the violation.

The police officer who witnesses the violation may issue the offender a citation in lieu of arrest as authorized by Tennessee Code Annotated, § 7-63-101, et. seq., or if the offender refuses to sign the citation, may arrest the offender for failure to sign the citation in lieu of arrest. (as added by Ord. #48-05, Sept. 2005)

**13-405. Penalty for violation.** Any person violating this chapter shall be subject to a civil penalty of fifty dollars (\$50.00) plus court costs for each separate violation of this chapter. Each day the violation of this chapter continues shall constitute a separate violation. (as added by Ord. #48-05, Sept. 2005)