

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. JUNKYARDS.
3. INOPERATIVE VEHICLES.
4. SLUM CLEARANCE.
5. STORAGE/REMOVAL OF HOUSEHOLD GOODS AND EQUIPMENT, ETC.

CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Health officer.
- 13-102. Smoke, soot, cinders, etc.
- 13-103. Stagnant water.
- 13-104. Weeds.
- 13-105. Dead animals.
- 13-106. Health and safety nuisances.
- 13-107. House trailers.
- 13-108. Littering.

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. (1977 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. (1977 Code, § 8-105)

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 effectively to prevent the breeding of mosquitoes. (1977 Code, § 8-106)

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 chief of police to cut such vegetation when it has reached a height of over one (1) foot. (1977 Code, § 8-107)

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. (1977 Code, § 8-108)

13-106. Health and safety nuisances. Whenever the board of mayor and aldermen shall by any means have knowledge or receive notice of the existence of any unhealthy, unsanitary, unsafe, dangerous, hazardous, obnoxious, or offensive condition, structure, or situation in connection with or in relation to any building, structure, fixture, land, lot, property, or other thing whatsoever owned, operated, controlled, or managed by any person in the town, the board may, by proper resolution, declare the existence or continuance of such condition, structure, or situation adversely affecting the public health, safety, welfare, or happiness to be a nuisance and give notice thereof to all persons interested in such resolution. The board may, by the same or other and different resolutions, direct the persons, whether one or more, owning, operating, controlling, or managing the building, structure, fixture, land, lot, property, or other thing in connection with or in relation to which such nuisance exists or is maintained, within such reasonable time as may be prescribed in such resolution, to remedy the unhealthy, unsanitary, unsafe, dangerous, hazardous, noisy, obnoxious, or offensive condition, structure, or situation so as fully to abate the nuisance so declared by resolution. The reasonable time mentioned in this section shall be of such duration as will afford the person against whom it is directed a reasonable opportunity to be heard with reference to the same, but the decision of the board of mayor and aldermen on such hearing shall not be reviewable, except where arbitrary and capricious.

Without limitation of the generality of the foregoing, this section is intended to apply to any unhealthy, unsanitary, unsafe, dangerous, hazardous, noisy, obnoxious, or offensive condition or situation existing in, or in connection with, any such building, structure, fixture, lot, land, property, or other thing on, in, above, over, under, or near any public street, road, alley, pavement, sidewalk, or other public place; to any awning or marquee similar to those usually or customarily placed above the pavement in front of store buildings and other public buildings; and to any condition or situation arising in connection with any manufacturing business or establishment.

The enumeration in this section of certain unhealthy, unsanitary, unsafe, dangerous, hazardous, noisy, obnoxious, or offensive conditions or situations shall not be held or construed to exclude others within the meaning of the

general terms of this section nor in anywise to limit the full application of the general terms hereof.

It shall be a misdemeanor for any person to fail to comply with any resolution directing the remedying of any unhealthy, unsanitary, unsafe, dangerous, hazardous, noisy, obnoxious, or offensive condition.

Upon the failure of any person to comply, within the time specified, with each and every resolution directing the remedying of any unhealthy, unsanitary, unsafe, dangerous, hazardous, noisy, obnoxious, or offensive condition or situation, the board of mayor and aldermen may itself abate such nuisance at the expense of such person without further notice, the sum so expended to be recovered by suit.

Any person who violates or fails to comply with any provision of this section shall be guilty of a misdemeanor. (1977 Code, § 8-109)

13-107. 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 and unless a permit therefor shall have been first duly issued by the building official, as provided for in the building code. (1977 Code, § 8-104)

13-108. Littering.¹ It shall be unlawful to discard, toss, throw, dump, or otherwise dispose of, from a motor vehicle or otherwise, cans, bottles, trash, food, garbage, paper, junk, or any other refuse, upon the right of way of a highway or public road, or upon private property without the permission of the owner of such property, or in public parks and play grounds except in refuse containers provided therefor. (1977 Code, § 8-112)

¹Municipal code reference

Littering streets, alleys, or sidewalks: § 16-107.

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. (1977 Code, § 8-111)

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**INOPERATIVE VEHICLES****SECTION**

13-301. Vehicles prohibited on property, streets, or alleys.

13-302. Violation and penalty.

13-301. Vehicles prohibited on property, streets, or alleys. It shall be unlawful for any corporation, partnership, or individual or individuals to have upon the public street, alley, or private property in the Town of Woodbury, Tennessee any vehicle which is inoperative or unregistered for a period longer than thirty (30) days. (Ord. #267, May 1996)

13-302. Violation and penalty. Any violation of this chapter shall subject the violator to a fine of up to five hundred dollars (\$500.00) for each day the violation continues. (Ord. #267, May 1996)

CHAPTER 4

SLUM CLEARANCE

SECTION

- 13-401. Findings of board.
- 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 public officer may repair, etc.
- 13-407. When public officer 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 orders.
- 13-412. Additional power of public officer.
- 13-413. Powers conferred are supplemental.
- 13-414. Structures unfit for human habitation or use deemed unlawful.

13-401. 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 or use 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, and safety, or otherwise inimical to the welfare of the residents of the city. (as added by Ord. #343, Jan. 2003)

13-402. Definitions. (1) "Dwelling" means any building or structure, or part thereof, used and occupied for human occupation or use or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

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

(3) "Municipality" shall mean the Town of Woodbury, Tennessee, and the areas encompassed within existing town limits or as hereafter annexed.

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

(5) "Parties in interest" shall mean all individuals, associations, corporations and other who have interests of record in a dwelling and any who are in possession thereof.

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

(7) "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.

(8) "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.

(9) "Structure" means any dwelling or place of public accommodation or vacant building or structure suitable as a dwelling or place of public accommodation. (as added by Ord. #343, Jan. 2003)

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. (as added by Ord. #343, Jan. 2003)

13-404. 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 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. (as added by Ord. #343, Jan. 2003)

13-405. 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 occupation 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, within 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. (as added by Ord. #343, Jan. 2003)

13-406. 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." (as added by Ord. #343, Jan. 2003)

13-407. 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. (as added by Ord. #343, Jan. 2003)

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 public officer shall be assessed against the owner of the property, and shall upon the filing of the notice with the office of the Register of Deeds of Cannon 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 collected by the municipal tax collector or county trustee 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. In addition, the town may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The town may bring one (1) action for debt against more than one or all of the owners of properties against whom said costs have been assessed and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a misjoinder of parties. 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 Cannon 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. Nothing in this section shall be construed to impair or limit in any way the power of the city of to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (as added by Ord. #343, Jan. 2003)

13-409. 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 or use if he finds that conditions exist in such structure which are dangerous or injurious to the health and/or safety of the occupants or users of such structure, the occupants or users of neighboring structures or other residents of the Town of Woodbury. 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. (as added by Ord. #343, Jan. 2003)

13-410. 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 Cannon County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (as added by Ord. #343, Jan. 2003)

13-411. 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 bill 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. (as added by Ord. #343, Jan. 2003)

13-412. 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 and in compliance with legal requirements for gaining entry;
- (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. (as added by Ord. #343, Jan. 2003)

13-413. 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. (as added by Ord. #343, Jan. 2003)

13-414. Structures unfit for human habitation or use 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 or use 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 and safety, or otherwise inimical to the welfare of the residents of the city. Violations of this section shall subject the offender to a penalty of fifty dollars (\$50.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (as added by Ord. #343, Jan. 2003)

CHAPTER 5

STORAGE/DISPOSAL OF HOUSEHOLD GOODS AND EQUIPMENT, ETC.

SECTION

13-501. Definitions.

13-502. Heavy appliance stored in public view deemed a nuisance.

13-503. Removal of heavy appliances, costs of removal.

13-504. Storage of household goods and equipment, etc. prohibited unless enclosed.

13-501. Definitions. "Screened from ordinary public view" shall mean in a manner which does not constitute a health hazard, attract children, rodents, or pests, and is located away from public view, or screened from ordinary public view, by means of a suitable fence, trees, shrubbery, opaque covering or other appropriate means. (as added by Ord. #341, Nov. 2002)

13-502. Heavy appliance stored in public view deemed a nuisance. No person shall permit any heavy appliance, such as stove, dishwasher, bathtub, refrigerator or other airtight container, washing machine, clothes dryer, or other similar appliance, to be placed or remain out of doors and not screened from public view for any period longer than one day. Abandoned airtight containers or heavy appliances kept contrary to the provision of this section are deemed a nuisance and the city may abate the same by serving notice upon any owner, tenant or lessee of the premises. If the container or heavy appliance is not removed within five (5) days of notice, the city may remove and dispose of the container or heavy appliance at said owner's expense. Such abatement may be had in addition to criminal prosecution for any violation of this section. (as added by Ord. #341, Nov. 2002)

13-503. Removal of heavy appliances, costs of removal. (1) The chief of police or building inspector, upon determining that a violation of this chapter exists, shall notify the owner, tenant or lessee of the property upon which the violation exists of the violation, by sending written notice to the last known address of the owner as shown on the records of the county assessor or by personal delivery of the notice to the owner, tenant or lessee of the property.

(2) The notice shall contain the request for removal within one day for a heavy appliance or airtight container, and the notice shall advise that upon failure to comply with the notice to remove, the city or its designee shall undertake such removal with the cost of removal to be levied against the owner or occupant of the property.

(3) If within five days after notice has been given, the violation continues, the chief of police or the building inspector will cause the offending,

heavy appliance or airtight container or vehicle to be removed at the property owner's, tenant's or lessee's expense.

(4) Liability of owner or occupant. Upon the failure of the owner or occupant of property on which heavy appliances or airtight containers have been removed by the city to pay the unrecovered expenses incurred by the city in such removal, a lien shall be placed upon the real property for the amount of such expenses. (as added by Ord. #341, Nov. 2002)

13-504. Storage of household goods and equipment, etc. prohibited unless enclosed. No person, whether he be owner, tenant, occupant, lessee or otherwise of any private property or premises shall place, allow, discard, maintain, park, store or permit to be placed, allowed, discarded, maintained, parked or stored upon said property or premises for a period of time exceeding forty eight (48) hours any dismantled, abandoned, nonoperating, junked, damaged or destroyed household goods and equipment, motor vehicles, machinery or miscellaneous property as herein defined; provided, however, that the provisions of this subsection shall not apply to any property or premises where said household goods and equipment, motor vehicles, machinery or miscellaneous property is housed within an enclosed building thereon or to any property or premises lawfully operated as a business where the same is a part of said business enterprise and necessary to the operation of said business on said property or premises if kept within an area completely enclosed by a screening fence so that the property enclosed is not visible to the public and to neighboring property owners. (as added by Ord. #342, Nov. 2002)