

## TITLE 13

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

#### CHAPTER

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2. JUNKYARDS.
3. WEEDS, RINK GRASS AND NOXIOUS GROWTH.
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#### CHAPTER 1

#### MISCELLANEOUS

##### SECTION

- 13-101. Health officer.
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**13-101. Health officer.** The Director of the Memphis and Shelby County Health Department, his designees and assigns, is hereby designated and empowered as the Health Officer for Arlington, Tennessee and pursuant to the terms of this code is granted authority within Arlington, Tennessee, and its jurisdictional limits to enforce the health regulations of Arlington, Tennessee, including, but not limited to, the provisions of this code, and whenever the term "health officer" is used in this code, it is intended to refer to the said director. (1994 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, and unless a permit therefor shall have been first duly

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<sup>1</sup>Municipal code references  
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issued by the building official, as provided for in the building code. (1994 Code, § 8-103)

**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. (1994 Code, § 8-104)

**13-104. 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. (1994 Code, § 8-106)

**13-105. Health and sanitation nuisances.** It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity. (1994 Code, § 8-107)

**13-106. Abatement of nuisances and other conditions.** It shall be the duty of the health department, through the health officer, engineers, assistants, environmentalists or other employees, to serve notice in writing upon which any nuisance or violation of the chapter, or regulations or order of the health department may be found, or upon the person maintaining any nuisance, or aiding therein, requiring him to abate or correct the same in such manner as the health department shall prescribe, within a reasonable time. It shall not be necessary in any case for the health officer to specify in his notice the manner in which a nuisance shall be abated unless he shall deem it advisable to do so. Such notice may be given or served by engineers, assistants, environmentalists or other employees of the health department, as well as by the health officer. If the person to whom such notice is lawfully directed fails, neglects, or refuses to comply with the requirements of such order, within the time specified after written notice has been served, he shall be guilty of a misdemeanor, and each day's violation shall constitute a separate offense. Upon the failure of such person to comply with such requirements, it shall be the duty of the department of health, whenever public necessity requires it, to proceed at once, upon the expiration of the time specified in such notice, to appeal to the courts and cause such nuisance to be abated.

Whenever the owner, occupant, or agent of any premises or person maintaining or aiding in the maintenance of a nuisance is unknown or cannot

be found, the department of health shall proceed in cases of emergency relief to abate the nuisance without notice.

In the event any nuisance is abated by the department of health, it shall keep an itemized account thereof and shall certify a bill thereof to the town attorney, whose duty it shall be to collect the same according to law. (1994 Code, § 8-108)

**13-107. Right of entry of health department personnel.** Upon formal complaint, and for the purpose of carrying out the requirements of this chapter and other laws and ordinances relating to public health and sanitation, and the regulations of the health department, the health officer and his authorized representatives, including engineers, assistants, environmentalists and other employees, shall be permitted at all reasonable times to enter into any manufacturing plant, business or other building, both commercial and residential, and all lots, grounds, and premises, in order to examine thoroughly any item in relation to public health and sanitation and other conditions thereon and therein. (1994 Code, § 8-109)

**13-108. Inoperative vehicles on or adjacent to residential property.** No person shall park, store or leave or permit the parking, storing or leaving of any inoperable motor vehicle upon any residential lot or on any street adjacent to the lot for a period in excess of thirty (30) days unless such vehicle is completely enclosed within a building or unless such vehicle is so stored or parked on such property in connection with a duly licensed business or commercial enterprise operated and conducted pursuant to law when such parking or storing of vehicles is necessary to the operation of the business or commercial enterprise.

Inoperable motor vehicle shall mean a motor vehicle which is wrecked, junked, without one (1) or more wheels or inflated tires, burned throughout, immobilized, partially dismantled, incapable of moving under its own power or otherwise incapable of being operated. (Ord. #1997-11, Sept. 1997)

## CHAPTER 2

### JUNKYARDS<sup>1</sup>

#### SECTION

- 13-201. Definitions.
- 13-202. Junkyards screening.
- 13-203. Screening methods.
- 13-204. Requirements for effective screening.
- 13-205. Maintenance of screens.
- 13-206. Utilization of highway right-of-way.
- 13-207. Non-conforming junkyards.
- 13-208. Permits and fees.

**13-201. Definitions.** (1) "Junk" shall mean old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles, trucks, vehicles of all kinds, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

(2) "Junkyard" shall mean an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. This definition includes scrap metal processors, used auto parts yards, yards providing temporary storage of automobile bodies or parts awaiting disposal as a normal part of the business operation when the business will continually have like materials located on the premises, garbage dumps, sanitary landfills, and recycling centers.

(3) "Recycling center" means an establishment, place of business, facility or building which is maintained, operated, or used for the storing, keeping, buying, or selling of newspaper or used food or beverage containers or plastic containers for the purpose of converting such items into a usable product.

(4) "Person" means any individual, firm, agency, company, association, partnership, business trust, joint stock company, body politic, or corporation.

(5) "Screening" means the use of plantings, fencing, natural objects, and other appropriate means which screen any deposit of junk so that the junk is not visible from the highways and streets of the town. (1994 Code, § 8-701)

**13-202. Junkyards screening.** Every junkyard shall be screened or otherwise removed from view by its owner or operator in such a manner as to bring the junkyard into compliance with this code. (1994 Code, § 8-702)

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<sup>1</sup>Municipal code reference

Inoperative vehicles on residential property: § 13-108.

**13-203. Screening methods.** The following methods and materials for screening are given for consideration only:

(1) Landscape planting. The planting of trees, shrubs, etc., of sufficient size and density to provide a year-round effective screen. Plants of the evergreen variety are recommended.

(2) Earth grading. The construction of earth mounds which are graded, shaped, and planted to a natural appearance.

(3) Architectural barriers. The utilization of:

(a) Panel fences made of metal, plastic, fiberglass, or plywood.

(b) Wood fences of vertical or horizontal boards using durable woods such as western cedar or redwood or others treated with a preservative.

(c) Walls of masonry, including plain or ornamented concrete block, brick, stone, or other suitable materials.

(4) Natural objects. Naturally occurring rock outcrops, woods, earth mounds, etc., may be utilized for screening or used in conjunction with fences, plantings, or other appropriate objects to form an effective screen. (1994 Code, § 8-703)

**13-204. Requirements for effective screening.** Screening may be accomplished using natural objects, earth mounds, landscape plantings, fences, or other appropriate materials used singly or in combination as approved by the town. The effect of the completed screening must be the concealment of the junkyard from view on a year-round basis.

(1) Screens which provide a "see-through" effect when viewed from a moving vehicle shall not be acceptable.

(2) Open entrances through which junk materials are visible from the main traveled way shall not be permitted except where entrance gates, capable of concealing the junk materials when closed, have been installed. Entrance gates must remain closed from sundown to sunrise.

(3) Screening shall be located on private property and not on any part of the highway right-of-way.

(4) At no time after the screen is established shall junk be stacked or placed high enough to be visible above the screen nor shall junk be placed outside of the screened area. (1994 Code, § 8-704)

**13-205. Maintenance of screens.** The owner or operator of the junkyard shall be responsible for maintaining the screen in good repair to insure the continuous concealment of the junkyard. Damaged or dilapidated screens, including dead or diseased plantings, which permit a view of the junk within shall render the junkyard visible and shall be in violation of this code and shall be replaced as required by the town.

If not replaced within sixty (60) days the Town of Arlington shall replace said screening and shall require payment upon demand. Failure to pay in full

shall result in the fee plus interest to be assessed to the property and shall be combined with the subsequent taxation of the property by the Town of Arlington. (1995 Code, § 8-705)

**13-206. Utilization of highway right-of-way.** The utilization of highway right-of-way for operating or maintaining any portion of a junkyard is prohibited; this shall include temporary use for the storage of junk pending disposition. (1994 Code, § 8-706)

**13-207. Non-conforming junkyards.** Those junkyards within the Town of Arlington and lawfully in existence prior to the enactment of this code, which do not conform with the provisions of the code shall be considered as "non-conforming". Such junkyards may be subject to the following conditions, any violation of which shall terminate the non-conforming status:

- (1) The junkyard must continue to be lawfully maintained.
- (2) There must be existing property rights in the junk or junkyard.
- (3) Abandoned junkyards shall no longer be lawful.
- (4) The location of the junkyard may not be changed for any reason.

If the location is changed, the junkyard shall be treated as a new establishment at a new location and shall conform to the laws of the Town of Arlington.

- (5) The junkyard may not be extended or enlarged. (1994 Code, § 8-707)

**13-208. Permits and fees.** It shall be unlawful for any junkyard located within the Town of Arlington to operate with out a "Junkyard Control Permit" issued by the Town of Arlington.

- (1) Permits shall be valid for the fiscal year for which issued and shall be subject to renewal each year. The Town of Arlington's fiscal year begins on July 1 and ends on June 30.

(2) Each application for an original or renewal permit shall be accompanied by a fee of fifty dollars (\$50.00) which is not subject to either proration or refund.

(3) All applications for an original or renewal permit shall be made on a form prescribed by the Town of Arlington.

(4) Permits shall be issued only to those junkyards that are in compliance with these rules.

(5) A permit is valid only while held by the permittee and for the location for which it is issued. (1994 Code, § 8-708)

## CHAPTER 3

### WEEDS, RINK GRASS AND NOXIOUS GROWTH

#### SECTION

- 13-301. Brush and weed control.
- 13-302. Duty of property owner to cut.
- 13-303. Maximum height allowed for grass, weeds, and noxious growths.
- 13-304. Notice to property owner to cut.
- 13-305. Cutting by town.
- 13-306. Penalty for violation of brush and weed control.

**13-301. Brush and weed control.** Weeds and noxious growth, as referred to in this chapter shall not be interpreted to require the property owner to cut down trees, shrubs or crops, on his property. Crops being defined as any product being raised for sale or for the feeding of livestock such as corm, cotton, hay or other marketable products. Weeds and noxious growth shall, however, include trees and shrubbery that overhang either streets or walkways abutting the town's streets, so as to branch passing vehicles or pedestrians. (Ord. #2002-04, July 2002)

**13-302. Duty of property owner to cut.** The owners of all lands or lots in the town shall keep all weeds, rank grass and noxious growths of my kind upon such property cut or clipped. (Ord. #2002-04, July 2002)

**13-303. Maximum height allowed for grass, weeds, and noxious growths.** All portions of land, whether improved or unimproved, within the town shall be kept, cut, clipped or controlled through chemical means as frequently as necessary to ensure that weeds, grass, and noxious growths do not exceed a height of one (1) foot if located in an undeveloped area, or a height of one-half (½) foot if located within a developed area, except for those parcels containing five (5) acres or more land area. Parcels of land that have been officially designated as a "natural" area by the federal, state, or local government are exempt from this section. Grass shall be cut a minimum of three (3) times per growing season. A "developed" area shall refer to a platted subdivision or lot of record.

Parcels containing five (5) acres or more land area that fronts a public street or roadway or adjoins a developed area shall be cleared of all weeds, tall grass and other noxious vegetation within one hundred (100) feet of the property line adjoining the developed area and within one hundred (100) feet of the pavement edge of any street or roadway adjoining the subject parcel to and including the right-of-way to the pavement edge. Excluded herefrom are natural wooded areas containing trees on the subject property. The property owner shall be responsible for mowing pass and noxious vegetation only to the edge of the

trees on said property including areas along adjoining developed areas or public right-of-ways. (Ord. #2002-04, July 2002)

**13-304. Notice to property owner to cut.** Upon the failure of any owner of property within the town to cut, or have cut, weeds, rank grass or noxious growth, it shall be the duty of the public works department to serve a notice on the owner of such property to cut or have cut, within ten (10) days of the serving of such notice, all weeds, grass or noxious growth upon his property. Such notice may be served personally on the owner of the property, may be mailed to the last known address of such owner by registered or certified mail or may be posted on the property on which such weeds, grass or noxious growths exist. (Ord. #2002-04, July 2002)

**13-305. Cutting by town.** (1) Upon the failure of any owner of lots or lands in the town to cut or cause to be cut, weeds, grass or noxious growths upon the property described in the notice mentioned in § 13-304 within ten (10) days thereof: the public works department is authorized and directed to have such weeds, grass and noxious growth cut, and a statement of the cost thereof shall be filed with the finance director. Work performed under this section by the town may be accomplished by cutting or by chemical control, and with town forces or by retention of services from a private contract to perform on the town's behalf in accordance with the town's contracting and purchasing procedures. If the violation is not corrected within the time specified herein, the town will correct the violation and record a notice of lien against the property for all costs incurred. The charge is the cost to cut the lot plus a one hundred dollar (\$100.00) town administration fee.

(2) There shall be recorded a notice of lien for the cost incurred by the town as set out hereinabove; a copy of the notice of the lien shall be recorded in the county register's office, and a certified copy of same forwarded to the last known address of the owner of the property. This lien shall affix to the parcel of real estate immediately and shall be perfected by a suit in the chancery court of the county, within twelve (12) months from the filing of the notice of lien in the register's office and enforcement of the lien shall follow the provisions of Tennessee Code Annotated, §§ 66-11-101 et seq.

(3) Upon receipt of the statement of costs of cutting weeds or chemical control of grass or noxious growths pursuant to this section, the finance director may transmit a true copy thereof to the town attorney, who shall forthwith institute suit or take such other proceedings as may be necessary to enforce the lien on such property. The costs of said suit including but not limited to attorney's fees shall be taxed to property owner.

(4) All uncollected costs for cutting or chemical control of weeds, grass or noxious growths for the current year shall be certified to the finance director on or before December thirty-first (31st) of each year. It shall be the duty of the finance director to collect, as a special tax, the amount so certified at the time

town taxes levied against properties on which the cutting or chemical control was done for the next succeeding year are noxious growths pursuant to this section, is hereby declared to be a special tax to be collected as general taxes levied by the town. (Ord. #2002-04, July 2002)

**13-306. Penalty for violation of brush and weed control.** Any person who violates any section of this chapter shall upon conviction thereof be punished by a fine of not more than fifty dollars (\$50.00) and each day said violation continues shall be considered a separate offense. (Ord. #2002-04, July 2002)

## CHAPTER 4

### RESIDENTIAL ANTI-NEGLECT ORDINANCE

#### SECTION

- 13-401. Purpose.
- 13-402. Penalty for violation.
- 13-403. Associates may act for the town or town superintendent.
- 13-404. Resisting and interfering with town employees.
- 13-405. Occupant to give owner access to premises.
- 13-406. Report to city attorney, or his designee, of failure to comply with orders or removal of notices under chapter.
- 13-407. Changes required by chapter to be made in accord with building code.
- 13-408. Chapter does not permit zoning violations.
- 13-409. Chapter does not abolish or impair other remedies.
- 13-410. Defacing or removing placards or notices posted under chapter.
- 13-411. Renting or occupying unfit dwelling.
- 13-412. Failure to remove personal property.
- 13-413. Appeals from orders under chapter.
- 13-414. Dangerous structures; defined.
- 13-415. Dangerous structures declared a public nuisance.
- 13-416. Closing of adjacent streets and sidewalks.
- 13-417. Standards for ordering repair, vacation or demolition.
- 13-418. Notice to correct dangerous structures.
- 13-419. Exterior to be maintained in clean and sanitary condition.
- 13-420. Accumulations of stagnant water, erosion.
- 13-421. Extermination of insects, rodents, etc.
- 13-422. Maintenance of accessory structures.
- 13-423. Garbage cans.
- 13-424. Parking regulations.
- 13-425. Failure to comply with order issued pursuant to this chapter.

**13-401. Purpose.** The purpose of this chapter is to protect the public health, safety and welfare in buildings, structures, and premises as hereinafter provided by:

(1) Establishing minimum standards for basic equipment and facilities for light, ventilation, space, heating and sanitation; for safety from fire; for space, use and location; for safe and sanitary maintenance; in all dwellings and multifamily dwellings now in existence.

(2) Fixing the responsibilities of owners, operators and occupants of buildings, structures, and premises.

(3) Providing for administration, enforcement and penalties. (Ord. #2004-15, Dec. 2004)

**13-402. Penalty for violation.** It shall be unlawful for any owner, occupant, mortgagee, lessee, or any other person to violate any of the provisions of this chapter, and upon conviction thereof, shall be punished by a fine for each offense and/or any remedial action that shall be deemed necessary pursuant to the inherent power of the court. Each day a violation continues after a service of notice specifying a compliance date shall be deemed a separate offense. (Ord. #2004-15, Dec. 2004)

**13-403. Associates may act for the town or town superintendent.** Any duty or act required of or authorized to be done by the town or town superintendent may be performed by one of his assistants to whom the town superintendent may delegate such powers, subject to his revision and the approval of the director of public service and neighborhoods. (Ord. #2004-15, Dec. 2004)

**13-404. Resisting and interfering with town employees.** It shall be unlawful for any person to resist or interfere with a town employee in the performance of their duties by acting in a violent and tumultuous manner toward any town employees so that such employee is placed in danger of safety of his life, limb, or health. (Ord. #2004-15, Dec. 2004)

**13-405. Occupant to give owner access to premises.** Every occupant of a building, structure, or premises shall give the owner or operator thereof, or his agent or employee, access to any part of such building, structure, or premises at reasonable times, for the purpose of making such inspections, maintenance, repairs, or alterations as are necessary to comply with the provisions of this chapter. (Ord. #2004-15, Dec. 2004)

**13-406. Report to city attorney or his designee, of failure to comply with orders or removal of notices under chapter.** The town superintendent shall report to the city attorney, or his designee, the names of all persons who shall fail to comply with any order he is obliged to issue under the provisions of this chapter, or who shall remove any official notice he is obliged to post, for such legal action as the city attorney, or his designee, may deem necessary. (Ord. #2004-15, Dec. 2004)

**13-407. Changes required by chapter to be made in accord with building code.** (1) Any alterations to buildings, structures, or premises, or changes of use therein which may be caused directly or indirectly by the enforcement chapter shall be done in accordance with applicable sections of the building code.

(2) Any owner, authorized agent or contractor who desires to alter the use of occupancy of a building, structure, or premises shall first make

application to the building official and obtain the required permit. (Ord. #2004-15, Dec. 2004)

**13-408. Chapter does not permit zoning violations.** Nothing in this chapter shall permit the establishment or conversion of a building, structure, or premises in any zone except where permitted by the zoning ordinances, nor the continuation of such nonconforming use in any zone except as provided therein. (Ord. #2004-15, Dec. 2004)

**13-409. Chapter does not abolish or impair other remedies.** Nothing in this chapter shall be deemed to abolish or impair existing remedies of the town or its officers or agencies relating to the removal of rubbish, garbage, debris, abandoned vehicles, or personal property, or the demolition of any buildings or structures which are deemed to be dangerous or unsanitary. (Ord. #2004-15, Dec. 2004)

**13-410. Defacing or removing placards or notices posted under chapter.** No person shall deface or remove any placard or notice placed on any dwelling, multifamily dwelling, building, or premises pursuant to this chapter, except by authority from the town. (Ord. #2004-15, Dec. 2004)

**13-411. Renting or occupying unfit dwelling.** No person shall knowingly rent, lease, or occupy, or permit any person to rent or occupy any dwelling, building, or premises found unfit for human occupancy or detrimental to the public health, safety, and welfare under the provisions of this chapter. (Ord. #2004-15, Dec. 2004)

**13-412. Failure to remove personal property.** It shall be unlawful for any owner of personal property to fail or refuse to comply with the orders of the town to move from the premises abandoned vehicles, appliances, vehicle parts and/or any other piece or pieces of personal property if such personal property is dangerous to the public health, safety, or welfare; or creates an unsightly condition upon such property tending to reduce the value thereof; or is a nuisance; or invites plundering; or promotes urban blight and deterioration in the community; or creates a fire hazard; or violates the zoning regulations of the town. (Ord. #2004-15, Dec. 2004)

**13-413. Appeals from orders under chapter.** Any person affected adversely by an order or ruling of the town superintendent or his designee on matters pertaining to the enforcement of this chapter, and who takes exception to such order or ruling and desires a further adjudication of the matter, may appeal to a court of competent jurisdiction. (Ord. #2004-15, Dec. 2004)

**13-414. Dangerous structures; defined.** All buildings or structures, including among others, garages, sheds, fences and similar accessory structures, which have any or all of the following defects shall be deemed "dangerous structures" and are defined as but not limited to the following:

(1) Those which by reason of inadequate maintenance, dilapidation, obsolescence or abandonment are unsafe, unsanitary or which constitute a fire hazard.

(2) Those whose exterior walls lean or buckle to such an extent that excessive bond or anchorage stresses are created.

(3) Those whose foundation members, including joists, sills, piers, rafters, studs and footings, are damaged, deteriorated, missing and are not capable of bearing imposed loads safely.

(4) Those which, by damage or deterioration of the nonsupporting outside walls or covering, including the roof and floors, are dangerous to the occupant or are detrimental to public safety and welfare.

(5) Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, morals, or the general health and welfare of the occupant or the people of the town.

(6) Those which have improperly distributed loads upon the floors or roofs in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.

(7) Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human occupancy, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein.

(8) Those which have parts thereof which are so attached or connected that they may fall or separate and injure occupants or members of the public or may damage property.

(9) Those with roof covering, which leak to such an extent as to cause plaster to fall, or which repeatedly with every rainfall, saturate chattels or the occupant or supporting members of the roof, or the electric wiring or fixtures so as to render them unsafe.

(10) Those having inadequate facilities for egress in case of fire or panic.

(11) Those having light, air, ventilation and sanitation facilities, which are inadequate to protect the health, safety or general welfare of human beings, who live or may live therein. (Ord. #2004-15, Dec. 2004)

**13-415. Dangerous structures declared a public nuisance.** All dangerous structures are hereby declared to be a public nuisance and shall be condemned and vacated, repaired or demolished, as provided in this chapter. (Ord. #2004-15, Dec. 2004)

**13-416. Closing of adjacent streets and sidewalks.** The town may, when necessary for the public safety, temporarily close the sidewalks and streets adjacent to a dangerous structure or part thereof, and prohibit the same from being used and the police and fire departments when called upon by the town shall enforce such orders or requirements. (Ord. #2004-15, Dec. 2004)

**13-417. Standards for ordering repair, vacation or demolition.** The following standards shall be followed in substance by the town in ordering repair, vacation or demolition of dangerous structures under this chapter:

(1) **Repairs.** (a) If an existing building is damaged by fire or otherwise in excess of fifty (50) percent of its then physical value before such damage is repaired, it shall be made to conform to the requirements of the building code of the applicable governing body for new buildings.

(b) If the cost of such alterations or repairs within any twelve (12) month period or the amount of such damage as referred to in subsection (a)(1) is more than twenty-five percent (25%) but not more than fifty percent (50%) of the then physical value of the building, the portions to be altered or repaired shall be made to conform to the requirements of the building code of the applicable governing body for new buildings to such extent as the building official may determine.

(c) Repairs and alterations, not covered by the preceding subsections of this section, restoring a building to its condition prior to damage or deterioration, or altering it in conformity with the provisions of the building code of the applicable governing body, or in such manner as will not extend or increase an existing nonconformity or hazard, may be made with the same kind of materials as those of which the building is constructed.

(2) **Vacation.** If the dangerous structure is in such condition as to make it dangerous to the health, safety or general welfare of its occupants, it shall be ordered vacated pending condemnation proceedings.

(3) **Demolition.** In any case where a dangerous structure is fifty percent (50%) damaged, decayed or deteriorated compared to its replacement value or its physical structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this chapter, it shall be demolished, in all cases where a dangerous structure is a fire hazard existing or erected in violation of the terms of this chapter or any ordinance of the town, it shall be demolished. (Ord. #2004-15, Dec. 2004)

**13-418. Notice to correct dangerous structures.** Whenever the town has declared a building or structure to be dangerous under these provisions, it shall give notice to the owner, occupant, mortgagee, lessee or any other person found to have an interest in the dangerous building or structure and placard the dwelling or multifamily dwelling as a dangerous structure. Such notice shall:

- (1) Be in writing;
- (2) Include a description of the real estate sufficient for identification;
- (3) Include a statement of the reason or reasons why it is being issued;
- (4) State the time to correct the condition which shall not exceed thirty (30) days from the date of the notice;
- (5) State the time the occupants must vacate the dwelling units. (Ord. #2004-15, Dec. 2004)

**13-419. Exterior to be maintained in clean and sanitary condition.** All exterior property areas shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage. (Ord. #2004-15, Dec. 2004)

**13-420. Accumulations of stagnant water, erosion.** (1) All premises shall be maintained so as to prevent the accumulation of stagnant water thereon, or within any building, structure, or swimming pool located thereon.  
 (2) All premises shall be graded and maintained so as to prevent soil erosion which may damage the buildings, structures, or premises. (Ord. #2004-15, Dec. 2004)

**13-421. Extermination of insects, rodents, etc.** Every owner of a building, structure, or premises shall be responsible for the extermination of insects, rodents, vermin or other pests in all exterior areas of the premises, except that the occupant shall be responsible for such extermination in the exterior areas of the premises of a single-family dwelling. Whenever infestation exists in the shared or public parts of the premises of other than a single family dwelling, extermination shall be the responsibility of the owner. (Ord. #2004-15, Dec. 2004)

**13-422. Maintenance of accessory structures.** All accessory structures, including detached garages and fences, shall be maintained structurally sound and in good repair. (Ord. #2004-15, Dec. 2004)

**13-423. Garbage cans.**<sup>1</sup> It shall be the duty of every owner, lessor, agent or property manager of any multiple dwelling, and it shall be the duty of every occupant of a single or double dwelling in the town, to provide adequate garbage receptacles as may be approved by the town and/or the solid waste contractor. (Ord. #2004-15, Dec. 2004)

**13-424. Parking regulations.** (1) No recreational vehicle, boat, motor home, truck camper, travel trailer, tent trailer, camping trailer, motorized

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<sup>1</sup>Municipal code reference  
 Refuse: title 17.

dwelling, fifth wheel, mobile home, house trailer, trailer, semitrailer, horse trailer, semitrailer, airplane glider, off-highway motor vehicle, snowmobile, sandbuggy, dune buggy, all-terrain vehicle, tractor, implement of husbandry, special mobile equipment or any other recreational/farm equipment shall be parked or stored on any part of the required front or side yard of a lot used for residential purposes, unless said lot is a corner lot that fronts upon more than one dedicated street, in such a case the parking of any of the above described vehicles shall be required to be behind the rear line of the primary residential structure upon the said corner lot.

(2) No automobiles, truck, or other vehicle which requires a current state registration license tag required to travel on public streets and highways shall be parked or stored on any part of the required front or side yard of a lot used for residential purposes other than a hard dustless surface driveway or parking pad approved by town, said driveway or parking pad shall be constructed of concrete or asphalt. On all lots on which a gravel driveway or parking pad was legally constructed prior to the enactment of this section or is allowed by other parts of the Town of Arlington Zoning and Subdivision regulations this gravel surface shall serve as a sufficient driveway or parking pad so long as it contains at least four (4) inches of gravel or rock sufficient for a road base. (Ord. #2005-19, Oct. 2005)

**13-425. Failure to comply with order issued pursuant to this chapter.** If an owner, occupant, mortgagee, lessee, or other person having an interest in any property or structure, upon whom notice is provided for in this chapter, has been served, shall fail, neglect, or refuse to comply with an order issued pursuant to this chapter, said owner, occupant, mortgagee, lessee, or other person, shall be summoned to the appropriate court to show why said order has not been complied with. (Ord. #2004-19, Dec. 2004)

## CHAPTER 5

### JUNK VEHICLES REGULATION

#### SECTION

- 13-501. Junk vehicles declared a public nuisance.
- 13-502. Definitions.
- 13-503. Violations a civil offense.
- 13-504. Exceptions.
- 13-505. Notice to remove.
- 13-506. Failure to remove declared misdemeanor.
- 13-507. Penalty for violations.

**13-501. Junk vehicles declared a public nuisance.** The accumulation and storage of junk vehicles on public and private property is hereby found to create an unsightly condition upon the property tending to reduce the value thereof, to invite plundering, to create fire and safety hazards, and to constitute an attractive nuisance creating a hazard to the health and safety of minors. The accumulation and storage of junk vehicles on public and private property is further found to promote urban blight and deterioration in the city and to violate the zoning regulations of the city in many instances, particularly where such vehicles are maintained in the required yard areas of residential property. Such junk vehicles are in the nature of rubbish, litter, and unsightly debris in violation of health and sanitation laws. Therefore, the accumulation and storage of junk vehicles on public and private property, except as expressly hereinafter permitted, is hereby declared to constitute a public nuisance which may be abated as such, which remedy shall be in addition to any other remedy provided in this code. (Ord. #2005-18, Oct. 2005)

**13-502. 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) "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.
- (4) "Vehicle" shall mean any machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, self-laying tracks, runner, slides or skids including but not limited to automobiles, trucks, motorcycles, motor scooters, go-carts, campers, tractors,

trailers, buggies, wagons, and earth-moving equipment, and any part of such machines.

(5) "Junk vehicle" shall mean a vehicle of any age that is damaged or defective in any one, or in a combination of any two or more, 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:

(a) Flat tire, missing tire, missing wheel, or missing or partially or totally disassembled tire and wheel;

(b) 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;

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

(d) 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;

(e) 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;

(f) 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;

(g) Vehicle is 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; or

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

(i) Vehicle does not have a current state registration license tag required to travel on public streets and highways conspicuously displayed on the vehicle. (Ord. #2005-18, Oct. 2005)

**13-503. 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 abandon 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 abandon the vehicle; or

(3) To park, store, keep or maintain on private property a junk vehicle for more than ten (10) days. (Ord. #2005-18, Oct. 2005)

**13-504. Exceptions.** (1) It shall be permissible for a person to park, store, keep and maintain a junk vehicle on private property under the following conditions:

(a) The junk 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 or other regulations governing the building in which such vehicle is enclosed or the property on which such building is located.

(b) The junk vehicle is parked or stored on property lawfully zoned for a business engaged in wrecking, junking or repairing vehicles. However, this exception shall not exempt the owner or operator of any such business from any other zoning, building, property maintenance and other regulations governing businesses engaged in wrecking, junking or repairing vehicles or the property on which any such business is located.

(2) No person shall park, store, keep or maintain on private property a junk vehicle for any period of time if it poses an immediate threat to the health and safety of any citizens of the city. (Ord. #2005-18, Oct. 2005)

**13-505. Notice to remove.** Whenever it shall appear that a violation of a provision of this chapter exists, the building inspector 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 the motor vehicle violates the provisions of this chapter and directing that the motor vehicle be moved to a place of lawful storage within seventy two (72) hours. Such notice shall be served upon the owner of the vehicle by leaving a copy of the notice on or within 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 the notice upon the premises. In the case of publicly owned property, notice to the owner of the property where the vehicle is found is hereby dispensed with. (Ord. #2005-18, Oct. 2005)

**13-506. Failure to remove declared misdemeanor.** The owner of any abandoned vehicle who fails, neglects or refuses to remove the vehicle or to house such vehicle and abate such nuisance in accordance with the notice given pursuant to the provisions of § 13-505 shall be guilty of a misdemeanor. (Ord. #2005-18, Oct. 2005)

**13-507. Penalty for violations.** Any person determined to be in violation of this chapter shall be subject to a civil penalty of fifty dollars (\$50.00) for each separate violation of this chapter. Each day the violation of this chapter continues shall be considered a separate violation. (Ord. #2005-18, Oct. 2005)