

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

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CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Smoke, soot, cinders, etc.
- 13-102. Stagnant water.
- 13-103. Overgrown and dirty lots.
- 13-104. Dead animals.
- 13-105. Health and sanitation nuisances.

13-101. 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. (1987 Code, § 8-101)

13-102. 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. (1987 Code, § 8-102)

13-103. Overgrown and dirty lots. (1) Prohibition. Pursuant to the authority granted to municipalities under Tennessee Code Annotated, § 6-54-113, it shall be unlawful for any owner of record of real property to create, maintain, or permit to be maintained on such property the growth of trees, vines, grass, underbrush and/or the accumulations of debris, trash, litter, or

¹Municipal code references
 Animal control: title 10.
 Littering streets, etc.: § 16-107.
 Refuse disposal: title 17.

garbage or any combination of the preceding elements so as to endanger the health, safety, or welfare of other citizens or to encourage the infestation of rats and other harmful animals.

(2) Designation of public officer or department. The board of mayor and aldermen shall designate an appropriate department or person to enforce the provisions of this section.

(3) Notice to property owner. It shall be the duty of the department or person designated by the board of mayor and aldermen to enforce this section to serve notice upon the owner of record in violation of subsection (1) above, a notice in plain language to remedy the condition within ten (10) days (or twenty (20) days if the owner of record is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials), excluding Saturdays, Sundays, and legal holidays. The notice shall be sent by registered or certified United States mail, addressed to the last known address of the owner of record, or hand delivered with the deliverer obtaining the owner's signature confirming receipt of the notice. The notice shall state that the owner of the property is entitled to a hearing, and shall, at the minimum, contain the following additional information:

(a) A brief statement that the owner is in violation of § 13-103 of the City of Baxter's Municipal Code, which has been enacted under the authority of Tennessee Code Annotated, § 6-54-113, and that the property of such owner may be cleaned up at the expense of the owner and a lien placed against the property to secure the cost of the clean-up;

(b) The person, office, address, and telephone number of the department or person giving the notice;

(c) A cost estimate for remedying the noted condition, which shall be in conformity with the standards of cost in the city; and

(d) A place wherein the notified party may return a copy of the notice, indicating the desire for a hearing.

(4) Clean-up at property owner's expense. If the property owner of record fails or refuses to remedy the condition within ten (10) days after receiving the notice (twenty (20) days if the owner is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials), the department or person designated by the board of mayor and aldermen to enforce the provisions of this section shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards, and the costs thereof shall be assessed against the owner of the property. The city may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The city may bring one (1) action for debt against more than one (1) or all of the owners of properties against whom such 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. Upon the

filing of the notice with the Office of the Register of Deeds in Putnam County, the costs shall be a lien on the property in favor of the municipality, second only to liens of the state, county, and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be placed on the tax rolls of the municipality as a lien and shall be added to property tax bills to be collected at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes.

(5) Clean-up of owner-occupied property. When the owner of an owner-occupied residential property fails or refuses to remedy the condition within ten (10) days after receiving the notice, the department or person designated by the board of mayor and aldermen to enforce the provisions of this section shall immediately cause the condition to be remedied or removed at a cost in accordance with reasonable standards in the community, with these costs to be assessed against the owner of the property. The provisions of subsection (4) shall apply to the collection of costs against the owner of an owner-occupied residential property except that the municipality must wait until cumulative charges for remediation equal or exceed five hundred dollars (\$500.00) before filing the notice with the register of deeds and the charges becoming a lien on the property. After this threshold has been met and the lien attaches, charges for costs for which the lien attached are collectible as provided in subsection (4) for these charges.

(6) Appeal. The owner of record who is aggrieved by the determination and order of the public officer may appeal the determination and order to the board of mayor and aldermen. The appeal shall be filed with the city recorder within ten (10) days following the receipt of the notice issued pursuant to subsection (3) above. The failure to appeal within this time shall, without exception, constitute a waiver of the right to a hearing.

(7) Judicial review. Any person aggrieved by an order or act of the board of mayor and aldermen under subsection (4) above may seek judicial review of the order or act. The time period established in subsection (3) above shall be stayed during the pendency of judicial review.

(8) Supplemental nature of this section. The provisions of this section are in addition and supplemental to, and not in substitution for, any other provision in the municipal charter, this municipal code of ordinances or other applicable law which permits the city to proceed against an owner, tenant or occupant of property who has created, maintained, or permitted to be maintained on such property the growth of trees, vines, grass, weeds, underbrush and/or the accumulation of the debris, trash, litter, or garbage or any combination of the preceding elements, under its charter, any other provisions of this municipal code of ordinances or any other applicable law.

(9) Violations and penalty. Any person violating this section shall be subject to a civil penalty of fifty dollars (\$50.00) plus court costs for each separate violation of this section. Each day the violation of this section continues shall be considered a separate violation. (Ord. #2011-11, May 2011)

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 code enforcement officer and dispose of such animal in such manner as the code enforcement officer shall direct. (1987 Code, § 8-104, as amended by Ord. #2006-15, Jan. 2007)

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. (1987 Code, § 8-105)

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

13-201. Junkyards.

13-201. Junkyards. 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 feet (6') 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. (1987 Code, § 8-501)

CHAPTER 3

PROPERTY MAINTENANCE

SECTION

13-301. Definitions.

13-302. Duty to maintain property.

13-303. Enforcement.

13-301. Definitions. As used in the interpretation and application of this chapter, the following words shall have the meanings indicated:

(1) "Junk" means discarded, broken or disabled material including, but not limited to: furniture; appliances; tools; machinery; or other items that are not in functioning condition.

(2) "Litter" means discarded waste materials, including but not limited to: paper wrappings; packaging materials; discarded or used bottles and cans; scrap lumber and other building materials broken or discarded furniture, household furnishings and equipment.

(3) "Owner" means any person owning property in Baxter, Tennessee, as shown on the real property records of Putnam County or on the current assessment role for taxes, and shall also mean any lessee, tenant or other person having control or possession of the property.

(4) "Property" means land and any buildings or structures located thereon.

(5) "Trash" means waste food products and other household garbage. (1987 Code, § 8-602)

13-302. Duty to maintain property. No person owning, leasing, renting, occupying, being in possession or having charge of any property in the city, including vacant lots, shall maintain or allow to be maintained on such property, except as may be permitted by any other city ordinance, any of the following conditions visible from any public street or alley:

(1) Junk, litter and trash;

(2) Attractive nuisances dangerous to children, including but not limited to abandoned, broken or neglected equipment, machinery, refrigerators and freezers, excavations, wells or shafts;

(3) Shopping carts in any front yard, side yard, rear yard or vacant lot of any property;

(4) Dead, decayed, diseased or hazardous trees, or any other vegetation a majority of which (other than vegetation located in flowerbeds, or trees or shrubbery) exceeds twelve inches (12") in height, or which is dangerous to public health, safety and welfare, located in any front yard, side yard, rear yard, or upon any vacant lot;

(5) Graffiti or signs, not in compliance with the city zoning ordinance, on the exterior of any building, fence or other structure in any front yard, side yard or rear yard or vacant lot;

(6) Vehicle parts or other articles of personal property which are discarded or left in a state of partial construction or repair in any front yard, side yard, rear yard or vacant lot;

(7) Utility trailers or unmounted campertops located in any front yard except in the driveway;

(8) Any accumulation of weeds, brambles, berry vines, or other vegetation which is overgrowing any structure or which exceeds an average height of three feet (3'), other than maintained landscaping, or any accumulation of junk, litter, trash, dead organic matter, debris, offal, rat harborages, stagnant water, combustible materials or vegetation, and similar materials or conditions constituting fire, health or safety hazard;

(9) Dilapidation or state of filthiness or uncleanness of any dwelling or other structure which endangers health or life or which permits entrance by rats, mice or other rodents. (1987 Code, § 8-602)

13-303. Enforcement. (1) Notice to property owner. It shall be the duty of the code enforcement officer of the City of Baxter, Tennessee, to serve notice upon the property owner of record in violation of § 13-302 above. The notice shall instruct the owner of the violation and to bring his property under compliance within fifteen (15) calendar days. Notice may be given by:

- (a) Posting notice in plain view on the property in violation, or
- (b) Sending notice by mail.

The date the notice is posted or mailed shall serve as the beginning of the fifteen (15) day period allowing for corrective action.

(2) Failure to take corrective action. Failure by the property owner to take corrective action to bring the property within compliance of § 13-302 above shall constitute a violation of this chapter and be a civil offense.

Pursuant to Tennessee Code Annotated, § 7-63-101, the building official/zoning compliance officer is authorized to issue ordinance summons for violations of this chapter on private property. The code enforcement officer shall upon the complaint of any citizen, or acting on his own information, investigate complaints of junked vehicles on private property. If after such investigation the building official finds a junked vehicle on private property, he 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 and answer the charges against him or them. If the offender refuses to sign the agreement to appear, the building inspector 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.

(3) Penalty for violations. Any person violating this chapter shall be subject to a civil penalty of one dollar (\$1.00) to five hundred dollars (\$500.00) for each separate violation of this chapter. Each day the violation of this chapter continues shall be considered a separate violation.

(4) Supplemental nature of this section. The provisions of this section are in addition and supplemental to, and not in substitution for, any other provision in the city charter, the municipal code of ordinances, or other applicable law which permits the city to proceed against an owner, tenant or occupant of property who has created, maintained, or permitted to be maintained on such property the growth of vines, grass, weeds, underbrush, and/or the accumulation of the debris, trash, litter, or garbage or any combination of the preceding elements, under its charter, any other provision of the municipal code of ordinances or any other applicable law.

(5) Failure to comply with order. If the owner or owners of the premises fail or refuse to comply with the order issued by the code enforcement officer within the time period specified by the letter of notification, as provided herein, such failure or refusal shall be deemed a violation of the provisions of this ordinance and said owner or owners shall be subject to the penalties herein provided. The code enforcement officer that is charged with enforcing this code, or the official's duly authorized representatives may enter onto such premises and take corrective action specified by the letter of notification so that the nuisance identified by said letter is removed or abated. Upon completion of the corrective action carried out by the City of Baxter as authorized herein, the actual costs of such action, plus a fee of fifteen percent (15%) for administrative costs, shall be due from the owner or owners of said property to the City of Baxter and said costs shall be billed to the owner or owners of said property. If said bill is not paid in full within sixty (60) days after the date of mailing, a ten percent (10%) penalty shall be added and said costs and penalties shall be placed on the tax rolls of the City of Baxter as a lien upon said property and collected in the same manner as other city taxes are collected. (1987 Code, § 8-603, as amended by Ord. #2001-3, June 2001, and Ord. #2006-15, Jan. 2007)

CHAPTER 4

JUNKED VEHICLES

SECTION

- 13-401. Definitions.
- 13-402. Violations/civil offenses.
- 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) "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 in which vehicles ordinarily use for travel.

(4) (a) "Vehicle" shall mean any machine propelled by power other than human power, designed to travel along the ground by the use of wheels, treads, selftaying tracks, runners, slides or skids, including but not limited to automobiles, trucks, motorcycles, motor scooters, go-carts, campers, tractors, trailers, tractor trailers, buggies, wagons, and earth-moving equipment, and any part of the same.

(b) "Junk vehicle" shall mean a vehicle of any age that is damaged or defective in any one 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 owner 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, 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 blocks, 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. (1987 Code, § 8-701)

13-402. Violations/civil offenses. 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 junked 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 junked 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 park, store, keep, maintain on private property a junked vehicle for more than sixty (60) days. (1987 Code, § 8-702)

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

(a) The junk vehicle is completely enclosed within a building where neither the vehicle or 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.

(b) The junk vehicle is parked or stored on property lawfully zoned for 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 business engaged in wrecking, junking or repairing vehicles.

(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. (1987 Code, § 8-703)

13-404. Enforcement. (1) Pursuant to Tennessee Code Annotated, § 7-63-101, the building official/zoning compliance officer is authorized to issue ordinance summons for violations of this chapter on private property. The building inspector shall upon the complaint of any citizen, or acting on his own information, investigate complaints of junked vehicles on private property. If after such investigation the building inspector finds a junked vehicle on private property, he 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 and answer the charges against him or them. If the offender refuses to sign the agreement to appear, the building inspector may:

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

(b) 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.

(2) Failure to comply with an order to correct violation. If the owner or owners of the premises fail or refuse to comply with the order issued by the code enforcement officer. The code enforcement officer, within the time period specified by the letter of notification, as provided herein, such failure or refusal shall be deemed a violation of the provisions of this ordinance and said owner or owners shall be subject to the penalties herein provided.

(3) Payment of costs for corrective action. Upon completion of the corrective action carried out by the City of Baxter as authorized herein, the actual costs of such action, plus a fee of fifteen percent (15%) for administrative costs, shall be due from the owner or owners of said property to the City of Baxter and said costs shall be billed to the owner or owners of said property. If said bill is not paid in full within sixty (60) days after the date of mailing, a ten percent (10%) penalty shall be added and said costs and penalties shall be placed on the tax rolls of the City of Baxter as a lien upon said property and collected in the same manner as other city taxes are collected. (1987 Code, § 8-704, as amended by Ord. #2001-3, June 2001, and Ord. #2006-15, Jan. 2007)

13-405. Penalty for violations. Any person violating this chapter shall be subject to a civil penalty of one dollar (\$1.00) to five hundred dollars (\$500.00) for each separate violation of this chapter. Each day the violation of this chapter continues shall be considered a separate violation. (1987 Code, § 8-705)

CHAPTER 5

SLUM CLEARANCE¹

SECTION

- 13-501. Findings of board.
- 13-502. Definitions.
- 13-503. "Public officer" designated; powers.
- 13-504. Initiation of proceedings; hearings.
- 13-505. Orders to owners of unfit structures.
- 13-506. When public officer may repair, etc.
- 13-507. When public officer may remove or demolish.
- 13-508. Lien for expenses; sale of salvaged materials; other powers not limited.
- 13-509. Basis for a finding of unfitness.
- 13-510. Service of complaints or orders.
- 13-511. Enjoining enforcement of order.
- 13-512. Additional powers of public officer.
- 13-513. Powers conferred are supplemental.

13-501. 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 insanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city. (1987 Code, § 4-401)

13-502. Definitions. (1) "Municipality" shall mean the City of Baxter, Tennessee, and the areas encompassed within existing city limits or as hereafter annexed.

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

(3) "Public officer" shall mean the officer or officers who are authorized by this chapter to exercise the powers prescribed herein and pursuant to Tennessee Code Annotated, § 13-21-101, et seq.

(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.

¹State law reference

Tennessee Code Annotated, title 13, chapter 21.

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

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

(7) "Structures" shall mean any building or structure, or part thereof, used for human occupation and intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. (1987 Code, § 4-402)

13-503. "Public officer" designated; powers. There is hereby designated and appointed a "public officer," to be the city recorder of the city, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the recorder. (1987 Code, § 4-403, as amended by Ord. #2006-15, Jan. 2007)

13-504. 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 occupancy or use, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of, and parties in interest of, such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer (or his designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the service of the complaint; and the owner and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint; and the rules of evidence prevailing in court of law or equity shall not be controlling in hearings before the public officer. (1987 Code, § 4-404)

13-505. Orders to owners of unfit structures. If, after such notice and hearing as provided for in the preceding section, the public officer determines that the structure under consideration is unfit for human occupancy or use, he shall state in writing his finding of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order:

(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 occupancy or use or to vacate and close the structure for human occupancy 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. (1987 Code, § 4-405)

13-506. When public officer may repair, etc. If the owner fails to comply with the order to repair, alter, or improve or to vacate and close the structure as specified in the preceding section hereof, the public officer may cause such structure to be repaired, altered, or improved, or to be vacated and closed; and the public officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human occupancy or use; the use or occupation of this building for human occupancy or use is prohibited and unlawful." (1987 Code, § 4-406)

13-507. 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. (1987 Code, § 4-407)

13-508. 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 Putnam County, Tennessee, 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 of Baxter 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. (1987 Code, § 4-408)

13-509. 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 of Baxter; such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light,

or sanitary facilities; dilapidation; disrepair; structural defects; and uncleanliness. (1987 Code, § 4-409)

13-510. Service of complaints or orders. Complaints or orders issued by the public officer pursuant to this chapter shall be served upon persons, either personally or by registered mail, but if the whereabouts of such person is unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the city. In addition, a copy of such complaint or order shall be posed in a conspicuous place on the premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the Register's Office of Putnam County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (1987 Code, § 4-410)

13-511. Enjoining enforcement of order. Any person affected by an order issued by the public officer served pursuant to this chapter may file a suit in chancery court for an injunction restraining the public officer from carrying out the provisions of the order, and the court may, upon the filing of such suit, issue a temporary injunction restraining the public officer pending the final disposition of the cause; provided, however, that within sixty (60) days after the posting and service of the order of the public officer, such person shall file such suit in the court.

The remedy provided herein shall be the exclusive remedy and no person affected by an order of the public officer shall be entitled to recover any damages for action taken pursuant to any order of the public officer, or because of noncompliance by such person with any order of the public officer. (1987 Code, § 4-411)

13-512. 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. (1987 Code, § 4-412)

13-513. 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. (1987 Code, § 4-413)