

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. JUNK VEHICLES.
3. SLUM CLEARANCE.

CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Stagnant water.
- 13-102. Weeds and grass.
- 13-103. Junk, trash, debris and overgrown lots.
- 13-104. Health and sanitation nuisances.
- 13-105. Open burning.
- 13-106. Violations and penalty.

13-101. 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 to effectively prevent the breeding of mosquitoes. (2005 Code, § 13-101)

13-102. Weeds and grass. It shall be unlawful for any owner or tenant of property to permit grass or other vegetation commonly recognized as weeds to grow to a height of over one foot (1').

The provisions in this subsection shall not be construed to prohibit the growth of grass or other vegetation in excess of one foot (1') on property where hay is cut, livestock kept or where said property is used for any other agricultural purpose.

It shall be unlawful for any owner or tenant of property to permit grass, weeds, or other vegetation to grow to a height of over one foot (1'). This section shall not apply to vacant lots of greater than one (1) acre in size, provided that all lots shall be maintained in a manner so that no vegetation shall interfere with the line of sight at intersections within the town. (2005 Code, § 13-102, as amended by Ord. #2020-6, June 2020)

¹Municipal code reference
Animal control: title 10.

13-103. Junk, trash, debris and overgrown lots. (1) No property shall be used to store junk, trash, construction debris or any other similar materials except in connection with a valid building permit or a within a trash container or temporary dumpster. Without limiting the forgoing or other provisions of this title, the following conditions shall be prohibited:

(a) Accessory or temporary structures of any kind, including sheds, walls, fences, tents, etc. that are damaged or have deteriorated to be unusable for their intended purpose or that are in a dangerous condition.

(b) The accumulation or storage of junk including tires, lumber, household appliances or parts thereof, inoperable vehicles, or parts thereof, furniture, sinks, toilets, cabinets or other household fixtures, equipment or parts thereof, rubbish, garbage, debris, or salvage materials, which constitute a fire hazard or other health hazard and/or are stored or accumulated in such a manner as to be visible from a public street or adjoining property. This subsection shall not prohibit the storage of such items in a rear yard of any lot or on lots greater than five (5) acres in size, provided that the storage does not constitute a health hazard and that these items are not visible from a public street or adjoining property.

(c) The parking of heavy commercial vehicles, construction equipment, boats, unregistered vehicles, or other machinery in a front yard. This subsection shall not apply to lots that are greater than one (1) acre in size and that are not located within a residential subdivision.

(d) Attractive nuisances dangerous to children including abandoned, broken or neglected equipment and machinery, hazardous pools, ponds and excavations.

(2) It shall be unlawful for any owner or tenant of property to permit the growth of trees, vines or underbrush so as allow for the infestation of harmful animals. This subsection shall not apply to lots that are greater than one (1) acre in size and that are not located within a residential subdivision. (Ord. #2020-6, June 2020)

13-104. Health and sanitation nuisances. It shall be unlawful for any person to permit any property owned 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. (2005 Code, § 13-104)

13-105. Open burning. (1) The open burning of any garbage, trash, rubbish, leaves, grass, construction debris, waste material or any other type of combustible material by any person, firm or corporation, without first having

obtained written permission from the chief of the fire department, is hereby prohibited.

(2) The fire chief, in granting or denying such permission, shall take into consideration the atmospheric conditions, the site of the proposed burning in relation to proximate structures, the availability of fire suppression equipment at the site, the attendance of a competent person during the burning, and any other local conditions that might make such a fire hazardous. (2005 Code, § 13-105)

13-106. Violations and penalty. Violations of this chapter shall subject the offender to a penalty not to exceed state authorized limits. Each day a violation is allowed to continue shall constitute a separate offense. (2005 Code, § 13-106)

CHAPTER 2

JUNK VEHICLES

SECTION

- 13-201. Definitions.
- 13-202. Violations a civil offense.
- 13-203. Exceptions.
- 13-204. Enforcement.
- 13-205. Violations and penalty.

13-201. 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, self-laying 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 own power if self-propelled, or while being towed or pushed, if not self-propelled:

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

(ii) Missing or partially or totally disassembled essential part or parts of the vehicle's drive train, including, but not limited to, engine, transmission, transaxle, drive shaft, differential, or axle;

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

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

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

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

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

(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. (2005 Code, § 13-201)

13-202. Violations a civil offense. It shall be unlawful and a civil offense for any person:

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

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

(3) To park, store, keep or maintain on private property a junk vehicle, except as otherwise specifically permitted herein. Prior to the issuance of an ordinance summons as provided in § 13-204 for violation of this section, the building inspector or codes enforcement official shall issue the property owner or tenant a notice of violation. If the property owner or tenant does not remove the junk vehicle within five (5) days from the date of the notice of violation, then such owner or tenant shall be assessed a civil penalty of fifty dollars (\$50.00) per day, plus court costs, until the junk vehicle is removed. (2005 Code, § 13-202, as amended by Ord. #2019-02, ___ _____)

13-203. 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 or otherwise screened so that no part of the vehicle is visible from the public right-of-way and/or adjoining properties. However, this exception shall not exempt any property owner or tenant from any zoning, building, housing, property maintenance or other regulations governing the building, fencing or property where the vehicle is located.

(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, fencing, 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 town. (2005 Code, § 13-203, as amended by Ord. #2019-02, ___ _____)

13-204. Enforcement. Pursuant to *Tennessee Code Annotated*, § 7-63-101, the building inspector 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:

- (1) Request the town 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. (2005 Code, § 13-204)

13-205. Violations and penalty. Any person violating this chapter shall be subject to a civil penalty of fifty dollars (\$50.00) plus court costs for each separate violation of this chapter. Each day the violation of this chapter continues shall be considered a separate violation. (2005 Code, § 13-205)

CHAPTER 3

SLUM CLEARANCE

SECTION

- 13-301. Purpose.
- 13-302. Definitions.
- 13-303. Town administrator designated; powers.
- 13-304. Initiation of proceedings; hearings.
- 13-305. Orders to owners of unfit structures.
- 13-306. When public officer may repair, etc.
- 13-307. When public officer may remove or demolish.
- 13-308. Lien for expenses; sale of salvaged materials; other powers not limited.
- 13-309. Basis for a finding of unfitness.
- 13-310. Service of complaints or orders.
- 13-311. Enjoining enforcement of orders.
- 13-312. Additional powers of public officer and hearing official(s).
- 13-313. Powers conferred are supplemental.
- 13-314. Structures unfit for human habitation deemed unlawful.
- 13-315. Violations and penalty.

13-301. Purpose. Pursuant to *Tennessee Code Annotated*, § 13-21-101, *et seq.*, the board of mayor and aldermen finds that there exists 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 structures unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the town. (2005 Code, § 13-301)

13-302. Definitions. (1) "Dwelling" means any building or structure, or part thereof, used or occupied for human occupation or use or intended to be used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

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

(3) "Hearing officer(s)" shall mean the person(s) appointed by the board to conduct the hearing and issue the order herein provided for.

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

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

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

(7) "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.

(8) "Public authority" shall mean any housing authority or any officer who is in charge of any department or branch of the government of the town or state relating to health, fire, building regulations, or other activities concerning structures in the town.

(9) "Public officer" means any officer or officers of the town appointed by the town administrator who is authorized by this chapter to exercise the powers provided herein and by *Tennessee Code Annotated*, § 13-21-101, *et seq.*; provided, however, if the town administrator does not appoint such officer(s) or until such officer(s) is appointed, the town administrator shall be the designated "public officer."

(10) "Structure" means any dwelling or place of public accommodation or vacant building or structure suitable as a dwelling or place of public accommodation. (2005 Code, § 13-302)

13-303. Town administrator designated; powers. There is hereby designated and appointed a "public officer" to be the town administrator of the town, or the person appointed and designated by the town administrator to exercise the powers prescribed herein, which powers shall be supplemental to all others held by the town administrator. (2005 Code, § 13-303)

13-304. Initiation of proceedings; hearings. Whenever a petition is filed with the town administrator by a public authority or by at least five (5) residents of the town charging that any structure is unfit for human occupancy or use, or whenever it appears to the public officer (on his own motion) that any structure is unfit for human 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(s) 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 hearing before the public officer. (2005 Code, § 13-304)

13-305. 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. (2005 Code, § 13-305)

13-306. When public officer may repair, etc. If the owner fails to comply with the order to repair, alter or improve or to vacate and close the structure as specified in the order, 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 structure 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." (2005 Code, § 13-306)

13-307. When public officer may remove or demolish. If the owner fails to comply with an order, as specified above, to remove or demolish the structure, the town administrator may cause such structure to be removed and demolished. (2005 Code, § 13-307)

13-308. Lien for expenses; sale of salvaged materials; other powers not limited. The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer shall be assessed against the owner of the property, and shall upon the filing of the notice with the office of the register of deeds of Marshall County, be a lien on the property in favor of the town, second only to liens of the state, county and town for taxes, any lien of the town 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 town tax collector 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 (1) 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 Marshall 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 town to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (2005 Code, § 13-308)

13-309. Basis for a finding of unfitness. The public officer 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 structure, the occupants or users of neighboring structures or other residents of the town. 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. (2005 Code, § 13-309)

13-310. Service of complaints or orders. Complaints or orders issued by the public officer 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 town or in the absence of such newspaper, in one printed and published in the county and circulated in the town. In addition, a copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the Register's Office of Marshall County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (2005 Code, § 13-310)

13-311. Enjoining enforcement of orders. Any person affected by an order issued by the public officer served pursuant to this chapter may file a complaint in Chancery Court of Marshall County for an injunction restraining the public officer from carrying out the provisions of the order, and the chancery court may, upon the filing of such suit, issue a temporary injunction restraining the public officer pending the final disposition of the cause; provided, that within

sixty (60) days after the posting and service of the order of the public officer, such person shall file such complaint in 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.¹ (2005 Code, § 13-311)

13-312. Additional powers of public officer and hearing official(s).

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 to the structures in the town in order to determine which structures 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. (2005 Code, § 13-312)

13-313. Powers conferred are supplemental. This chapter shall not be construed to abrogate or impair the powers of any court or the town with regard to the enforcement of the provisions of its charter or any other ordinances, 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. (2005 Code, § 13-313)

13-314. Structures unfit for human habitation deemed unlawful.

It shall be unlawful for any owner of record to create, maintain or permit to be maintained in the town structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the town. (2005 Code, § 13-314)

¹*Tennessee Code Annotated*, § 13-21-106 provides that the chancery court shall hold a hearing within twenty (20) days, or as soon thereafter as possible, and shall give preference over other matters on the court's calendar.

13-315. Violations and penalty. Violations of this chapter shall subject the offender to a penalty not to exceed state authorized maximum limits for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (2005 Code, § 13-315)