

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. SLUM CLEARANCE.
3. JUNKYARDS.
4. ABANDONED AND INOPERABLE VEHICLES.

CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Welfare and sanitation committee.
- 13-102. Health officer.
- 13-103. Smoke, soot, cinders, etc.
- 13-104. Stagnant water.
- 13-105. Weeds.
- 13-106. Overgrown and dirty lots.
- 13-107. Slum clearance.
- 13-108. Dead animals.
- 13-109. Health and sanitation nuisances.
- 13-110. House trailers.
- 13-111. Stripping, digging, or other removal of earth.
- 13-112. Render fire damaged property safe.
- 13-113. Violations and penalty.

13-101. Welfare and sanitation committee. The welfare and sanitation committee shall originate and/or review proposals, plans, or programs concerning matters of health, welfare, and sanitation, and shall make investigations and submit reports and/or recommendations to the governing body on such matters. (1968 Code, § 8-401)

13-102. Health officer. The "health officer" shall be such municipal, county, or state officer as the governing body shall appoint or designate to administer and enforce health and sanitation regulations within the municipality. (1968 Code, § 8-402)

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

13-103. 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. (1968 Code, § 8-406)

13-104. Stagnant water. It shall be unlawful for any person to knowingly 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. (1968 Code, § 8-407)

13-105. Weeds. Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property, and it shall be unlawful for any person to fail to comply with an order by the city recorder or chief of police to cut such vegetation when it has reached a height of over one foot (1'). (1968 Code, § 8-408)

13-106. 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 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. 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 § 13-104 of the Jellico 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 Campbell 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 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.

13-107. 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. (1968 Code, § 8-409)

13-108. 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. (1968 Code, § 8-410)

13-109. 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 municipality and unless a permit therefor shall have been first duly issued by the building official, as provided for in the building code. (1968 Code, § 8-405)

13-110. Stripping, digging, or other removal of earth. To protect the public health and safety, to prevent the accumulation of water, pollution, or filth, it shall be the duty of any person, firm, or corporation engaging in strip mining or other operations within the corporate limits of Jellico in which the surface of the earth is deranged or mutilated to immediately following the progress of such work restore the surface of the earth to its original contour. Any strip mining or other operation conducted in violation of this section is declared to be a public nuisance and subject to abatement as such; further, each whole or part of a day's violation of this section shall be a separate misdemeanor. (1968 Code, § 8-413)

13-111. Render fire damaged property safe. Any property or structure located in whole or in part within the City of Jellico, whether residential, commercial, or of a mixed nature, which has been damaged in whole or in part by a fire shall be immediately rendered safe so as not to constitute or present an unreasonable threat of risk of harm to persons and/or property; rendering such fire-damaged property safe may include cordoning off the property and posting the property against trespass so as to prevent persons from entering upon the property until such time as the property can be repaired, razed, or replaced. The Building Inspector of the City of Jellico is empowered and authorized to make a determination as to whether or not such fire-damaged property is safe or not and what methods shall be utilized to render the property safe in conformity with this section and in conformity with the appropriate building and safety codes. The building inspector's determination may be appealed to the Board of Aldermen of the City of Jellico, Tennessee for a determination at a meeting called for that purpose. After the passage of forty-five (45) days from the date upon which the fire damage occurred, which forty-five (45) day period is deemed a reasonable time period for such inspections and evaluations to be performed as may be required by interested persons, the fire damaged property shall be forthwith cleaned up (which clean-up shall include the removal of fire debris) to the extent reasonably possible prior to the ultimate repair, demolition, or replacement of the damaged structure. If the owner or owners of the fire-damaged property fail to clean up the property as required hereby within sixty (60) days next following the end of the aforesaid forty-five (45) day period reserved for evaluation, the City of Jellico may enter upon the property and clean up the property and charge the owners for the costs of the clean up and place a lien upon the said property to the extent of such costs incurred. Nothing herein shall prevent the owner(s) of such fire-damaged property from rendering the property safe and from cleaning up the property as soon as they may choose so to do irrespective of the time periods allowed hereby. (Ord. #80-2010, Jan. 2010)

13-112. Violations and penalty. Violations of this chapter shall subject the offender to a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

CHAPTER 2

SLUM CLEARANCE¹

SECTION

- 13-201. Findings of board.
- 13-202. Definitions.
- 13-203. "Public officer" designated; powers.
- 13-204. Initiation of proceedings; hearings.
- 13-205. Orders to owners of unfit structures.
- 13-206. When public officer may repair, etc.
- 13-207. When public officer may remove or demolish.
- 13-208. Lien for expenses; sale of salvage materials; other powers not limited.
- 13-209. Basis for a finding of unfitness.
- 13-210. Service of complaints or orders.
- 13-211. Enjoining enforcement of orders.
- 13-212. Additional powers of public officer.
- 13-213. Powers conferred are supplemental.
- 13-214. Structures unfit for human habitation deemed unlawful.

13-201. Findings of board. Pursuant to Tennessee Code Annotated, § 13-21-101, et seq., the board of mayor and aldermen finds that there exists in the city structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city.

13-202. Definitions. (1) "Dwelling" means any building or structure, or part thereof, used and occupied for human occupation or use or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

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

(3) "Municipality" shall mean the City of Jellico, Tennessee, and the areas encompassed within existing city limits or as hereafter annexed.

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

¹State law reference

Tennessee Code Annotated, title 13, chapter 21.

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

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

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

(8) "Public officer" means any officer or officers of a municipality or the executive director or other chief executive officer of any commission or authority established by such municipality or jointly with any other municipality who is authorized by this chapter to exercise the power prescribed herein and pursuant to Tennessee Code Annotated, § 13-21-101, et seq.

(9) "Structure" means any dwelling or place of public accommodation or vacant building or structure suitable as a dwelling or place of public accommodation.

13-203. "Public officer" designated; powers. There is hereby designated and appointed a "public officer," to be the person appointed by the city, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the building inspector.

13-204. Initiation of proceedings; hearings. Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the city charging that any structure is unfit for human occupancy or use, or whenever it appears to the public officer (on his own motion) that any structure is unfit for human occupation or use, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of, and parties in interest of, such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer (or his designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the service of the complaint; and the owner and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint; and the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer.

13-205. 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.

13-206. When public officer may repair, etc. If the owner fails to comply with the order to repair, alter, or improve or to vacate and close the structure as specified in the preceding section hereof, the public officer may cause such structure to be repaired, altered, or improved, or to be vacated and closed; and the public officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human occupation or use. The use or occupation of this building for human occupation or use is prohibited and unlawful."

13-207. 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.

13-208. 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, as well as reasonable fees for registration, inspections and professional evaluations of the property, shall be assessed against the owner of the property, and shall, upon the certification of the sum owed being presented to the municipal tax collector, be a lien on the property in favor of the municipality, second only to liens of the state, county and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be collected by the municipal tax collector or county trustee at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes as set forth in Tennessee Code Annotated, § 67-5-2010 and § 67-5-2410. In addition, the municipality may collect the costs assessed against the owner

through an action for debt filed in any court of competent jurisdiction. The municipality 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, the public officer 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 Campbell County by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the person found to be entitled thereto by final order or decree of such court. Nothing in this section shall be construed to impair or limit in any way the power of the City of Jellico to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise.

13-209. 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 Jellico. 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.

13-210. Service of complaints or orders. Complaints or orders issued by the public officer pursuant to this chapter shall be served upon persons, either personally or by registered mail, but if the whereabouts of such persons are unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the city. In addition, a copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the Register's Office of Campbell County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law.

13-211. Enjoining enforcement of orders. Any person affected by an order issued by the public officer served pursuant to this chapter may file a bill in chancery court for an injunction restraining the public officer from carrying out the provisions of the order, and the court may, upon the filing of such suit, issue a temporary injunction restraining the public officer pending the final

disposition of the cause; provided, however, that within sixty (60) days after the posting and service of the order of the public officer, such person shall file such bill in the court.

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

13-212. 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.

13-213. 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.

13-214. 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 city structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city.

Violations of this section shall subject the offender to a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

CHAPTER 3**JUNKYARDS****SECTION**

13-301. Junkyards.

13-301. Junkyards.¹ All junkyards within the corporate limits shall be operated and maintained subject to the following regulations:

(1) All junk stored or kept in such yards shall be so kept that it will not catch and hold water in which mosquitoes may breed and so that it will not constitute a place, or places in which rats, mice, or other vermin may be harbored, reared, or propagated.

(2) All such junkyards shall be enclosed within close fitting plank or metal solid fences touching the ground on the bottom and being not less than six 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. (1968 Code, § 8-411)

¹State law reference

The provisions of this section were taken substantially from the Bristol ordinance upheld by the Tennessee Court of Appeals as being a reasonable and valid exercise of the police power in the case of Hagaman v. Slaughter, 49 Tenn. App. 338, 354 S.W.2d 818 (1961).

CHAPTER 4

ABANDONED AND INOPERABLE VEHICLES

SECTION

13-401. Definitions; declaration of nuisance; defenses.

13-402. Removal and disposition generally.

13-403. Vehicles on private property.

13-404. Liability for expenses when vehicle removed from private property.

13-405. Violations and penalty.

13-401. Definitions; declaration of nuisance; defenses.¹ (1) For purposes of this chapter, "abandoned motor vehicle" means:

(a) A motor vehicle that is left unattended on public property for more than thirty (30) days;

(b) Any motor vehicle that has remained illegally on public property for a period of more than forty-eight (48) hours; or

(c) A motor vehicle that has remained on private property without the consent of the owner or person in control of the property for more than forty-eight (48) hours.

(2) (a) For purposes of this chapter, "inoperable motor vehicle" means any motor vehicle which:

(i) Lacks major or essential mechanical or body parts;

(ii) Is junked or partially disassembled;

(iii) Has been burned or flooded throughout;

(iv) Cannot be driven legally upon the public streets and highways under the ordinances of the city or the laws of the state; or

(v) Is otherwise incapable of moving under its own power.

(b) For purposes of this chapter, "inoperable motor vehicle" further means any motor vehicle which meets two (2) or more of the following conditions:

(i) Does not comply with Tennessee Code Annotated, title 55, part 4 with respect to license and registration, as required by city code;

(ii) Has one (1) or more tires missing or not fully inflated;

(iii) Has more than one (1) broken window;

(iv) Is economically impracticable to restore to operating condition;

(v) Has any visibly rusted areas; or

¹State law reference

Similar provisions, Tennessee Code Annotated § 55-16-103(1).

(vi) Has not moved under its own power in sixty (60) days.

(3) For purposes of this chapter, "motor vehicle" means every vehicle which is self-propelled, excluding motorized bicycles and motorcycles and every vehicle which is not propelled by electric power obtained from overhead trolley wires.

(4) The presence of an abandoned, dismantled or inoperable motor vehicle on private or public property is hereby declared a nuisance, which may be abated in accordance with the provisions of this chapter.

(5) This section shall not apply:

(a) To any motor vehicle on private property which is not visible from the street or from other public or private property, if the motor vehicle is completely enclosed within a permanent or portable building consisting of four (4) walls and a roof and which is in compliance with all gas, plumbing, electrical, zoning and mechanical codes, and with the building code as adopted by the city; or

(b) To any motor vehicle held in connection with a business enterprise lawfully licensed by the city and properly operated in the appropriate zone pursuant to the zoning ordinance of the city, the storage or parking of such motor vehicle is necessary to the operation of such business enterprise.

(6) It shall be an affirmative defense to an action or violation of this section that the owner retains the inoperable motor vehicle for antique motor vehicle collection purposes. For purposes of this chapter, "antique motor vehicle" means any motor vehicle over twenty-five (25) years old which is owned solely as a collector's item and is used for participation in club activities, exhibits, tours, parades and similar uses, but in no event for general transportation, and which is registered as an antique vehicle under applicable title and registration laws. (Ord. #83-2011, March 2011)

13-402. Removal and disposition generally.¹ (1) Removal by city. The city, through the police department or other department as designated by the mayor, may take into custody any motor vehicle which is abandoned, wrecked, dismantled or inoperable upon public property, or upon private property with the consent of the owner. The department may employ its own personnel, equipment and facilities or hire persons, equipment and facilities for the purpose of removing, preserving and storing abandoned or inoperable vehicles.

(2) Notice to owner and lienholders. (a) Within fifteen (15) days of the removal of the abandoned or inoperable vehicle, the city shall notify by registered or certified mail, return receipt requested, the last known registered owner of the motor vehicle and all lienholders of record that

¹State law reference

Similar provisions, Tennessee Code Annotated § 55-16-105.

the vehicle has been taken into custody. The notice shall describe the year, make, model and serial number (if known) of the abandoned, wrecked, dismantled or inoperable motor vehicle, set forth the location of the facility where the motor vehicle is being held, inform the owner and any lienholder of their right to reclaim the motor vehicle within ten (10) days after the date of notice upon payment of all towing, preservation and storage charges resulting from placing the vehicle in custody, and state that the failure of the owner or lienholders to exercise their right to reclaim the vehicle within the time provided shall be deemed a waiver by the owner and all lienholders of all right, title and interest in the vehicle, and consent to the sale of the abandoned or inoperable motor vehicle at a public auction.

(b) If there is no response to the above said notice by registered or certified mail provided for in subsection (2)(a) of this section, then there shall be notice by one (1) publication in one (1) newspaper of general circulation in the area where the motor vehicles was abandoned. Such notice shall be in a small display ad format, but one (1) advertisement may contain multiple listings of abandoned vehicles.

(3) Sale at public auction. If an abandoned motor vehicle has not been reclaimed within the time allowed, the city shall sell the motor vehicle at a public auction. The proceeds of the sale of an abandoned motor vehicle shall be used for payment of the expenses of the auction, the cost of towing, preserving and storing the motor vehicle, and all notice and publication costs incurred pursuant to this section. Any remainder from the proceeds of the sale shall be held for the owner or lienholder for forty-five (45) days, and then shall be deposited in the general fund.

(4) Disposition of inoperable vehicles. Notwithstanding any other provisions of this chapter, the city may dispose of an abandoned automobile found on public or private property without title and without the notification procedures of this section if the motor vehicle is over five (5) years old and has no engine or is otherwise totally inoperable. (Ord. #83-2011, March 2011)

13-403. Vehicles on private property. (1) Notice to remove. Upon failure of any owner of property within the limits of the city to remove abandoned and inoperable vehicles as required in this chapter, the city, acting through the police department or any appropriate department as designated by the mayor, may serve a notice on the owner, lessee, occupant or person having control of the property, notifying any of them of the existence of the nuisance and ordering the person to remove the vehicle from the property within five (5) days of service of notice, and informing the person of the time and place of the appeal to the Board of Mayor and Aldermen of the City of Jellico or to such other committee designated by appointment of the mayor with the approval of the said board of mayor and aldermen (the "board" or "appeal board" respectively). Such notice shall be served by:

- (a) Personally serving the notice on the owner, lessee, occupant or person having control of such property;
- (b) Mailing the notice to the last known address of the owner, lessee, occupant or person having control of the property by certified mail; or
- (c) Posting the notice on the vehicle or on the property on which the abandoned, wrecked, dismantled, rusted, junked or inoperable motor vehicle is found.

Service of notice by any of the methods listed in this subsection shall be due notice within the meaning of this section; provided, however, that no owner out of possession shall be liable to the penalty set forth in § 13-305 unless there is personal service or such notice was mailed by certified mail.

If the person upon whom the notice to remove was served fails either to remove the vehicle from the property within five (5) days of service of the notice or to appeal the order as herein provided within ten (10) days next following tender of said notice within the time provided to appeal, the city may remedy condition and abate the nuisance by taking into custody the abandoned or inoperable vehicle.

(2) Appeal of order to remove. The owner, lessee, occupant or person having control of the property who is aggrieved by the determination of the order of the city may appeal to the board of appeal board by appearing before the board or appeal board by appearing before the board or appeal board (collectively the "board") at the time and place stated in the notice. The board shall hear and determine the appeal as promptly as practicable but within thirty (30) calendar days of the service of the notice. The decision of the board, together with the reasons, shall be in writing and filed in the office of the city recorder as a public record. The order of the city may be affirmed, reversed or modified by an affirmative vote of the majority of the members of the board. Unless it is made clear that the order is contrary to the provisions of this chapter or other law or ordinance, or is arbitrary and constitutes an abuse of discretion, the board shall affirm the order. An owner, agent or occupant who fails, refuses or neglects to comply with the order shall be in violation of the provisions of this chapter. Any party aggrieved by the action of the board may appeal the decision of the board as provided by law in the cases of certiorari. If the owner or other person described shall fail to remedy such conditions within the time prescribed by the board, the city may remedy the condition and abate the nuisance by taking into custody the abandoned or inoperable vehicle.

(3) Vehicles on private property without consent of property owner. If a motor vehicle has remained on private property without the consent of the owner or person in control of the property for more than forty-eight (48) hours, the city may remove the motor vehicle and dispose of it according to the procedure set forth in this chapter.

(4) Right of entry. Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the inspecting official

(which shall be such person designated by the mayor) has reasonable cause to believe that there exists in any structure or upon any premises any condition or ordinance violation which constitutes a violation under this section, the official may enter such structure or premises at all reasonable times during the daylight hours to inspect the same or to perform any duty imposed upon the official by this chapter. If such structure or premises are occupied, the official shall first present proper credentials and request entry. If such structure or premises are unoccupied, the official shall first make a reasonable effort to locate the owner or other persons having charge or control of such and request entry. If entry is refused, the official shall have recourse to every remedy provided by law to secure entry. (Ord. #83-2011, March 2011)

13-404. Liability for expenses when vehicle removed from private property. The owner or occupant of real property on which abandoned or inoperable vehicles have been left and which have been removed by the city shall be liable for the unrecovered expenses incurred by the city in such removal, and upon the failure of the owner or occupant to pay the unrecovered expenses, a lien shall be placed upon the real property (and upon the vehicle in the city's discretion) for the amount of such expenses. (Ord. #83-2011, March 2011)

13-405. Violations and penalty. Any person violating any of the provisions of this abandoned or inoperable vehicles chapter shall be liable for penalties of a monetary fine not to exceed fifty dollars (\$50.00) or the repayment of administrative costs incident to the correction of the municipal violation up to the amount of three hundred twenty-five dollars (\$325.00), or both, for each separate offense. Each day any violation of this code or of any ordinance shall constitute a separate offense. (Ord. #83-2011, March 2011)