

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. JUNKYARDS.
3. ACCUMULATION OF DEBRIS, GARBAGE, AND JUNK ON PRIVATE PROPERTY.
4. ABANDONED AND JUNK MOTOR VEHICLES.
5. ENFORCEMENT.

CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Codes enforcement officer.
- 13-102. Smoke, soot, cinders, etc.
- 13-103. Stagnant water.
- 13-104. Weeds.
- 13-105. Dead animals.
- 13-106. Acts or conditions creating a nuisance.
- 13-107. House trailers.

13-101. Codes enforcement officer. The "codes enforcement 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. (1973 Code, § 8-401, as replaced by Ord. #749, Oct. 2019 *Ch4_06-01-21*)

13-102. Smoke, soot, cinders, etc. It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust, or gases as to be detrimental to or to endanger the health, comfort, and safety of the public or so as to cause or have a tendency to cause injury or damage to property or business. (1973 Code, § 8-405)

¹Municipal code references

Abandoned and junked motor vehicles: title 15, ch. 8.

Animal control: title 10.

Littering streets, etc.: § 16-107.

Open burning regulations: title 7, ch. 6.

Refuse and trash disposal: title 17.

13-103. Stagnant water. It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property without treating it so as effectively to prevent the breeding of mosquitoes. (1973 Code, § 8-406)

13-104. Weeds. It shall be unlawful for any owner or tenant of land within the city to permit weeds or other such vegetation to exceed one foot (1') in height. Such owner or tenant shall be notified and this section shall be enforced as stated in chapter 5 of this title. This chapter is to protect the public health, safety, and welfare, and is not enacted to benefit or protect any individual person(s) or any group or class of persons.

(1) The whole parcel shall be maintained. (a) Exceptions:

(i) Vacant parcels one (1) acre or greater and parcels over (2) acres in size with a principal structure will be allowed to be utilized for agricultural crops.

(ii) The area around the principal structure must be maintained in accordance to this section.

- The defined area around the primary structure is the set-back requirements for the zoning of the property. (Example: R1, thirty feet (30') in the front of the structure, fifteen feet (15') on each side of the structure, and thirty feet (30') behind the structure. Except on corner lots. The minimum widths of side yards on corner lots along an intersecting street shall be fifty percent (50%) greater than the minimum side yard requirements of the district in which the lot is located.)

(iii) Parcels that will be used for hay must be determined by codes enforcement officer, and harvested as rolls or bales a minimum of twice during the growing season from March-October and must be kept at a maximum height of twelve inches (12') from October-March.

(iv) Parcels that are unpassable by machinery such as tractors and mowers.

- Parcels or portions of parcels that are unpassable by machinery will be determined by the codes enforcement officer.

(2) Landscaping shall be maintained. The owner shall be responsible for the continued proper maintenance of all landscaping and shall keep it in a proper, neat and orderly appearance, free from refuse and debris at all times. (1973 Code, § 8-407, as replaced by Ord. #749, Oct. 2019 **Ch4_06-01-21**)

13-105. Dead animals. Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the health officer and dispose of such animal in such manner as the health officer shall direct. (1973 Code, § 8-408)

13-106. Acts or conditions creating a nuisance. It shall be unlawful:

(1) 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.

(2) Exterior light fixtures that shine directly toward adjacent property, with the exception of front entrance general illumination lights, which has not been shielded, redirected, or relocated to prevent the light source from illuminating neighboring property.

(3) Windows, doors, or building exteriors covered with inappropriate materials including, but not limited to, aluminum foil, cardboard, plywood, canvas tarps, or plastic, except during construction or pending permanent repairs; Piles of dirt which has not been leveled up within three (3) months of placement.

(4) Oil, grease, paint, other petroleum products, hazardous materials, volatile chemicals, pesticides, herbicides, fungicides, or waste (solid, liquid, or gaseous) that is determined to constitute a fire or environmental hazard, or to be detrimental to human life, health, or safety.

(5) Any other condition existing on or in a building, accessory structure or property that is a safety or health hazard whether or not same is visible from the street. (1973 Code, § 8-409, as replaced by Ord. #706, May 2017 *Ch3_03-05-19*)

13-107. House trailers. It shall be unlawful for any person to park, locate, or occupy any house trailer or portable building unless it complies with all plumbing, electrical, sanitary, and building provisions applicable to stationary structures and the proposed location conforms to the zoning provisions of the municipality and unless a permit therefor shall have been first duly issued by the building official, as provided for in the building code. (1973 Code, § 8-404)

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, plastic or metal solid fences touching the ground on the bottom and being not less than six feet (6') in height. This fence shall be constructed and maintained so that the junk materials are not visible from the street or any other abutting property. Exceptions to enclosing the entire area with a fence shall be made by the mayor, providing all similar situations are treated equal.

(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. (1973 Code, § 8-410, as amended by Ord. #749, Oct. 2019 *Ch4_06-01-21*)

CHAPTER 3

ACCUMULATION OF DEBRIS, GARBAGE, AND JUNK ON PRIVATE PROPERTY

SECTION

13-301. Definitions.

13-302. Unlawful to store debris, garbage or junk.

13-303.--13-304. Deleted.

13-301. Definitions. For the purpose of this chapter, the following terms are defined:

(1) "Codes enforcement officer" means the authorized building official of the municipality and his/her authorized agents.

(2) "Junkyard" means a place where scrap is collected before being recycled or discarded. (as added by Ord. #618, July 2012, and replaced by Ord. #749, Oct. 2019 *Ch4_06-01-21*)

13-302. Unlawful to store debris, garbage or junk. It shall be unlawful and a violation of this chapter:

(1) For the owner of any property in the municipality, or the owner's agent, or the occupant of any property in the municipality to store, keep, or accumulate debris, garbage, or junk so as to create an unsightly area on said property, or to allow anyone else to create such conditions on said property.

(2) Property damaged or destroyed by fire or acts of nature that has not been demolished or begin repair of within four (4) months after insurance settlement or, if uninsured, four (4) months from date of loss. Debris or refuse from fires or natural disasters remaining on property which has not been removed from property within four (4) months after insurance settlement or, if uninsured, six (6) months from date of loss.

(3) Graffiti.

(4) Scattered building or repair material in yard.

(5) Construction debris and refuse remaining on property thirty (30) calendar days after receipt of notice, for new construction or remodeling, three (3) months after certificate of occupancy is issued.

(6) Salvage items, including, but not limited to, auto parts, lawn mowers or equipment, scrap metals, tires and the like stored on property in excess of ten (10) days from receipt of notice.

(7) Piles of dirt which has not been leveled up within three (3) months of placement.

(8) Scattered or rotten firewood.

(9) Discarded garbage, rubbish, refuse, or recyclable items placed near the street for collection by city or city contractors that have not been collected

within seven (7) days of being deposited because such do not meet criteria for collection established by the city.

(10) Materials, equipment, items of personal property, or use for other than vehicle and trailer parking shall not be stored inside a carport to the extent that such storage prevents the use of a carport for the parking of the number of vehicles for which the carport is designed. Any items stored on carport must be enclosed in a container designed for exterior use.

(11) If the codes enforcement officer reveals that a person is in violation of this chapter, the officer shall charge the person with a violation, and issue a citation directing the person to appear in city court.

(12) A violation of this chapter subsequent to receiving a citation is punishable by a maximum fine of fifty dollars (\$50.00) for each violation. (as added by Ord. #618, July 2012, and replaced by Ord. #706, May 2017 *Ch3_03-05-19*, as amended by Ord. #749, Oct. 2019 *Ch4_06-01-21*)

13-303.--13-312. Deleted. (as deleted by Ord. #749, Oct. 2019 *Ch4_06-01-21*)

CHAPTER 4

ABANDONED AND JUNKED MOTOR VEHICLES

SECTION

13-401. Definitions.

13-402. Storing, parking, or leaving junked or other motor vehicles prohibited and declared nuisance: exceptions.

13-403. Exceptions.

13-401. Definitions. For the purposes of this chapter the following terms, phrases, words, and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(1) "City" is the City of Lafayette.

(2) "Director of traffic" is the chief of police of the City of Lafayette, or his/her designee.

(3) "Junkyard" means a place where scrap is collected before being recycled or discarded.

(4) "Junked vehicle" shall mean a vehicle of any age that is not lawfully registered and displaying a current license plate and is damaged or defective in any one or a combination of the following ways that either makes the vehicle immediately inoperable or would prohibit the vehicle from being operated in a reasonably safe manner upon the public streets and highways under its own power if self-propelled or while being towed or pushed, if not self-propelled.

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

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

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

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

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

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

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

(h) 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.

(5) "Motor vehicle" is any vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to automobiles, buses, motor-bikes, motorcycles, motor scooters, trucks, tractors, go-carts, golf carts, campers.

(6) "Person" shall mean any person, firm, partnership, association, corporation, company, or organization of any kind.

(7) "Private property" shall mean any real property within the city which is privately owned and which not public property is as defined in this section.

(8) "Public property" shall mean any street or highway which shall include the entire width between the boundary lines of every way publicly maintained for the purpose of vehicular travel, and shall also mean any other publicly owned property or facility.

(9) "Hobby cars" shall mean vehicles used for the purpose of a hobby, i.e. race cars and car restoration activities. Hobby cars used as race cars must be specifically adapted or designed for operation on drag strips or raceways. (as added by Ord. #749, Oct. 2019 *Ch4_06-01-20*)

13-402. Storing, parking, or leaving junked or other such motor vehicles prohibited and declared nuisance. No person shall park, store, leave, or permit the parking, storing or leaving of any motor vehicle of any kind which is in an abandoned, wrecked, dismantled, inoperative, rusted, junked, or partially dismantled condition whether attended or not, upon any public or private property within the city for a period of time in excess of fourteen (14) days. The presence of an abandoned, wrecked, dismantled, inoperative, rusted, junked, or partially dismantled vehicle or parts thereof, on private or public property is hereby declared a public nuisance which may be abated as such in accordance with the provisions of chapter 5. This section shall not apply to any vehicle as described in § 13-403. (as added by Ord. #749, Oct. 2019 *Ch4_06-01-20*)

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

(1) The junk vehicle is completely enclosed within a building where neither the vehicle nor any part of it is visible from the street or from any other abutting property. However, this exception shall not exempt the owner or person in possession of the property from any zoning, building housing, property maintenance, and other regulations governing the building in which is enclosed.

(2) 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 businesses engaged in wrecking junking, or repairing vehicles.

(3) 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 the citizens of the city.

(a) It shall be permissible for a person to park, store, keep and maintain a hobby car(s), on private property; however they shall be street legal, registered and displaying a current license plate if outside.

(b) They shall be stored in one of the following methods or a combination thereof if not street legal;

(i) Inside an enclosed building.

(ii) Vehicles may be stored inside an enclosed vehicle trailer.

(iii) Lawfully registered and displaying a current license plate.

(iv) Storage and maintenance areas must not create noise or the accumulation of spare vehicle parts about the property. (as added by Ord. #749, Oct. 2019 ***Ch4_06-01-20***)

CHAPTER 5

ENFORCEMENT

SECTION

- 13-501. Enforcement.
- 13-502. Process of enforcement.
- 13-503. Right of appeals.
- 13-504. Abatement.
- 13-505. Collection of cost of abatement.
- 13-506. Authority to include administrative cost.
- 13-507. Civil monetary penalties.
- 13-508. Disposition of property.
- 13-509. Redemption of impounded vehicles.

13-501. Enforcement. Pursuant to Tennessee Code Annotated, §§ 6-54-113 and 7-63-101, the codes enforcement officer is authorized to give notice by United States Mail, addressed to the last known given address of the owner or owners of the property or upon the person or persons apparently in lawful possession of the property for violations of this chapter on private property. The codes enforcement officer shall upon the complaint of any citizen, or acting on their own information, investigate complaints of property maintenance violation(s). If after such investigation the codes enforcement officer finds a property maintenance violation(s) on private property, the codes enforcement officer shall follow § 13-502. (as added by Ord. #749, Oct. 2019 *Ch4_06-01-20*)

13-502. Process of enforcement. (1) The codes enforcement officer shall notify the owner(s) of the property or persons apparently in lawful possession of the property by regular mail, or by person to owner/tenant allowing 10 days to correct the violation.

(2) The codes enforcement officer shall notify the owner(s) of the property or persons apparently in lawful possession of the property by certified mail, to owner/tenant allowing ten (10) days to correct the violation with the cost of abatement.

(a) Cost of abatement. The City of Lafayette Public Works will access the cost of abatement. Minimum cost for abatement is three hundred dollars (\$300.00), three (3) hour minimum, and one hundred dollars (\$100.00) per man hour after the first three (3) hours and be added to property taxes.

(b) Voluntary compliance agreements. The city's codes enforcement officer shall investigate and inspect for violation of this chapter, and when the inspector or the inspector's agent observes a

violation, or believes there to be a violation, an attempt shall be made to contact the owner of the property, or the owner's agent, or occupant of the property, and make reasonable attempts to get the owner, agent, or occupant, to voluntarily remove such debris, garbage, or junk, that creates an unsightly area on said property and the codes enforcement officer shall keep notes of his contact with the owner of the property.

(3) If failure to reach the owner(s) of the property or the person(s) in lawful possession of the property by United States mail.

(a) The City of Lafayette Police Department may issue a citation in accordance with § 7-63-101. The codes enforcement officer may 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.

(b) If failure to locate and issue a citation to the property owner(s) or the person(s) lawfully in possession of the property, the codes enforcement officer shall notify the City of Lafayette attorney of the violation and provide all correspondence, documents, pictures, and cost of abatement of the violation and the City of Lafayette judge shall issue an order of abatement. (as added by Ord. #749, Oct. 2019 **Ch4_06-01-20**)

13-503. Hearing and right to appeal. The person(s) in violation has the right to appeal when the hearing is heard before the City of Lafayette judge. The hearing shall be canceled if the codes enforcement officer finds and advises the city judge, not less than twenty-four (24) hours before the scheduled hearing, that the violation has been corrected. While the appeal hearing is pending on such appeal, no penalties will accrue.

(1) If the owner(s) of the property or the person(s) in lawful possession of the property be found guilty of the violation(s) title 13, property maintenance regulations, the owner(s) of the property or the person(s) in lawful possession shall be responsible for all court costs.

(2) If the City of Lafayette Judge finds that the owner(s) of the property or the person(s) in lawful possession of the property guilty of the violation(s) or as many as three (3) times per year of title 13, property maintenance regulations, the City of Lafayette Judge may issue and order of abatement and collect cost of abatement and all fines as listed in § 13-507. (as added by Ord. #749, Oct. 2019 **Ch4_06-01-20**)

13-504. Abatement. An order of abatement must be issued by the City of Lafayette Judge. The codes enforcement officer must complete a work order to be given to the City of Lafayette Public Works Director that the issues may be abated in accordance to the cost of abatement given in the certified letter. (as added by Ord. #749, Oct. 2019 **Ch4_06-01-20**)

13-505. Collection of cost of abatement. In accordance with Tennessee Code Annotated, § 6-54-113 public works shall turn the work order in to the city recorder who shall mail the cost of abatement to the owner of the property allowing thirty (30) days to pay all costs of abatement. If the cost of abatements has not been paid within the 30 days the recorder shall attach it as a lien on the property. (as added by Ord. #749, Oct. 2019 *Ch4_06-01-20*)

13-506. Authority to include administrative costs in the case of repeat offender. The public works director shall add an additional administrative charge of fifteen percent (15%) to the cost of the work to abate the violation(s) and the city recorder may add an administrative charge of ten percent (10%) to set up the file(s), add the cost to the statement(s) of each parcel involved, and the same shall result and affect as set forth in prior sections of this chapter. (as added by Ord. #749, Oct. 2019 *Ch4_06-01-20*)

13-507. Civil monetary penalties. Civil monetary penalties shall accrue fifty dollars (\$50.00) a day per violation for failure to correct the violation by the deadline said in the notice of citation. Payment of a monetary penalty shall not relieve the person to whom the notice of civil violation was issued of the duty to correct the violation. The monetary and accessed costs constitute personal obligation of the person to whom the notice of civil violation was directed. The only change to this section is the title and section number. (as added by Ord. #749, Oct. 2019 *Ch4_06-01-20*)

13-508. Disposition of property. Upon order of abatement by the City of Lafayette Judge, vehicles shall be impounded and the owner(s) of the property or persons apparently in lawful possession of the property shall be responsible for the impound cost to the impound facility of the City of Lafayette Police Department choice.

The impound facility may at their discretion sale the items after thirty (30) days of impound to offset costs of storage. (as added by Ord. #749, Oct. 2019 *Ch4_06-01-20*)

13-509. Redemption of impounded vehicles. The owner of any vehicle seized under the provisions of this chapter may redeem such vehicle at any time after its removal but prior to the sale or destruction thereof upon proof of ownership and payment has been made to the City of Lafayette, of such sum that has been levied, as fines for the violation and impounds fees paid. (as added by Ord. #749, Oct. 2019 *Ch4_06-01-20*)