

## TITLE 13

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

#### CHAPTER

1. MISCELLANEOUS.
2. JUNKYARDS.
3. DETERMINATION AND ABATEMENT OF NUISANCES.
4. CONDEMNED BUILDING CLEARANCE.
5. ABANDONED, WRECKED, DISMANTLED MOTOR VEHICLES.

#### CHAPTER 1

#### MISCELLANEOUS

#### SECTION

- 13-101. Health officer.
- 13-102. Smoke, soot, cinders, etc.
- 13-103. Stagnant water.
- 13-104. Weeds, dead trees, clutter, and rubbish, etc.
- 13-105. Dead animals.
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**13-101. Health officer.** The "health officer" shall be such officer as the town council shall appoint or designate to administer and enforce health and sanitation regulations within the town. (1989 Code, § 8-101)

**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. (1989 Code, § 8-103)

**13-103. Stagnant water.** It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property without treating it so as to effectively prevent the breeding of mosquitoes. (1989 Code, § 8-104)

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<sup>1</sup>Municipal code references

Animal control: title 10.

Littering streets, etc.: § 16-107.

Toilet facilities in beer places: § 8-213(12).

**13-104. Weeds, dead trees, clutter, and rubbish, etc.** (1) Weeds, poison ivy, etc., regulated or prohibited. It shall be unlawful for any person owning, leasing, occupying, or having control of property, regardless of whether the property is a vacant lot or contains any form of structure, in the Town of Oliver Springs, to permit the growth upon such property of weeds, grass, brush and all other rank or noxious vegetation to a height greater than twelve inches (12") when such growth is within two hundred feet (200') of any street, thoroughfare, or highway, within the town limits of Oliver Springs. The failure to cut and/or destroy such weeds, grass, brush, and all other rank or noxious vegetation shall constitute a violation of this chapter. It shall also be unlawful for any such person or persons to permit poison ivy, or other plants injurious to health to grow where they may cause injury or discomfort to any person within the Town of Oliver Springs regardless of height, for such are hereby declared to be a public nuisance. The failure to destroy such plants shall constitute a violation of this chapter.

(2) Rubbish accumulations, clutter, and dead trees or limbs prohibited. It shall also be unlawful for any person owning, leasing occupying, or having control of property, regardless of whether such property is a vacant lot or contains any form of structure, in the Town of Oliver Springs to permit the accumulation upon such property of rubbish in any form or nature, for such is hereby declared to be a nuisance. The failure to clean up and remove such rubbish shall constitute a violation of this chapter.

It shall also be unlawful for any person owning, leasing, occupying, or having control of property, regardless of whether such property is a vacant lot or contains any form of structure, in the Town of Oliver Springs to permit the accumulation of clutter as defined by a number of things, items or objects scattered or piled in a disorderly or unorganized fashion in any form of nature, for such is hereby declared to be a nuisance. The failure to clean up and remove such clutter shall constitute a violation of this chapter.

The failure to cut and remove dead trees and dead or broken tree limbs shall constitute a violation of this chapter in as much as same constitutes a nuisance and a menace to the life and property of the citizens of this town.

(3) Unlawful to pile rubbish, etc., so as to obstruct drainage or traffic vision. In complying with the aforesaid section or sections of this chapter, it shall be unlawful for any person owning, leasing, occupying, or having control of property in the Town of Oliver Springs to rake up, cut up, or pile up said weeds, grass, vegetation, dead or broken tree limbs, dead trees, or rubbish into any ditch or natural drain or at any place on the property that might obstruct the vision of the operators of vehicles and of pedestrians and obstruct the flow of water drainage.

(4) Publication of notices relative to this chapter. Publication of the provisions in this chapter after passage in the Oak Ridger shall be considered sufficient notice to affected persons to comply with its provisions. Publication of a notice concerning this chapter, in any newspaper of general circulation in

the Town of Oliver Springs, may be made at the discretion of the town once during the month of June, July, August, and such shall be considered only as a reminder to affected persons to comply with its provisions in succeeding years after passage.

(5) Fill material regulated. It shall be unlawful for any person on leasing, occupying, or having control of property, regardless of whether the property is a vacant lot or contains any form of structure in the Town of Oliver Springs, to permit dumping of noxious or biodegradable material for the purpose of using this material as a fill. It shall also be unlawful for any dumping or filling of public or private property without a written permit from the Town of Oliver Springs.

(6) Fill material permit. Anyone wishing to fill or dump on property within the Town of Oliver Springs, regardless of whether the person owns, leases, has possession of, uses, or has permission to dump, or someone or some entity that does, the person wishing to dump should apply for a permit with the Oliver Springs Building Inspector, and a fee of \$15.00 shall be paid upon application. The building inspector should then investigate the situation, and shall grant or deny the permit as appropriate. Any denial of such permit may be appealed to the Board of Zoning Appeals for the Town of Oliver Springs.

(7) Enforcement of this chapter. If any property owner does not comply with the provisions of this chapter, the city manager and/or the chief of police and/or a designee appointed by the city manager will take action against any violators. A notice shall be sent by certified mail to the last known address of the owner, owner's agent, or any occupant of such parcel or lot of land citing the violations and the requirements for compliance, including but not limited to: cutting, removal, and/or destruction of said weeds, grass, brush, vegetation, rubbish, household debris, construction debris, or auto parts within ten (10) days of the sent date of notice.

If, during, or after ten (10) days, the owner, owner's agent, or occupant of said property contacts the town in writing with a request and reason for a time extension, the city manager and/or the police chief or the designee of the city manager shall have the option to grant an extension of time in writing in order to give the owner, owner's agent, and/or occupant of said property additional time to bring the property into compliance.

If, after ten (10) days, the owner, owner's agent, or occupant of said property has failed or refused to bring the property into compliance and/or failed or refused to contact the town in writing with a request and reason for a time extension, the city manager and/or police chief and/or the designee of the city manager shall have the option to order the immediate clean-up of said property. Such an order to clean-up the property may be executed by the Town of Oliver Springs work crews or may be contracted out to an independent contractor.

All costs for clean-up of the property shall be borne by the property owner. A bill of clean-up costs shall be sent to the property owner for the entire costs of clean-up and any administrative handling costs for processing the clean-up.

Said bill shall be paid within sixty (60) days from the date of the bill. If the bill is not paid within the sixty (60) day time period, an additional charge of ten percent (10%) per month shall be added to the bill. If the bill is not paid within the aforesaid sixty (60) day time period, the unpaid amount may be sent to the town's attorney for collection; and/or the unpaid amount shall be added to and placed on the property tax roll of the Town of Oliver Springs as a lien upon the property and collected in the same manner as other town taxes are collected. All costs associated with the original bill, the ten percent (10%) additional charges, and any attorney fees, collection costs, court costs, or lien costs shall be added to the original bill and the ten percent (10%) additional charge and borne by the owner of the property, and shall be placed on the tax roll of the Town of Oliver Springs as a lien upon the property and collected in the same manner as other town taxes are collected. It is the intent of this chapter that the remedies of this chapter are cumulative and any, either or all may be exercised by the town at its discretion. (Ord. #94-15-09A, Sept. 1994, as amended by Ord. #01-06-21, June 2001, and Ord. #2013-05-09C, Aug. 2013)

**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 city recorder and dispose of such animal in such manner as the city recorder shall direct. (1989 Code, § 8-106)

**13-106. House trailers.** It shall be unlawful for any person to park, locate, or occupy any house trailer or portable building unless it complies with all plumbing, electrical, sanitary, and building provisions applicable to stationary structures and the proposed location conforms to the zoning provisions of the town and unless a permit therefor shall have been first duly issued by the building official, as provided for in the building code. (1989 Code, § 8-102)

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

## 13-201. Junkyards.

**13-201. Junkyards.**<sup>1</sup> 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 (6) feet 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. (1989 Code, § 8-501)

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<sup>1</sup>State 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 3

### DETERMINATION AND ABATEMENT OF NUISANCES

#### SECTION

- 13-301. Health and sanitation nuisances unlawful.
- 13-302. Duty of chief of police to report nuisances.
- 13-303. Procedure for abating nuisances.
- 13-304. Notice of hearings.
- 13-305. Hearings for determination of nuisances.
- 13-306. Reports of hearings.
- 13-307. Date when determinations become final.
- 13-308. Penalty for violations.
- 13-309. Removal of dangerous or unlawful structures.

**13-301. Health and sanitation nuisances unlawful.** 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. (1989 Code, § 8-601)

**13-302. Duty of chief of police to report nuisances.** The chief of police shall be charged with the duty of reporting in writing to the town council any building, structure, excavation, or condition existing within the corporate limits that appears to constitute a hazard to the safety or health of the residents of the town. (1989 Code, § 8-602)

**13-303. Procedure for abating nuisances.** Upon receipt of such notice by the chief of police, the mayor shall order the town administrator to prepare a notice to the registered owner of the real property upon which such building, structure, excavation, or condition exists to be mailed to the last known address. Said notice shall contain the following:

- (1) The condition complained of.
- (2) Time, place, and date and before what body a hearing will be conducted to determine whether or not the condition complained of constitutes a hazard to the safety or health of the residents of Oliver Springs.
- (3) A charge to the registered owner, or his or her representative, to be present at that hearing.
- (4) Notice that the decision of the hearing body will become final ten (10) days after hearing.

(5) After the hearing body's final decision that the condition constitutes a hazard to the safety or health of the residents of Oliver Springs, ten (10) days will be granted for the condition to be corrected so as not to constitute a hazard to the health or safety of the residents of Oliver Springs.

(6) After the decision of the hearing body becoming final and the expiration of ten (10) days, if the condition has not been corrected, the owner shall be punishable under the general penalty clause for this code. (1989 Code, § 8-603)

**13-304. Notice of hearings.** The notice provided in § 13-303 shall be posted in the United States Mail thirty (30) days before hearing. (1989 Code, § 8-604)

**13-305. Hearings for determination of nuisances.** Upon the date and time and at the place set forth in the notice provided in § 13-303, a hearing shall be conducted before a quorum of the town council, with the mayor as presiding officer, to determine whether the condition constitutes a hazard to the health or safety of the residents of Oliver Springs. The chief of police shall present to the town council any evidence that said condition constitutes a hazard to the safety or health of the residents of Oliver Springs. The owner of the real property upon which the condition exists, or his representative, may present any rebutting evidence. The town council may, in their discretion, visit the scene of the condition. (1989 Code, § 8-605)

**13-306. Reports of hearings.** Within five (5) days of said hearing, the town council shall render in writing a determination as to whether or not said condition constitutes a hazard to the health or safety of the residents of Oliver Springs, and a copy of that determination shall be posted in the U.S. Mail to the last known address of the registered owner of the real property upon which the condition exists. (1989 Code, § 8-606)

**13-307. Date when determinations become final.** The determination of the town council shall become final ten (10) days after the written determination is rendered. (1989 Code, § 8-607)

**13-308. Penalty for violations.** If the determination of the town council is that the condition constitutes a hazard to the health or safety of the residents of Oliver Springs, the owner shall have ten (10) days within which to correct the condition constituting a hazard to the health and safety of the residents of Oliver Springs. If the owner fails to correct the condition within ten (10) days after the hearing becomes final, he shall be punishable under the general penalty clause for this code. (1989 Code, § 8-608)

**13-309. Removal of dangerous or unlawful structures.** Whenever in the opinion of the town council, any building, fence, or other structure of any kind, or any part thereof, is liable to fall down and endanger persons or property, or where any building or other structure has been erected or allowed to remain in any locality contrary to ordinance, the town council may, by resolution, order any owner or occupant of the premises on which said building or other structure stands to take down or remove the same within the prescribed by such resolution. A copy of which resolution shall be served upon said owner or occupant, and if such owner or occupant shall neglect or refuse to take down or remove same within the time prescribed by such resolution, then the town council shall cause such building, fence, or other structure to be taken down or removed by and under the direction of the town, and bill the owner or occupant the cost of such removal, plus 10% for inspection and other incidental costs in connection therewith. Upon failure of the owner or occupant to remit to the town the amount of such charges, the town shall assess the expenses thereof (plus an additional 10%) on the land on which the structure stood, which expenses shall be declared a lien on said land and may be collected by writ or attachment or by suit against the owner in any court or competent jurisdiction. (1989 Code, § 8-609)

## CHAPTER 4

### CONDEMNED BUILDING CLEARANCE

#### SECTION

- 13-401. Title.
- 13-402. Definitions.
- 13-403. Existence of structures unfit for human habitation.
- 13-404. Town administrator designated to act.
- 13-405. Institution of action and notification by town administration.
- 13-406. Determination of and further notice by town administration.
- 13-407. Failure of owner to comply to vacate and repair.
- 13-408. Failure of owner to remove or demolish.
- 13-409. Creation of lien and payment into court.
- 13-410. Conditions rendering structure unfit for human habitation.
- 13-411. Service of complaints or orders.
- 13-412. Enjoining enforcement of order.
- 13-413. Powers given to the town administrator.

**13-401. Title.** This chapter shall be known and may be cited as the City of Oliver Springs "Condemned Building Clearance Ordinance". (Ord. #94-15-09, Sept. 1994)

**13-402. Definitions.** The following terms whenever used or referred to in this chapter shall have the following respective meanings for the purposes of this chapter, unless a different meaning clearly appears from the context:

(1) "Municipality" shall mean the Town of Oliver Springs, TN.  
(2) "Governing body" shall mean the Oliver Springs Town Council.  
(3) "Public officer" shall mean the town administrator or his designated agent who is authorized by this chapter to exercise the powers prescribed by this chapter.

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

(5) "Owner" shall mean the holder of the 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 structure and any who are in possession thereof.

(7) "Structure" shall mean any building or structure or part thereof, used and occupied for human habitation or by the public in general or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed within (Ord. #94-15-09, Sept. 1994)

**13-403. Existence of structures unfit for human habitation.** There exists in the Town of Oliver Springs, structures which are unfit for human habitation, due to dilapidation, defects increasing the hazards of fire, accident 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 welfare of the residents of the Town of Oliver Springs. (Ord. #94-15-09, Sept. 1994)

**13-404. Town administrator designated to act.** The town administrator is designated as the public officer of the Town of Oliver Springs who is to exercise the powers herein prescribed.

In the event that the town administrator is unwilling or is unable to exercise the powers herein prescribed, or in the alternative, in the event that the town council in its sole discretion, decides to have an alternate enforcement officer for whatever reason, the town council can elect a permanent alternate enforcement officer or an alternate enforcement officer for a specific purpose or to solve an existing violation, for the purposes of exercising the powers herein prescribed. The alternate enforcement officer shall have all of the powers, duties, and responsibilities, as the regular enforcement officer. In the event of an election of an alternate enforcement officer as provided in this paragraph, any where the term "town administrator" is mentioned in this chapter, the word or office of alternate enforcement officer is submitted therein. (Ord. #94-15-09, Sept. 1994)

**13-405. Institution of action and notification by town administrator.** Whenever a petition is filed with the town administrator by a public authority or by at least one (1) resident of the Town of Oliver Springs charging that any structure is unfit for human habitation, or use in general, or whenever it appears to the town administrator (or his own motion) that any structure is unfit for human habitation or use, the Town of Oliver Springs shall, if after making a preliminary investigation, such investigation discloses a basis for such charges, issue and cause to be served upon the owner of the 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 town administrator (or his designated agent) at a time and place therein fixed not less than ten (10) days nor more than thirty (30) days after the serving of said complaint; that the owners and parties in interest shall be given the right to file an answer to the complaint and to appear in person or otherwise and give testimony at the place and time fixed in the complaint; and the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the town administrator or his designated agent. As contained herein, "public authority" shall mean any officer who is in charge of any department or branch of the government of the Town of Oliver Springs or the State of Tennessee relating to

health, fire, building regulations or other activities concerning structures in the Town of Oliver Springs. (Ord. #94-15-09, Sept. 1994)

**13-406. Determination of and further notice by town administration.** If, after such notice and hearings as above prescribed, the Town of Oliver Springs determines that the structure under consideration is unfit for human habitation, or public use, he shall state in writing his findings 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 said structure can be made at a reasonable cost in relation to the value of the structure requiring the owner within the time specified in the order to repair, alter, or improve such structure to render it fit for human habitation or public use or if not adequately repaired, altered or improved within the time specified in the order to vacate and close the structure as a human habitation; or

(2) If to repair, alteration or improvement of the said structure cannot be made at a reasonable cost in relation to the value of the structure requiring the owner within the time specified in the order to remove or demolish such structure. Rebuilding in violation of existing zoning ordinances will not be permitted. The town administrator shall determine the value of the structure in question existing on the land and the value of the land, itself, not to be considered and if the structure can be made to conform to such standards as will make it properly habitable by an expenditure of not more than fifty percent (50%) of said value, the order referred to in the preceding paragraph shall contain the first alternative. If an expenditure of more than fifty percent (50%) of the value just referred to would be necessary to make the structure properly habitable, the order in the preceding paragraph shall contain the second alternative. (Ord. #94-15-09, Sept. 1994)

**13-407. Failure of owner to comply to vacate and repair.** If the owner falls to comply with the order under part (1) of § 13-306, the town administrator may cause such structure to be repaired, altered, or improved or be vacated and closed; and in such event the town administrator 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 habitation; the use or occupation of this building for human habitation is prohibited and unlawful". (Ord. #94-15-09, Sept. 1994)

**13-408. Failure of owner to remove or demolish.** If the owner fails to comply with an order as set forth in part (2) of § 13-306, the town administrator may cause such structure to be removed or demolished. (Ord. #94-15-09, Sept. 1994)

**13-409. Creation of lien and payment into court.** The amount of the cost of such repairs, alterations or improvements or vacating and closing or removed or demolition by the town administrator shall be a lien against a real property on which such cost was incurred. If the structure is removed or demolished by the town administrator, 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 by the town administrator, 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 town administrator to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise. (Ord. #94-15-09, Sept. 1994)

**13-410. Conditions rendering structure unfit for human habitation.** In addition to the other standards set forth in this chapter, the town administrator or his authorized agent may determine that a structure is unfit for human habitation or public use if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants of such structures, the occupants of neighboring dwellings or other residents of the city; such conditions may include the following (but without limiting the generality of the foregoing): Defects in increasing the hazards of fire, accident or other calamities, lack of adequate ventilation, light or sanitary facilities, dilapidation, disrepair, structural defects, and uncleanness. (Ord. #94-15-09, Sept. 1994)

**13-411. Service of complaints or orders.** Complaints or orders set issued by the town administrator pursuant to the requirements of this chapter shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons is unknown and the same cannot be ascertained by the town in the exercise of reasonable diligence and the said town administrator or his authorized agent shall make 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. 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 be filed for record in the register's office of the county in which the structure is located and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law. (Ord. #94-15-09, Sept. 1994)

**13-412. Enjoining enforcement of order.** Any person affected by an order issued by the town administrator or his authorized agent may file a bill

in the Chancery Court for an injunction restraining the said administrator from carrying out the provisions of the order and the court may, upon the filing of such bill, issue a temporary injunction restraining the said administrator pending the final disposition of the cause; provided, however, that within sixty (60) days after posting and service of the order of the town administrator such persons shall file such bills in the court. Hearings shall be had by the court on such bills within twenty (20) days or as soon as possible, and shall be given preference over other matters on the court's calendar.

The court shall hear and determine the issue raised and shall enter such final order or decree as law and justice may require. In all such proceedings, the finding of the town administrator as to facts, if supported by evidence, shall be conclusive. Costs shall be in the discretion of the court. The remedies herein provided shall be exclusive remedies and no person affected by an order of the town administrator shall be entitled to recover any damages for action taken pursuant to any order of the town administrator, or because of noncompliance by such person with any order of the town administrator. (Ord. #94-15-09, Sept. 1994)

**13-413. Powers given to the town administrator.** The town administrator is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter including the following powers in addition to others herein granted:

(1) To investigate or have investigated the structure conditions in the town in order to determine which structures therein are unfit for human habitation.

(2) To administer oaths, affirmations, examine witnesses and receive evidence.

(3) To enter upon premises for the purpose of making examinations provided that such entries 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 deems necessary to carry out the purposes of this chapter.

(5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate. (Ord. #94-15-09, Sept. 1994)

## CHAPTER 5

### **ABANDONED, WRECKED, DISMANTLED MOTOR VEHICLES**

#### **SECTION**

13-501. Title.

13-502. Definitions.

13-503. Storing, parking, or leaving dismantled or other such motor vehicles prohibited and declared nuisance; exceptions.

13-504. Notice to remove.

13-505. Responsibility for removal.

13-506. Content of notice.

13-507. Removal of motor vehicle from property.

**13-501. Title.** This chapter shall be known and may be cited as the "Abandoned, Wrecked, Dismantled, Motor Vehicle Ordinance." (Ord. #91-16-12, Dec. 1991)

**13-502. Definitions.** For the purposes of this chapter the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the plural number. The word "shall" is always mandatory and not merely directory.

(1) "Town" is the Town of Oliver Springs.

(2) "Police department" means the Oliver Springs Police Department.

(3) "City manager" means the Town of Oliver Springs City Manager.

(4) "Motor vehicle." The term "motor vehicle," as used in this chapter, shall include all vehicles propelled by any power other than muscular power.

(5) "Antique" shall refer to any vehicle that is over twenty-five (25) years of age.

(6) "Abandoned motor vehicle" means any motor vehicle of any age that shows proof of abandonment; including but not limited to, flat or missing tires and or wheels pooling of water in vehicle, grass weeds or vegetation growing up around and or through; conditions that make the vehicle inoperable; including wrecked, dismantled, stripped, etc., for a period of thirty (30) days or any motor vehicle that does not display current tags or where an owner cannot show proof of insurance; or a motor vehicle that has remained illegally on public property for a period of more than forty-eight (48) hours, or a motor vehicle that has remained on private property without consent of the owner or person in control of the property for more than forty-eight (48) hours.

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

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

(9) "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 purposes of vehicular travel and shall also mean any other publicly owned property or facility.

(10) "Junked vehicle" Any vehicle, which is wrecked, dismantled, partially dismantled or discarded.

(11) "Wrecked" shall mean any vehicle with signs of damage from collision, etc. that is not operable.

(12) "Dismantled or partially dismantled" shall mean any vehicle that is missing any major body, electrical and or operation parts.

(13) "Inoperable" shall mean to any vehicle that is missing components that allow for operation on public streets and or rights-of-way.

(14) "Un-registered/tagged or insured" shall mean any vehicle that does not comply with State of Tennessee registration and or insurance requirements. (Ord. #91-16-12, Dec. 1991, as replaced by Ord. #2014-5-15A, May 2014)

**13-503. Storing, parking, or leaving dismantled or other such motor vehicles prohibited and declared nuisance; exceptions.** No persons 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, rusted, junked, or partially dismantled condition, use any motor vehicle for storage of any items of personal property, whether attended or not, upon any public or private property within the town for a period of time in excess of forty-eight (48) hours. Any vehicle that is unlicensed or uninsured that has set on any parcel of land weather vacant or occupied shall be considered a nuisance. The presence of an abandoned, wrecked, dismantled, 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 this chapter. This section shall not apply to any vehicle enclosed within a building on private property or to any vehicle held in connection with a business enterprise, lawfully licensed by the town and properly operated in the appropriate business zone, pursuant to the zoning laws of the town, or to any motor vehicle in operable condition specifically adopted or designed for operation on drag strips or raceways, or any vehicle retained by the owner for antique collection purposes, or any vehicle held and or stored for person on active military leave.

However, junked motor vehicles, or any parts or accessories thereof, or thereto held in conjunction with a business enterprise, such as a body repair shop, used car sales facility, paint shop, vehicle detention facility, or storage facility, etc., shall not exceed the number of ten (10) of any such vehicles upon said property. Such vehicles must be placed on subject property no closer to any

abutting streets or roads than the setback line of the major building. This provision may be waived if proper screening is erected in the form of fencing or landscaping so as to hide vehicles from view, or if said vehicles are housed on a temporary basis, not to exceed fifteen (15) days. If there is no building on the property upon which said vehicles are located, the entire property must be screened by natural objects, plantings, fences or other appropriate means so as not to be visible in any manner whatsoever from any street or highway upon which same are located. Further, no business as is defined in this paragraph shall allow to accumulate or shall place within view of abutting streets and roads, any vehicle parts such as tires, engine blocks, wheels, bumpers, etc. Vehicle parts shall be kept fully out of sight if stored outside, or be stored within an enclosed building. (Ord. #91-16-12, Dec. 1991, as amended by Ord. #07-19-07C, July 2007, and replaced by Ord. #2014-5-15A, May 2014)

**13-504. Notice to remove.** Whenever it comes to the attention of the Oliver Springs Building Inspector that any violation of this chapter exists in the Town of Oliver Springs, a notice in writing shall be served upon the occupant of the land where the violation exists, or in case there is no such occupant, then upon the owner of the property or his agent, notifying them of the existence of the violation and requesting its removal in the time specified in this chapter. The building inspector shall give the notice to remove to the owner or occupant of the private property where the violation is located at least ten (10) days before the time of compliance.

It shall constitute sufficient notice when a copy of same is posted upon the private property on which the motor vehicle or violation is located and duplicate copies would be sent by certified mail to the owner or occupant of the private property at his last known address. (Ord. #91-16-12, Dec. 1991, as replaced by Ord. #2014-5-15A, May 2014, and Ord. #2015-4-17A, April 2015)

**13-505. Responsibility for removal.** Upon proper notice and opportunity to be heard, the owner of the abandoned, wrecked, dismantled, motor vehicle and the owner or occupant of the private property on which the same is located, either or all of them, shall be responsible for its removal. (Ord. #91-16-12, Dec. 1991)

**13-506. Content of notice.** The notice shall contain the request for removal within the time specified in this chapter, and the notice shall advise that upon failure to comply with the notice to remove, said owner abandoned vehicle or the property owner on whose property said vehicle is abandoned be cited into city court at its next regular session. (Ord. #91-16-12, Dec. 1991)

**13-507. Removal of motor vehicle from property.** If the violation described in the notice has not been remedied within said ten (10) days, after the said subject has been notified, the subject will be cited into city court, at the

next regular session. Violation of this chapter shall constitute a misdemeanor, punishable upon conviction, by a fine not exceeding \$50.00 or by imprisonment, not exceeding 30 days, or both, in accordance with the general penalty clause for Tennessee Code Annotated, § 55-15-104. Provided however, each day or part of a day, during which a violation is allowed to continue, shall constitute a separate offense. (Ord. #91-16-12, Dec. 1991)