

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. SLUM CLEARANCE.
3. SATELLITE DISH ANTENNAS.

CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Health officer.
- 13-102. Smoke, soot, cinders, etc.
- 13-103. Stagnant water.
- 13-104. Weeds.
- 13-105. Overgrown and dirty lots.
- 13-106. Dead animals.
- 13-107. Health and sanitation nuisances.
- 13-108. Violations and penalty.

13-101. Health officer. (1) There is hereby created the position of health officer for the City of South Pittsburg, Tennessee.

(2) The position of health officer shall be filled by appointment, upon proper resolution of the board of mayor and commissioners, and the term of said office shall be for a period of one (1) year, commencing on March 1. Any appointment made on a date other than March 1, shall continue until March 1 of the next succeeding year and any person so appointed shall continue to hold the office beyond his term until his successor is duly appointed by the board of mayor and commissioners.

(3) The health officer shall have the authority to enforce and/or regulate all ordinances of the City of South Pittsburg, Tennessee, relating to health matters. (2005 Code, § 13-101)

¹Municipal code references

Animal control: title 10.

Littering streets, etc.: § 16-107.

Wastewater treatment: title 18, chapter 2.

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. (2005 Code, § 13-102)

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 prevent the breeding of mosquitoes. (2005 Code, § 13-103)

13-104. 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'). (2005 Code, § 13-104)

13-105. Overgrown and dirty lots. (1) Prohibition. Pursuant to the authority granted to municipalities under *Tennessee Code Annotated*, § 6-19-101, 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 accumulations of debris, trash, litter, junk automobiles and vehicles, junk appliances, junk equipment, 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.

Pursuant to the authority granted to municipalities under *Tennessee Code Annotated*, § 6-19-101, it shall be unlawful for a commercial unit, as defined as "all premises, locations or entities, public or private, requiring refuse collection within the corporate limits of the city, not a residential unit," to place commercial refuse, defined as "garbage generated by a producer at a commercial unit, including bulky waste, construction debris, and stable matter" for collection at the expense of the City of South Pittsburg.

(2) Designation of public officer. The South Pittsburg Board of Mayor and Commissioners hereby designates the South Pittsburg Chief of Police as the enforcement officer for the provisions of this section.

(3) Notice to property owner. It shall be the duty of the chief of police 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, excluding Saturdays, Sundays, and legal holidays. 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 the notice shall be in plain language to remedy the condition within twenty (20) days, excluding Saturdays, Sundays, and legal holidays. The notice shall be issued in person to the property owner or 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 this section and that the property of such owner shall be cleaned-up at the expense of the owner;

(b) The person, office, address, and telephone number of the chief of police; and

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

(4) Penalties for violation. If the property owner of record fails or refuses to remedy the condition within ten (10) days after 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 chief of police shall immediately cause the property owner to be issued a misdemeanor violation citation. Upon conviction, any person violating the provisions of this section shall be fined not less than two dollars (\$2.00) nor more than fifty dollars (\$50.00) for each offense. Each day such violations continue shall constitute a separate offense.

(5) Appeal. The owner of record who is aggrieved by the determination and order of the chief of police may appeal the determination and order to the South Pittsburg Board of Mayor and Commissioners. The appeal shall be filed with the city recorder within ten (10) days following the receipt of the notice issued pursuant to subsection (3) above. The failure to appeal within this time shall, without exception, constitute a waiver of the right to a hearing.

(6) Judicial review. Any person aggrieved by an order or act of the South Pittsburg Board of Mayor and Commissioners under subsection (5) above may seek judicial review of the order or act. The time period established in subsection (4) above shall be stayed during the pendency of judicial review.

(7) 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, the municipal code of ordinances or other applicable law which permits the city to proceed against an owner, tenant, or occupant of property who has created, maintained, or permitted to be maintained on such property the growth of trees, vines, grass, weeds, underbrush and/or the accumulation of debris, trash, litter, or garbage or any combination of the preceding elements, under its charter, any other provisions of the municipal code or any other applicable law.

(8) Definition of junk. For the purposes of this section the term "junk", shall be defined as follows:

"Junk." Any automobile, vehicle, appliance or equipment which is incapable of being operated under its own power. (2005 Code, § 13-105)

13-106. 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. (2005 Code, § 13-106)

13-107. 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. (2005 Code, § 13-107)

13-108. 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 CLEARANCE

SECTION

- 13-201. Purpose.
- 13-202. Definitions.
- 13-203. Public officer designated.
- 13-204. Initiation of proceedings; hearings.
- 13-205. Orders to owners of unfit structures.
- 13-206. Notice of unfit structure.
- 13-207. Building inspector removal or demolition of unfit structure.
- 13-208. Liens for costs of removal or demolition.
- 13-209. Basis for finding of unfitness.
- 13-210. Service of complaints or orders.
- 13-211. Administrative appeal.
- 13-212. Enjoining enforcement of order.
- 13-213. Additional powers of the building inspector.
- 13-214. Powers conferred as supplementary.

13-201. Purpose. Whenever the City of South Pittsburg finds that there exists structures which are unfit for human occupation or use due to dilapidation, defects increasing hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities or due to other conditions rendering such structures unsafe or unsanitary or dangerous or detrimental to the health, safety or morals, or otherwise inimical to the welfare of the residents of South Pittsburg, the city shall exercise its police powers to repair, close, or demolish the aforementioned structure in the manner provided in *Tennessee Code Annotated*, §§ 13-21-101 to 13-21-110. (2005 Code, § 12-601)

13-202. Definitions. As used in this part, unless the context otherwise requires:

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

(2) "Governing body." The South Pittsburg Board of Mayor and Commissioners.

(3) "Municipality." The City of South Pittsburg, Tennessee and the areas encompassed within the existing city limits or as hereinafter annexed.

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

(5) "Parties in interest." All individuals, associations, corporations and others who have interest of record in a structure and any who are in possession thereof.

(6) "Place of public accommodation." 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." Any housing authority or any officer who is in charge of any department or branch of the government of the municipality or state relating to health, fire building regulations, or other activities concerning structures in the municipality.

(8) "Public officer." The officer or officers who are authorized by ordinances adopted hereunder to exercise the powers prescribed by such ordinances.

(9) "Structure." Any dwelling or place of public accommodation. (2005 Code, § 12-602)

13-203. Public officer designated. The board of mayor and commissioners hereby designates the South Pittsburg building inspector as the public officer to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the building inspector. (2005 Code, § 12-603)

13-204. Initiation of proceedings; hearings. Whenever a petition is filed with the building inspector by any public authority or by at least five (5) residents of South Pittsburg, Tennessee charging that any structure is unfit for human occupation or use, or whenever it appears to the building inspector (on the building inspector's own motion) that any structure is unfit for occupation or use, the building inspector shall, if preliminary investigation discloses a basis for such charges, issue the 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 building inspector (or building inspector's designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the serving of the complaint, that:

(1) The owner 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

(2) The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the building inspector. (2005 Code, § 12-604)

13-205. Orders to owners of unfit structures. If, after such notice and hearing, the building inspector determines that the structure under consideration is unfit for human occupation or use, the building inspector shall state in writing the building inspector's 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 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 building inspector's order, to repair, alter, or improve such structure to render it fit for human occupation or use or to vacate and close the structure as a place of human occupation or use; or

(2) If the repair, alteration, or improvement of the structure cannot 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 building inspector's order, to remove or demolish such structure. (2005 Code, § 12-605)

13-206. Notice of unfit structure. If the owner fails to comply with an order to repair, alter, or improve or to vacate and close the structure, the building inspector may cause such structure to be repaired, altered, or improved, or to be vacated and closed; that the building inspector may cause to be posted on the main entrance of any structure so closed, a placard with the following words: "This building is unfit for human occupation or use. The use or occupation of this building for human occupation or use is prohibited and unlawful." (2005 Code, § 12-606)

13-207. Building inspector removal or demolition of unfit structure. If the owner fails to comply with an order to remove or demolish the structure, the building inspector may cause such structure to be removed or demolished. (2005 Code, § 12-607)

13-208. Liens for costs of removal or demolition. The amount of the cost of such repairs, alterations, or improvements, or vacating and closing, or removal or demolition by the building inspector shall be assessed against the owner of the property, and shall upon the filing of the notice with the office of the Register of Deeds of Marion County, be a lien on the property in favor of the municipality, second only to 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 and shall be subject to the same penalty and interest as delinquent property taxes. In addition, the municipality may collect the costs assessed against the owner though an action for debt filed in any court of competent jurisdiction. The municipality may bring one (1) action for debt against more than one 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 building inspector, the building inspector 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 Marion County, Tennessee by the building inspector, 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 South Pittsburg, Tennessee to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (2005 Code, § 12-608)

13-209. Basis for finding of unfitness. The South Pittsburg Building Inspector may determine that a structure is unfit for human occupation or use if the building inspector finds that conditions exist in such structure which are dangerous or injurious to the health, safety, or morals of the occupants of such structure, the occupants of neighboring structures or other residents of South Pittsburg. Such conditions may include the following (without limiting the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; or uncleanliness. (2005 Code, § 12-609)

13-210. Service of complaints or orders. Complaints or orders issued by the building inspector, 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 building inspector in the exercise of reasonable diligence, and the building inspector 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 municipality, or in the absence of such newspaper, in one printed and published in the county and circulating in the municipality in which the structure(s) are located. 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 Marion County, and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law. (2005 Code, § 12-610)

13-211. Administrative appeal. All parties in interest may appeal the building inspector's ruling, pursuant to the provisions of this chapter, to the South Pittsburg Board of Mayor and Commissioners at its next regularly scheduled meeting. If the parties in interest of the property do not file the appeal at the next regularly scheduled board of mayor and commissioners

meeting, or do not show cause for extension for the ruling, the ruling of the building inspector shall prevail. (2005 Code, § 12-611)

13-212. Enjoining enforcement of order. Any person affected by an order issued by the building inspector may file a bill in the chancery court of Marion County for an injunction restraining the building inspector from carrying out the provisions of the order, and the court may, upon filing of such bill, issue a temporary injunction restraining the building inspector pending the final disposition of the cause; provided, that within sixty (60) days after the posting and service of the order of the building inspector, such person shall file such bill in the court. Hearings shall be had by the court on such bills within twenty (20) days, or as soon thereafter as possible, and shall be given preference over other matters on the court's calendar.

The court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require. In such proceedings, the findings of the building inspector 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 building inspector shall be entitled to recover damages for action taken pursuant to any order of the building inspector, or because of noncompliance by such person with any order of the building inspector. (2005 Code, § 12-612)

13-213. Additional powers of the building inspector. This chapter shall authorize the building inspector to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes of this chapter in addition to the other powers granted herein, including:

- (1) Investigate conditions in the municipality in order to determine which structures therein are unfit for human occupation or use;
 - (2) Administer oaths, affirmations, examine witnesses and receive evidence;
 - (3) Enter upon premises for the purpose of making examinations; provided, that such entries shall be made in such a manner as to cause the least possible inconvenience to the persons in possession;
 - (4) Appoint and fix the duties of such officers, agents, and employees as the building inspector deems necessary to carry out the purposes of this chapter; and
 - (5) Delegate any functions and powers of the building inspector under this chapter to such officers and agents as the building inspector may designate.
- (2005 Code, § 12-613)

13-214. Powers conferred as supplementary. Nothing in this chapter shall be construed to abrogate or impair the powers of the courts or of any department of South Pittsburg to enforce any provisions of the city charter or its 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 any other law. (2005 Code, § 12-614)

CHAPTER 3

SATELLITE DISH ANTENNAS

SECTION

13-301. Regulations.

13-301. Regulations. Satellite dish antennas, subject to the following regulations, may be located within the City of South Pittsburg.

(1) Satellite dish antennas shall be located in the rear yard and behind the principal dwelling or structure located on the lot; are not closer than ten feet (10') from the base of antenna to any lot line; are not on an easement; and do not cover more than thirty percent (30%) of any required rear yard.

(2) Satellite dish antennas may be located on a corner lot provided they observe the following special setback provisions. The placement of a satellite dish antenna must be located on the inside quadrant of the lot, provided that the front yard setback from each street applies and that the structure is properly screened with fencing and/or landscaping.

(3) Satellite dish antennas may be located on a rooftop provided they are properly screened from sight.

(4) A satellite dish antenna may be installed or erected in a location not specified in this chapter provided that the installing technician submits a written notice including a location site plan to the city specifying the proposed placement as the only signal receiving location on the lot from the aforementioned specifications.

(5) Satellite dish antennas are permissible in all commercial districts provided that the placement and installation thereof comply with this chapter.

(6) No installation or erection of a satellite dish antenna shall commence before a permit is obtained from the City of South Pittsburg. (2005 Code, § 13-201)