

TITLE 13**PROPERTY MAINTENANCE REGULATIONS¹****CHAPTER**

1. MISCELLANEOUS.
2. JUNKYARDS.
3. SLUM CLEARANCE.
4. STORAGE OF AUTOMOBILES.

CHAPTER 1**MISCELLANEOUS****SECTION**

- 13-101. Smoke, soot, cinders, etc.
- 13-102. Stagnant water.
- 13-103. Weeds.
- 13-104. Health and sanitation nuisances.
- 13-105. House trailers.
- 13-106. Overgrown and dirty lots.

13-101. 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. (1980 Code, § 8-104)

13-102. 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. (1980 Code, § 8-105)

13-103. 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

¹Municipal code references
Animal control: title 10.
Littering streets, etc.: § 16-107.
Toilet facilities in beer places: § 8-211(10).

recorder or chief of police to cut such vegetation when it has reached a height of over one (1) foot. (1980 Code, § 8-106)

13-104. 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. (1980 Code, § 8-107)

13-105. 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 unless a permit therefor shall have been first duly issued by the recorder. (1980 Code, § 8-103)

13-106. Overgrown and dirty lots.¹ (1) Prohibition. Pursuant to the authority granted to municipalities under Tennessee Code Annotated, § 6-54-113, it is 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) Complaint. Upon receipt of a complaint either written or oral the board of mayor and aldermen shall determine if an enforcement action is necessary and so instruct the town manager.

(3) Designation of public officer. The town manager shall enforce the provisions of this section.

(4) Notice to property owner. It is 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

¹Municipal code reference

§ 13-103 applies to cases where the city wishes to prosecute the offender in city court. § 13-106 can be used when the city seeks to clean up the lot at the owner's expense and place a lien against the property for the cost of the clean-up but not to prosecute the owner in city court.

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 §13-106 of the Town of Bluff City 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.

(5) 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 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 Sullivan 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.

(6) 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 (5) 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 (5) for these charges.

(7) 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 city recorder within ten (10) days following the receipt of the notice issued pursuant to subsection (4) above. The failure to appeal within this time shall, without exception, constitute a waiver of the right to a hearing.

(8) Judicial review. Any person aggrieved by an order or act of the board of mayor and aldermen 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.

(9) Supplemental nature of this section. The provision 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, weed g, 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. (Ord. #95-002, April 1995, as replaced by Ord. #2008-006, June 2006)

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

13-201. Junkyards.

13-201. 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 (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. (1980 Code, § 8-109)

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 3

SLUM CLEARANCE¹

SECTION

- 13-301. Findings of board.
- 13-302. Definitions.
- 13-303. "Public officer" designated; powers.
- 13-304. Initiation of proceedings; hearings.
- 13-305. Orders to owners of unfit structures.
- 13-306. When public officer may repair, etc.
- 13-307. When public officer may remove or demolish.
- 13-308. Lien for expenses; sale of salvage materials; other powers not limited.
- 13-309. Basis for a finding of unfitness.
- 13-310. Service of complaints or orders.
- 13-311. Enjoining enforcement of orders.
- 13-312. Additional powers of public officer.
- 13-313. Powers conferred are supplemental.
- 13-314. Structures unfit for human habitation deemed unlawful.

13-301. 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 town structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the town. (Ord. #86-____, Dec. 1986)

13-302. 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 town.

(3) "Municipality" shall mean the Town of Bluff City, Tennessee, and the areas encompassed within existing town 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 town or state relating to health, fire, building regulations, or other activities concerning structures in the town.

(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. (Ord. #86-____, Dec. 1986)

13-303. "Public officer" designated; powers. There is hereby designated and appointed a "public officer," to be the mayor of the town, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the mayor. (Ord. #86-____, Dec. 1986)

13-304. 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 town charging that any structure is unfit for human occupancy or use, or whenever it appears to the public officer (on his own motion) that any structure is unfit for human occupation or use, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of, and parties in interest of, such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer (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. (Ord. #86-____, Dec. 1986)

13-305. Orders to owners of unfit structures. If, after such notice and hearing as provided for in the preceding section, the public officer determines that the structure under consideration is unfit for human occupation or use, he shall state in writing his finding of fact in support of such

determination and shall issue and cause to be served upon the owner thereof an order:

(1) If the repair, alteration or improvement of the structure can be made at a reasonable cost in relation to the value of the structure (not exceeding fifty percent [50%] of the reasonable value), requiring the owner, within the time specified in the order, to repair, alter, or improve such structure to render it fit for human occupation or use or to vacate and close the structure for human occupation or use; or

(2) If the repair, alteration or improvement of said structure cannot be made at a reasonable cost in relation to the value of the structure (not to exceed fifty percent [50%] of the value of the premises), requiring the owner within the time specified in the order, to remove or demolish such structure. (Ord. #86-____, Dec. 1986)

13-306. When public officer may repair, etc. If the owner fails to comply with the order to repair, alter, or improve or to vacate and close the structure as specified in the 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." (Ord. #86-____, Dec. 1986)

13-307. When public officer may remove or demolish. If the owner fails to comply with an order, as specified above, to remove or demolish the structure, the public officer may cause such structure to be removed and demolished. (Ord. #86-____, Dec. 1986)

13-308. Lien for expenses; sale of salvaged materials; other powers not limited. The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer shall be assessed against the owner of the property, and shall upon the filing of the notice with the office of the register of deeds of Sullivan County, 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. 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 or all of the owners of properties against whom said costs have been assessed and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a misjoinder of parties. If the structure is removed or demolished by the public officer, he shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the chancery court of Sullivan County by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the person found to be entitled thereto by final order or decree of such court. Nothing in this section shall be construed to impair or limit in any way the power of the Town of Bluff City to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (Ord. #86-____, Dec. 1986)

13-309. 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 Town of Bluff City. 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. (Ord. #86-____, Dec. 1986)

13-310. 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 town. 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 Sullivan County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (Ord. #86-____, Dec. 1986)

13-311. Enjoining enforcement of orders. Any person affected by an order issued by the public officer served pursuant to this chapter may file a 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. (Ord. #86-____, Dec. 1986)

13-312. 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 town 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. (Ord. #86-____, Dec. 1986)

13-313. Powers conferred are supplemental. This chapter shall not be construed to abrogate or impair the powers of the town 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. (Ord. #86-____, Dec. 1986)

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

Violations of this section shall subject the offender to a penalty of up to fifty dollars (\$50.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (Ord. #86-____, Dec. 1986, as amended by Ord. #2005-003, May 2005)

CHAPTER 4

STORAGE OF AUTOMOBILES

SECTION

- 13-401. Accumulation of discarded personal property prohibited except under certain conditions.
- 13-402. The fencing of commercial storage areas which utilize vehicle salvage parts is required.
- 13-403. Paved portions of highways and roads, and all rights-of-way must be kept clear of vehicle parts.
- 13-404. Open storage of inoperable or unregistered motor vehicles is prohibited.
- 13-405. Notice of violation is to be given offenders prior to issuance of a citation.

13-401. Accumulation of discarded personal property prohibited except under certain conditions. It shall be unlawful for the owner(s) or occupant(s) of real property within the municipal limits of Bluff City to allow litter, debris, trash, or discarded items of personal property to accumulate and remain on said property. Any items of personal property which are damaged, dilapidated, or which are lying or stacked about the property in a state of disarray shall be deemed to be discarded for the purposes of this chapter. All litter, trash, debris, and discarded items of personal property shall be placed by the property owner or occupant in secured refuse containers for prompt disposal. If the owner or occupant desires to retain possession of personal property items which would otherwise fall within the prohibitions of this chapter, he or she shall place the items within a permanent structure lawfully erected on the premises. (Ord. #91-033, Sept. 1991)

13-402. The fencing of commercial storage areas which utilize vehicle salvage parts is required. (1) Commercial enterprises and businesses which utilize, or otherwise lawfully maintain on their premises, damaged or salvaged miscellaneous motor vehicle parts and damaged or salvaged motor vehicle bodies shall enclose all such motor vehicle salvage material in a permanent structure on the business premises or shall enclose all such motor vehicle material within a fence which completely screens said materials from the view of neighbors and passing motorists. The fence shall be of sufficient heights to obstruct the view of the public from any side of the commercial property which is open to public view from a road right-of-way. When the topography of the commercial premises prevents a fence from shielding fifty percent (50%) or more of the storage area from public view the business may utilize a six foot (6') fence on that portion of its storage perimeter.

(2) Stored motor vehicles which have less than all their wheels and tires supporting the vehicle or which are supported in any manner by jacks, blocks, or hoists shall be enclosed in a permanent structure or within a fenced area as described herein. Access to the fenced in area shall be closed and locked during non-business hours.

(3) Any fence required by the provisions of this code shall be sturdily constructed in such a manner so as to completely obstruct the view of passersby and shall be composed of weather resistant materials normally utilized in commercial fence construction. No building salvage materials such as aluminum siding, tin roofing, or rusted metal parts shall be used in the construction of the fence. Topographical conditions which eliminate the need for a screening fence shall not affect the fencing of junkyards as mandated by other provisions of this code. (Ord. #91-033, Sept. 1991)

13-403. Paved portions of highways and roads, and all rights-of-way must be kept clear of vehicle parts. No motor vehicle parts, business inventory, or miscellaneous personal property of any description shall be placed or laid, either temporarily or for storage purposes, upon any road or highway right-of-ways within the corporate limits, nor upon the paved portions or shoulders of any road or right-of-way within the corporate limits. (Ord. #91-033, Sept. 1991)

13-404. Open storage of inoperable or unregistered motor vehicles is prohibited. (1) The use of property within the corporate limits as a storage lot or parking grounds for infrequently operated, inoperable, unregistered, or damaged motor vehicles is expressly forbidden unless the property owner or occupant obtains a special permit to utilize his premises as an automobile storage lot.

(2) A business which repairs motor vehicles shall not be required to obtain such a permit unless vehicles are stored or parked overnight on the premises. The permit shall be issued by the town's city manager and shall specify the permissible parking arrangement of the vehicles upon the premises so as to assure access by municipal service and emergency vehicles to the parked vehicles and to the structures on the property.

(3) Businesses engaged in the repair of motor vehicles shall not park or allow the parking of their customers' inoperable vehicles upon the municipal rights of way adjacent to their premises.

(4) Junk vehicles or abandoned vehicles shall not be parked or stored on town streets, public highways, any public right-of-way, or any public property. The town, through its police department, may tow and impound any "junk vehicle" or "abandoned vehicle" pursuant to the provisions of Tennessee Code Annotated, § 55-16-104 through Tennessee Code Annotated, § 55-16-110. The town shall follow the procedures for notification of the last known owner of the abandoned vehicle and the methods of vehicle disposal which are set out in

the provisions of Tennessee Code Annotated, § 55-16-104 through § 55-16-110. Any motor vehicle or former motor vehicle shall be considered a "junk vehicle" or an "abandoned vehicle" for purposes of its being towed and impounded by the Town of Bluff City if it meets three of the four following criteria:

- (a) The vehicle is two years old, or older; and
- (b) The vehicle is damaged or defected in any one or a combination of any of the following ways which indicate that the vehicle could not reasonably and safely be operated upon the streets and highways of the town under its own power:
 - (i) Broken or cracked window or windshield; or
 - (ii) Missing tires or missing or partially or totally disassembled tires and wheels; or
 - (iii) Missing or partially or totally disassembled essential part or parts of the vehicle's drive train, including, but not limited to, engine, transmission, transaxle, drive shaft, differential, axle; or
 - (iv) Extensive exterior body damage or missing or partially or totally disassembled exterior body parts essential to the reasonably safe operation of the motor vehicle, such as, but not limited to fenders, doors, engine hood; or
 - (v) Missing or partially or totally disassembled interior parts essential to the reasonably safe operation of the motor vehicle, such as, but not limited to, driver's seat, steering wheel, instrument panel; or
 - (vi) Missing or partially or totally disassembled other parts essential to the starting or running of vehicle under its own power, such as, but not limited to, starter, generator or alternator, battery, distributor, gas tank, radiator; or
 - (vii) The interior is a container for metal, glass, paper, rags, wood, machinery, parts, cloth or other waste or discarded materials in one or any combination of such materials in such quantity and arrangement that the vehicle cannot be reasonably safely operated upon the streets and highways; and
- (c) The vehicle does not have a current state license plate affixed at the rear of the vehicle as prescribed by state law; and
- (d) The vehicle has been parked in the same location on a public right-of-way for more than seventy-two (72) hours.
- (5) The storage or extended parking of motor vehicles on property overgrown with weeds and other vegetation by the owner or occupant of the property or by the owner of the motor vehicle is expressly prohibited. Property shall be deemed to be overgrown with weeds and vegetation when such growth is tall enough to touch, or does touch, any part of the body (i.e., bumper, side panels, exhaust system, etc.) of the motor vehicle parked thereon. (Ord. #91-033, Sept. 1991, as amended by Ord. #95-001, March 1995)

13-405. Notice of violation is to be given offenders prior to issuance of a citation. (1) The town shall give any property owner or occupant who violates the provisions of this chapter written notice that said owner or occupant shall have ten (10) days in which to comply with the terms of this chapter or be fined not less than twenty-five dollars (\$25) nor more than fifty dollars (\$50) for each day that he or she continues to violate the terms of this chapter.

(2) Written notice shall be served on said owner or occupant personally or by certified mail. Each day that the parking or storage of a motor vehicle violates the terms of this chapter shall be a separate offense. Each day that litter or personal property remains in a discarded state on the property in violation of this chapter shall be a separate offense.

(3) In the event that an owner or occupant of property refuses or fails to comply with the written notice served upon him pursuant to the provisions of this chapter for more than ten (10) days after service of said notice, the town may institute an action in the chancery court to secure the enforcement of the provisions of this chapter and to require that the property owner or occupant take necessary and appropriate action to bring his property into compliance. (Ord. #91-033, Sept. 1991)