

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. SLUM CLEARANCE AND ELIMINATION OF DANGEROUS STRUCTURES.

CHAPTER 1

MISCELLANEOUS

SECTION

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13-101. Health officer. The "health officer" shall be such municipal, county, or state officer as the governing body shall appoint or designate to administer and enforce health and sanitation regulations within the municipality. (1982 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. (1982 Code, § 8-104)

13-103. Stagnant water. It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property without treating it so as effectively to prevent the breeding of mosquitoes. (1982 Code, § 8-105)

13-104. Weeds. (1) Any weed such as jimson, burdock, ragweed, thistle, cocklebur, or other weeds of a like kind, found growing in any lot or tract of land

¹Municipal code references
Animal control: title 10.

in the town are hereby declared to be a nuisance, and it shall be unlawful to permit any such weeds to grow or remain in any such place.

(2) It shall be unlawful for anyone to permit any weeds, grass, or plants, other than trees, bushes, flowers, or other ornamental plants, to grow to a height exceeding twenty-four (24) inches anywhere in the town. Any such plants or weeds exceeding such height are hereby declared a nuisance.

(3) It shall be the duty of the chief of police to serve or cause to be served a notice upon the owner or occupant, if any, of any premises on which weeds or plants are permitted to grow in violation of the provisions of this section and to demand the abatement of the nuisance within ten days.

(4) If the person so served does not abate the nuisance within ten days, the Town of Bruceton may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged and paid by such owner or occupant, upon said owner and occupant, if any, being billed as hereinafter provided.

(5) Charges for such removal shall be charged to the owner or occupant of said premises, each being jointly or severally liable therefor and whenever such charge remains unpaid for 60 days after it has been rendered, the Town of Bruceton shall have a right to maintain an action at law for the collection of such charges. Notice of such charges shall be mailed to the owner and occupant, if any, of said premises by certified mail so as to give the owner and occupant notice of said charge.

(6) The city attorney for the Town of Bruceton, upon being notified by the city recorder is hereby authorized and directed to institute such proceedings in the name of the Town of Bruceton in any court having jurisdiction over such matter against any owner and occupant as to such charges that have remained unpaid 60 days after notice. (1982 Code, § 8-106, modified)

13-105. 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. (1982 Code, § 8-107)

13-106. Abandoned, inoperable or junk vehicles. (1) It shall be unlawful for the owner of any motor operated vehicle which is inoperable, junk or which only has a salvage value to abandon the same or to park the same within the corporate limits of the town for more than thirty (30) days whether at any one or combination of locations unless the vehicle is located inside an enclosed building or other permanent structure.

(2) It shall further be unlawful for the owner of any real property, whether residential or commercial in use, located within the corporate limits of the town to park or allow to be parked or placed on that real property any motor operated vehicle which is inoperable, junk or which only has a salvage value for a time greater than thirty (30) days unless the vehicle is located inside an enclosed building or other permanent structure.

(3) The police officers of the town are to determine when any person is in violation of section (1) or (2) above. Written notice shall be given either by personal delivery or by certified United States of America mail with return receipt to the owner of record. The notice shall advise the person of the violation, the need to correct the condition and of the consequences of failing to remedy the noted condition as well as to their rights to a hearing. If the person receiving the notice desires a hearing then he/she shall request a hearing before the town recorder by filing a request in writing for a hearing with the town recorder within ten business days of the receipt of said notice. Failure to file such a request for a hearing shall constitute a waiver of the right to a hearing.

(4) If a person receives notice pursuant to this section of a violation and does not correct it within ten days or does not request a hearing within ten days in response to the notice or does not correct the condition within ten days of a hearing, should the town prevail at said hearing, then the town may:

(a) Cause the offending property to be removed and the property disposed of and may recover the costs of the removal from the offending person in an action at law or;

(b) Cite the offending person into the town court where the town judge shall have the authority to impose a fine for the violation of this section in the amount of \$50.00. For purposes of this subsection each calendar day that the condition exists may be considered by the court to be a separate and distinct offense. (Ord. #93-02, Oct. 1993, modified)

CHAPTER 2

SLUM CLEARANCE AND ELIMINATION OF DANGEROUS STRUCTURES

SECTION

- 13-201. Purpose.
- 13-202. Definitions.
- 13-203. Unfit or dangerous structures.
- 13-204. Conditions rendering structure unfit or dangerous.
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- 13-206. Powers given public officer.
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- 13-209. Finding of dangerous or unfit structures.
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13-201. Purpose. The purpose of this chapter is to provide the necessary administrative and legal procedures as required by art. I, § 1.04(i), of the Charter of the Town of Bruceton and Tennessee Code Annotated, § 13-21-103, for the designation of unsafe, hazardous or dangerous dwellings and structures and for the abatement of same within the municipality. (Ord. #97-04, Sept. 1997)

13-202. Definitions. The following terms wherever 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 Bruceton, Tennessee.
- (2) "Governing body" shall mean the Board of Aldermen and Mayor of the Town of Bruceton.
- (3) "Public officer" shall mean the officer or officers who are authorized hereinbelow to exercise the powers prescribed by this chapter.
- (4) "Public authority" shall mean any housing authority or any officer who is in charge of any department or branch of the government of the municipality 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 of interest" shall mean all individuals, associations, corporations and others who have interest of record in a structure and any who are in possession thereof.

(7) "Dwelling" shall mean any building or structure, or part thereof, used and occupied for human residential habitation or abode or use, or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

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

(9) "Structure" shall mean any dwelling, any place of public accommodation; any place wherein business, trade, commerce or manufacture is conducted; any advertising sign; fences or any other similar man-made facility or object. (Ord. #97-04, Sept. 1997)

13-203. Unfit or dangerous structures. All dwellings, structures and other similar facilities within the municipality which are unsuitable or unsafe for human occupancy or use due to dilapidation; defects increasing the hazards of fire, accident or other calamities; damage from fire; 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 the Town of Bruceton, shall be upon proper investigation by the appropriate public official declared as an "Unfit or Dangerous Structure," and shall be and is hereby declared to be a public nuisance, which shall be upon application of the proper procedure by a public authority abated as directed. (Ord. #97-04, Sept. 1997)

13-204. Conditions rendering structure unfit or dangerous. The public officer may determine that a structure is unfit for human occupation or 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 structure; the occupants of neighboring structures or other residents of the municipality. 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, caused either by neglect or fire or other such damage; disrepair; structural defects, or uncleanness. The public officer of public authority may also utilize the standards and requirements of other related adopted codes of the municipality, such as the building code, housing code. etc. (Ord. #97-04, Sept. 1997)

13-205. Designation of public officer. The codes enforcement official/building inspector is designated as the principle public officer for the administering and enforcement of the provisions of this chapter; however, the

following duly elected or appointed and serving officers or employees of the Town of Bruceton are also authorized to enforce the provisions of this chapter:

- (1) Fire marshal/fire chief.
- (2) Chief of police.
- (3) Town recorder.
- (4) Town attorney.
- (5) Town mayor. (Ord. #97-04, Sept. 1997)

13-206. Powers given public officer. The Mayor and Board of Aldermen of the Town of Bruceton hereby authorizes the public officer 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 conditions in the municipality 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 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 he 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. #97-04, Sept. 1997)

13-207. Service of complaints or orders. Complaints or orders issued by a public officer pursuant to 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 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 the town's official newspaper. 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 also be filed for record in the Office of the Register, Carroll County, Tennessee, and such filing of the complaint or order shall have the same force and effect as other lis penden notices provided by law. [Tennessee Code Annotated, § 13-21-105] (Ord. #97-04, Sept. 1997)

13-208. Hearings on complaints or petitions. Whenever a petition is filed with the public officer by a public authority; or by at least five (5) residents of the municipality charging that any structure is dangerous or unfit for human occupation or use; or whenever it appears to the governing body (on his own motion) that any structure is dangerous or unfit for human occupation

or use, the governing body 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 governing body (or his 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 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 that the rules of evidence prevailing in courts in law or equity shall not be controlling in hearings before the governing body. (Ord. #97-04, Sept. 1997)

13-209. Finding of dangerous or unfit structures. If after such notice and hearing, the governing body determines that the structure under consideration is dangerous or unfit for human occupation or use, then the public officer shall issue and cause to be served upon the owner thereof an order stating that:

(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 (fifty percent [50%] shall be considered a reasonable value) the owner will be required, within the time specified in the order, to repair, alter, or improve such structure to render it safe or 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 (fifty percent [50%] shall be considered reasonable), the owner will be required, within the time specified in the order, to remove or demolish such structure. (Ord. #97-04, Sept. 1997)

13-210. Failure to comply with order. If the owner fails to comply with an order to repair, alter, or improve, or to vacate and close the structure, the public officer may cause such structure to be repaired, altered or improved, or to be vacated and closed. The public officer may cause to be posted on the main entrance of any structure so closed (or on the most publicly visible point of a structure such as a billboard or a fence) a placard with the following words: "This structure or building is dangerous or unfit for human occupation or use, and the utilization of this structure or building for human occupation or use is prohibited and unlawful." (Ord. #97-04, Sept. 1997)

13-211. Removal or demolition by municipality. If the owner fails to comply with an order to remove or demolish the structures, the public officer may cause such structure to be removed or demolished. (Ord. #97-04, Sept. 1997)

13-212. Recovery of cost and placement of liens. 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 a lien against the real property upon which such cost was incurred.

(1) 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 removal or demolition, and any balance remaining shall be deposited in the chancery court 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.

(2) Nothing in this section or chapter shall be construed to impair or limit in any way the power of the municipality to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (Ord. #97-04, Sept. 1997)

13-213. Allocation of funds for program. The governing body of the municipality shall prepare an estimate of the annual expenses of cost to establish, maintain and administer the program authorized by this chapter, and same shall be allocated and funded as a component of the town's annual general fund budget. (Ord. #97-04, Sept. 1997)

13-214. Applicability. The provisions of this chapter extend to all man-made structures within the municipality, including, but not limited to: residential dwellings or abodes; commercial, business or industrial facilities; storage buildings; barns, sheds, and outbuildings; towers; outdoor advertising signs or billboards, and fences. (Ord. #97-04, Sept. 1997)

13-215. Conflicts. In any case where the provisions of this chapter may be in conflict with the provisions of other chapters of the Bruceton Municipal Code which relate to the regulation of dangerous, unfit or nonconforming buildings or structures, the provisions of the chapter or regulation providing the highest degree of protection to the residents of the municipality shall prevail. (Ord. #97-04, Sept. 1997)