

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

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CHAPTER 1

MISCELLANEOUS

SECTION

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13-101. Health officer. The "health officer" may 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. (1979 Code, § 8-101)

13-102. Adulterated food, drugs, and cosmetics. It shall be unlawful and a violation of this section for any person to violate within this municipality any provisions of the state food, drug, and cosmetic laws. (1979 Code, § 8-102)

13-103. Communicable diseases. When there exists or is suspected to exist in any household a communicable disease other than a venereal disease or a common childhood disease it shall be the duty of any attending physician and the head or other responsible person in such household possessing

¹Municipal code references
 Animal control: title 10.
 Littering streets, etc.: § 16-107.
 Refuse: title 17.

knowledge of the facts to notify immediately the health officer. The health officer shall thereupon make such investigation and issue such quarantine orders as may reasonably be necessary to protect the public health. It shall be unlawful for any person to violate any such orders of the health officer. (1979 Code, § 8-103)

13-104. House trailers. It shall be unlawful for any person to park, locate, or occupy any house trailer or portable building unless it complies with all plumbing, electrical, sanitary, and building provisions applicable to stationary structures and the proposed location conforms to the zoning provisions of the municipality and unless a permit therefor shall have been first duly issued by the building official, as provided for in the building code. (1979 Code, § 8-104)

13-105. 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. (1979 Code, § 8-105)

13-106. 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. (1979 Code, § 8-106)

13-107. 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 (1) foot. (1979 Code, § 8-107)

13-108. 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. (1979 Code, § 8-108)

13-109. 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. (1979 Code, § 8-109)

13-110. Spitting on streets, etc. It shall be unlawful for any person to spit upon any public street or sidewalk or upon the floors or walks of any public place. (1979 Code, § 8-110)

13-111. Milk ordinance adopted by reference.¹ (1) The production, transportation, processing, handling, sampling, examination, grading, labeling, and sale of all milk and milk products sold for ultimate consumption within the _____ of _____ or its police jurisdiction; the inspection of dairy herds, dairy farms, and milk plants; and the issuance and revocation of permits to milk producers, haulers, and distributor shall be regulated in accordance with the provisions of Part I of the Grade A Pasteurized Milk Ordinance – 1965 Recommendations of the United States Public Health Service,² three (3) copies of which shall be filed in the office of the city recorder; provided, that in Section 1, "Definitions," A, "Milk" - Milk shall be understood to contain not less than 8½ percent milk solids-not-fat less than 8 1/4 percent milk solids-not-fat and not less than 3 1/4 percent milk fat" shall be deleted; D - "Reconstituted or recombined milk and milk products" and, I - "Fortified milk and milk products" shall be deleted; O - "Milk products" – It shall be understood that "cottage cheese" and "creamed cottage cheese" have been added to this definition as defined in footnote No. four and that "modified skim milk," modified flavored skim milk drink," and "modified cultured buttermilk" as defined in the Tennessee Dairy Laws are included in this definition; provided further, that in Section 3, the paragraph beginning with the words, "Upon written application of any person whose permit has been suspended _____," shall be deleted in its entirety, and any reference elsewhere in this ordinance dealing with hearings before a permit can be suspended is also deleted; provided further, that the last sentence in the first paragraph of Section 5 shall read "Any violation of the same requirement of Section 7 on such reinspection shall call for permit suspension in accordance with Section 3 as amended, and/or court action,"; provided further, that Sections 9, 16, and 17 of said unabridged ordinance shall be replaced respectively by subsection (2), (3), and (4) below.

(2) From and after the date on which this ordinance is adopted, only Grade A pasteurized milk and milk products shall be sold to the final consumer, or to restaurants, soda fountains, grocery stores, or similar establishments; provided, that in an emergency, the sale of pasteurized milk and milk products which have not been graded, or the grade of which is unknown, may be

¹The provisions in this section are taken substantially from the model ordinance prepared and distributed by the Tennessee Department of Public Health.

²This ordinance is Public Health Service Publication No. 229 and is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., 20402. Price \$1.25.

authorized by the health authority, in which case, such milk and milk products shall be labeled "ungraded."

(3) Any person who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$50.00, and/or such persons may be enjoined from continuing such violations. Each day upon which such a violation occurs shall constitute a separate violation.

(4) All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed, and this ordinance shall be in full force and effect upon its adoption as provided for by law. (1979 Code, § 8-112)

13-112. Food service sanitation ordinance adopted by reference.

(1) The definitions; the inspection of food-service establishments; the issuance, suspension, and revocation of permits to operate food-service establishments; the prohibiting of the sale of adulterated or misbranded food or drink; and the enforcement of food service sanitation regulations shall be regulated in accordance with the unabridged form of the 1962 edition of the United States Public Health Service Sanitation Ordinance and Code,¹ three copies of which are on file in the office of the town recorder provided, that the words "municipality of _____" in said unabridged form shall be understood to refer to the Town of Caryville, Tennessee; provided further, that in said ordinance all parenthetical phrases referring to grading and subsection H.2.e. shall be understood be deleted; and provided further, that subsections H.7. and H.8. shall be replaced respectively by subsections (2) and (3) below.

(2) Any person who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than fifty dollars (\$50.00). In addition thereto, such persons may be enjoined from continuing such violations. Each day upon which such a violation occurs constitutes a separate violation.

(3) This ordinance shall be in full force and effect from and after its adoption as provided by law and all ordinances and parts of ordinances in conflict with this ordinance are hereby repealed. (1979 Code, § 8-113)

¹This ordinance and the code are contained in Public Health Service Publication No. 934 which is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., 20402. Price 55 cents.

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. (1979 Code, § 8-111)

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 CLEARANCE

SECTION

13-301. Unlawful to allow weeds, junk cars, abandoned appliances and other debris to accumulate on the premises.

13-302. Definitions.

13-303. Notice to clean up premises by owner.

13-304. Cleaning up the premises by the Town of Caryville.

13-305. Collection of costs incurred by the Town of Caryville.

13-306. Administration.

13-307. Attorney's fee for collecting costs.

13-301. Unlawful to allow weeds, junk cars, abandoned appliances and other debris to accumulate on the premises. The owners of all lots or property within the corporate limits of the Town of Caryville are hereby required to cut, trim or remove all weeds, grass, tree branches and offensive or hazardous material from the site. It shall be unlawful for any person to allow junk cars, abandoned appliances and other debris to accumulate on property under his/her control.

This chapter shall be enforceable when it is determined by the building inspector that a nuisance or a health hazard exists. (Ord. #92-3, March 1994)

13-302. Definitions. The purpose of this section is to eliminate ambiguity by providing full definition of certain words which are used in this chapter.

(1) "Abandoned appliances" shall mean any manufactured appliance(s) not functional and not presently used for its manufactured purpose.

(2) "Grass" shall mean any of numerous plants of the family Graminea measured to be a maximum of one foot in height measuring from the base of the plant at ground-surface level.

(3) "Junk car" shall mean any automobile or motor vehicle manufactured for transportation which is incapable of being self-propelled upon the public streets or which does not meet the requirements for operation upon the public streets, including current licenses and registration. Also, if the vehicle is not functional within sixty (60) days of the notice and not registered within sixty (60) days, it is considered a junk car.

(4) "Offensive or hazardous materials" shall mean any tangible or intangible material which is disagreeable to the senses, and/or a material which may be dangerous to the environment or the people.

(5) "Weeds" shall mean any of various usually common or abundantly growing plants measured to be a minimum of one foot in height measuring from

the base of the plant at ground-surface level. (Ord. #92-3, March 1994)

13-303. Notice to clean up premises by owner. Upon the failure of any owner to cut, trim, and remove all weeds, grass, tree branches, offensive or hazardous materials and/or junk cars, abandoned appliances, and other debris as noted in the first section of this chapter, it shall be the duty of the building inspector to serve a notice mailed by certified mail to the last known address of the person or persons having control over the offending premises, or such notice may be served personally to the owner of the property or may be posted on the property in which the violation exists. Service of notice shall consist of any of the above methods and shall state:

You are hereby notified that the premises under your control, being (property description) have been found to be in an unsanitary, unhealthy and unattractive condition.

You are directed by the Town of Caryville to remove all accumulation of _____ (weeds, grass, tree branches, offensive or hazardous materials to include junk cars, abandoned appliances and other debris) from the premises within the next five (5) days at your own expense.

Should you fail to act upon this directive within the above described time, the Town of Caryville shall take appropriate action. (Ord. #92-3, March 1994)

13-304. Cleaning up the premises by the Town of Caryville. The owner of all lots in violation may request that the Town of Caryville clean up his/her or their premises. Upon receipt of the request, the town shall enter into a contract with the owner outlining the cost to be incurred, for the cutting, cleaning or removal of his/her or their property, and all such costs shall be paid in advance by the owner and in accordance with those costs paid by the State of Tennessee for similar services performed by the town. The street commissioner shall have the right to accept or reject any request made by the property owner whose property is in violation of this chapter.

Upon the failure of any owner of lots or property to cut/remove or to cause to be cut/removed all violations specified in this chapter upon the property described in the sections above, within five (5) days thereof, the street department, acting through the direction of street commissioner and at his direction, is authorized and directed to cut/remove or have cut/removed, trimmed, clipped, or cleared all such violations as specified in this chapter and a statement of the cost thereof shall be prepared by the office of the street commissioner and filed with the town recorder for collection. Work performed by the street department shall not commence until such time a contract is executed by the owner, approved by the street commissioner and payment received. (Ord. #92-3, March 1994)

13-305. Collection of costs incurred by the Town of Caryville.

Upon receipt of such statement of costs from the street commissioner, the town recorder shall bill the owner, by certified mail, in a manner similar to that followed in mailing monthly utility bills, for the amount of the costs incurred by the town for such cutting or clearing of his/her or their property and the town shall commence cleanup activities within thirty (30) days of execution of contract agreement and payment. (Ord. #92-3, March 1994)

13-306. Administration. The Town of Caryville's building inspector shall be responsible for the administration and enforcement of this chapter. (Ord. #92-3, March 1994)

13-307. Attorney's fee for collecting costs. All uncollected sums for the cutting, trimming, and removal of the accumulated debris, as specified in this chapter, for each year, including interest and all costs incurred by the town for remedying the specified violation, after notice to the property owner as herein provided, are hereby declared to be a special tax to be collected as other general taxes levied by the town, including real estate taxes and special assessments. When placed in the hands of the town attorney for collection, fifty percent (50%) of the unpaid charges for such costs incurred by the town shall be added to the principal and interest for the attorney's services in making such collections and retained by him/her. (Ord. #92-3, March 1994)