

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. JUNKYARDS.

CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Health officer.
- 13-102. Smoke, soot, cinders, etc.
- 13-103. Stagnant water.
- 13-104. Weeds.
- 13-105. Dead animals.
- 13-106. Health and sanitation nuisances.
- 13-107. House trailers.
- 13-108. Removal of vegetation and debris of certain lots.

13-101. Health officer. The "health officer" shall be such municipal, county, or state officer as the city manager shall appoint or designate to administer and enforce health and sanitation regulations within the municipality. (1978 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. (1978 Code, § 8-105)

13-103. Stagnant water. It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property without treating it so as to effectively prevent the breeding of mosquitoes. (1978 Code, § 8-106)

¹Municipal code references

Animal control: title 10.

Littering streets, etc.: § 16-107.

Toilet facilities in beer places: § 8-211(12).

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 (1) foot. (1978 Code, § 8-107)

13-105. Dead animals. Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the health officer and dispose of such animal in such manner as the health officer shall direct. (1978 Code, § 8-108)

13-106. 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. (1978 Code, § 8-109)

13-107. 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 building official, as provided for in the building code. (1978 Code, § 8-104)

13-108. Removal of vegetation and debris of certain lots. (1) It shall be unlawful for the owner of record of any real property located within the city limits to create, maintain, or permit to be maintained on such property the growth of trees, vines, grass, underbrush, and/or the accumulation 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 or other harmful animals.

(2) In the event it is determined by the city manager or chief of police that any owner of record of real property has violated the provisions of section (1), the city manager or chief of police shall give notice to the owner of record of such real property by United States mail, addressed to the last known address of the owner of record, which notice shall state the owner of the property is entitled to a hearing and shall include but not be limited to the following elements:

- (a) A brief statement of this section which shall contain the consequences of failing to remedy the noted condition;

(b) The person, office, address, and telephone number of the city manager or chief of police.

(c) A cost estimate for remedying the noted condition which shall be in conformity with the standards of cost in the community.

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

(3) If the duly notified property owner fails or refuses to remedy the condition within thirty days after receiving the notice, the city manager or chief of police shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards and the cost thereof assessed against the owner of the property. The City of Charleston may then collect the cost assessed against the owner through an action or debt filed in any court of competent jurisdiction. Said action may be initiated by the city manager or chief of police through the city attorney. Additionally, if the property owner fails or refuses to remedy the condition within thirty days after receiving the notice, the notice may be filed by the city attorney at the request of the city manager or chief of police with the Office of the Register of Deeds of Bradley County, Tennessee, with the costs reflected thereon to be a lien in favor of the City of Charleston as provided by statute. Such 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.

(4) In the event that a property owner receiving a notice under the provisions of this section makes a timely request for hearing within ten days of the receipt of such notice, such property owner shall be entitled to a hearing before the next regular scheduled city court for the City of Charleston. Failure by a property owner to make the request for hearing within the ten day time period shall constitute a waiver of a right to hearing before the city court. If a timely request for hearing is made, the thirty day time limit for remedying the condition set forth in section (2) above shall be stayed during the pendency of a hearing.

(5) The provisions of this section do not apply to any parcel of property upon which an owner-occupied residence is located.

(6) The provisions of this section are in addition and supplemental to and not in substitution for similar authority exercised in any other municipal ordinance of the City of Charleston.

(7) If the person who is the owner of record of subject property is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials, the ten day period specified in section (2) shall be twenty days, excluding Saturdays, Sundays, and legal holidays. (as added by Ord. of April 11, 2000)

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. (1978 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).