

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

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CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Health officer.
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- 13-103. Stagnant water.
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13-101. Health officer. The "health officer" shall be the code official of the town. (1985 Code, § 8-404, as replaced by Ord. #342-08, Sept. 2008)

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. (1985 Code, § 8-405, as replaced by Ord. #342-08, Sept. 2008)

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

¹Municipal code references

Animals and fowls: title 10.

Littering streets, etc.: section 16-107.

Toilet facilities in beer places: section 8-213(12).

Wastewater treatment: title 18, chapter 2.

without treating it so as effectively to prevent the breeding of mosquitoes. (1985 Code, § 8-406, as replaced by Ord. #342-08, Sept. 2008)

13-104. Weeds. (1) Prohibition. Pursuant to the authority granted to municipalities under Tennessee Code Annotated, § 6-54-113, it shall be unlawful for any person, firm, or corporation owning, leasing, occupying, or having control or property within the corporate limits other than agricultural property, regardless of whether or not such property is vacant or contains structures thereon, to permit such property to become overgrown with obnoxious weeds, grass, brush, and other rank or obnoxious vegetation and/or to permit the accumulation thereon of trash, rubbish, refuse, and other noxious or deleterious matter, for such are hereby declared to be a public nuisance. The failure to cut and/or destroy such weeds, grass, brush, and other rank or noxious vegetation shall constitute a violation of this section, and shall be punishable under the general penalty cause of this code.

(2) Failure to remedy. Upon failure of any such person, firm, or corporation owning, leasing, occupying, or having control of such person, firm, or corporation owning, leasing, occupying, or having control of such property to cut and/or destroy such vegetation or to remove such accumulations of trash and refuse as described in this section, it shall be the duty of the codes official to give notice to the owner, lessee, occupier or person, firm or corporation having control of the property to immediately remedy the condition herein prohibited, and in the event such owner, lessee, occupier or person, firm, or corporation having control of the property shall fail or refuse to do so within ten (10) days after such notice, the town shall have the right to enter upon such property and cause such condition to be remedied or removed. Upon completion of such work the reasonable cost thereof, plus fifteen percent (15%) for inspection and other incidental costs in connection therewith, shall be billed to the owner or owners of said property. If the bills is not fully paid within sixty (60) days after the mailing of said bill, a ten percent (10%) penalty shall be added, and it shall be placed on the tax roll of the Town of Dover as a lien upon the property and collection in the same manner as other town taxes are collected.

(3) Notice to violator. It shall be the duty of the codes official to serve notice upon any such person, firm, or corporation owning, leasing, occupying, or having control of such person, firm, or corporation owning, leasing, occupying, or having control of such property of violation in 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 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 § 13-104 of the Dover 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, plus fifteen percent (15%) for inspection and other incidental costs in connection to the clean-up. If the bill is not fully paid within sixty (60) days after the mailing of the bill, a ten percent (10%) penalty will be added and it will be placed on the tax roll of the Town of Dover as a lien against the property and collected in the same manner as other town taxes;

(b) The name of the building official, office, address, and telephone number given the notice;

(c) A cost estimate for remedying the noted condition, which shall be in conformity with the standards of cost in the town: and

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

(4) Appeal. Any such person, firm, or corporation owning, leasing, occupying, or having control of such person, firm, or corporation owning, leasing occupying, or having control of such property who is aggrieved by the determination and order of the codes official may appeal the determination and order to the board of zoning appeals. The appeal shall be filed with the building official within ten (10) days following the receipt of the notice issued pursuant to subsection (3) above. The failure to appear within this time shall, without exception, constitute a waiver of the right to a hearing. The board of zoning appeals shall have the final authority in these matters. (1985 Code, § 8-407, as replaced by Ord. #342-08, Sept. 2008)

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. (1985 Code, § 8-408, as replaced by Ord. #342-08, Sept. 2008)

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. (1985 Code, § 8-409, as replaced by Ord. #342-08, Sept. 2008)

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) All such junk yards within one thousand (1,000) feet of any right-of-way within the municipality shall be screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the right-of-way.

(4) Such yards shall be maintained as to be in a sanitary condition and so as to be a menace to the public health or safety. (1985 Code, § 8-409, as replaced by Ord. #342-08, Sept. 2008)

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

ABANDONED OR JUNKED VEHICLES

SECTION

13-301. Definitions.

13-302. Abandoned motor vehicles declared a public nuisance.

13-303. Removal of abandoned motor vehicles required.

13-304. Notification and authority.

13-305. Violations.

13-301. Definitions. The following definitions shall apply in the interpretation and enforcement of this chapter:

(1) "Person." Any person, firm, organization, partnership, association, corporation or company of any kind.

(2) "Vehicle." Any machine propelled by other than human power designed to travel along the ground by use of wheels, treads, runners, or slides and transport persons or property or pull machinery, and shall include, without limitation, automobile, truck/trailer, motorcycle, tractor, mobile home, or motor home.

(3) "Property." Any real property within the Town of Dover which is not a street or highway.

(4) "Shall." The word "shall" is always mandatory and not merely directory.

(5) "Antique." Any vehicle over twenty-five (25) years old.

Exceptions:

(a) Any motor vehicle in operable condition specifically adapted or constructed for racing or operation on privately owned drag strips or raceways.

(b) Any antique retained and maintained by the owner for collection purposes rather than for salvage or for transportation. Such vehicles shall be maintained in operable condition and at the discretion of the authority having jurisdiction be required to comply with subsection (c) below.

(c) Any junked vehicle kept within a building where it will not be visible from the street.

(d) Any junked motor vehicle on the premises of a business enterprise operated in strict compliance with all state and local zoning ordinances and when necessary to the operation of such business enterprise.

(e) Any junked motor vehicle in an appropriate storage place of depository maintained at a location officially designated and in a manner approved by the Town of Dover. (as added by Ord. #342-08, Sept. 2008)

13-302. Abandoned motor vehicles declared a public nuisance. In enacting this chapter, the Board of Mayor and Aldermen of the Town of Dover finds and declares that the accumulation and storage of abandoned, wrecked, junked, partially dismantled or inoperative motor vehicles on public or private property in the Town of Dover are in the nature of rubbish and unsightly debris, violates, in many instances, the zoning regulations of the town and constitutes a nuisance detrimental to the health, safety, and welfare of the community in that, such conditions tend to interfere with the enjoyment of and reduce the value of public and private property and create fire hazards and other safety and health hazards to the citizens of the Town of Dover. (as added by Ord. #342-08, Sept. 2008)

13-303. Removal of abandoned motor vehicles required. The accumulation and storage of one or more such motor vehicles in violation of the provisions of this chapter shall constitute rubbish and unsightly debris and a nuisance detrimental to the health, safety, and general welfare of the inhabitants of the Town of Dover and it shall be the duty of the registered owner of such motor vehicle and it shall also be the duty of the person in charge or control of the property upon which such motor vehicle is located whether owner, tenant, occupant, lessee, or otherwise, to remove the same to a place of lawful storage or to have the vehicle housed within a building where it will not be visible from the street. (as added by Ord. #342-08, Sept. 2008)

13-304. Notification and authority. Whenever any such public nuisance exists on occupied or unoccupied commercial or residential, private or public, property with the Town of Dover, the owner or owners of said property shall be notified by the codes official to abate or remove the same. Such order shall:

- (1) Be in writing;
- (2) Specify the public nuisance and its location;
- (3) Specify the corrective measures required; and
- (4) Provide for compliance within five (5) days from the date of notification.

The notification shall be served upon the owner or owners of said premises by serving them personally or by sending said notice by certified mail, return receipt requested, to their address as shown on the current tax rolls of the Town of Dover. If the owner or owners of the premises fail or refuse to comply with the order of the codes official within a five (5) day period after notification thereof, as provided herein, such failure or refusal shall be deemed a violation of the provisions of this chapter and said owner or owners of the premises fail or refuse to comply with the order to the codes official within a five (5) day period after thereof, as provided herein, the codes official may enter upon said property, take possession of such junk vehicle or vehicles, remove the same from said property, dispose of same, and cause such unlawful condition to be remedied. Upon completion of such removal and disposition, the reasonable

costs thereof, plus fifteen percent (15%) for inspection and other incidental costs in connection therewith, shall be paid by the owner or owners of said property. If the bill is not fully paid within sixty (60) days after the mailing of said bill a ten percent (10%) penalty shall be added, and said costs and penalties shall be placed on the tax roll of the Town of Dover as a lien upon the property and collected in the same manner as other town taxes are collected. (as added by Ord. #342-08, Sept. 2008)

13-305. Violations. Any person violating or interfering with the enforcement of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined under the general penalty clause for this municipal code. (as added by Ord. #342-08, Sept. 2008)

CHAPTER 4

UNSAFE BUILDINGS--COMMERCIAL

SECTION

13-401. Unsafe buildings defined and prohibited.

13-402. Building inspector to give notice, may require building to be vacated, etc.

13-403. Owner to comply with notice.

13-404. Action by codes official when notice cannot be given or is not obeyed.

13-405. Emergency powers of codes official.

13-406. Owner to reimburse city for costs incurred.

13-407. Violations.

13-401. Unsafe buildings defined and prohibited. All commercial buildings or commercial structures within the Town of Dover which are or have been damaged by reason of fire, storm, flood, accident or other cause and are unsafe, unsanitary or not provided with adequate egress, or which in such condition constitute a fire hazard, or are otherwise dangerous to human life, or which constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, are, severally in contemplation of this chapter, unsafe buildings. All such unsafe buildings are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the requirements of this chapter. (as added by Ord. #342-08, Sept. 2008)

13-402. Building inspector to give notice, may require building to be vacated, etc. The codes official upon finding any building or structure or portion thereof to be unsafe, as defined in this chapter, shall give the owner, agent or person in control of such building or structure written notice stating the defects thereof. This notice shall require the owner within a stated time, which shall not be less than thirty (30) days from the date of notice, either to complete repairs or improvements specified or portion thereof. If necessary, such notice shall also require the building, structure or portion thereof to be vacated forthwith and not reoccupied until the specified repairs and improvements are completed, inspected and approved by the codes official. The codes official shall cause to be posted at each entrance to such building a notice: "This building is unsafe and its use or occupancy has been prohibited by the town codes official." Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person, firm or corporation or their agents to remove such notice without written permission of the town codes official, or for any person to enter the building except for the purpose of making the required repairs or for demolition of same. (as added by Ord. #342-08, Sept. 2008)

13-403. Owner to comply with notice. The owner or owners of any such unsafe building or structure are hereby required to complete the repairs or improvements or to demolish and remove the building or structure or portion thereof as specified in said notice and as required thereby. (as added by Ord. #342-08, Sept. 2008)

13-404. Action by codes official when notice cannot be given or is not obeyed. In case the owner, agent or person in control cannot be found within thirty (30) days from the date notice is issued, or, if such owner, agent, or person in control shall fail, neglect, or refuse to comply with notice to repair, rehabilitate, or to demolish and remove said building or structure or portion thereof, the codes official, after having ascertained the costs, shall cause such building or structure or portion thereof, to be demolished, secured, or required to remain vacant. (as added by Ord. #342-08, Sept. 2008)

13-405. Emergency powers of codes official. In cases of emergency which, in the opinion of the codes official, involve imminent danger to human life or health, the codes official shall promptly cause such purpose and he may at once enter such structure or land on which it stands, or abutting land or structures, with such assistance and at such cost as he may deem necessary. He may vacate adjacent structures and protect the public by appropriate fence or such other means as may be necessary, and for this purpose may close a public or private way. (as added by Ord. #342-08, Sept. 2008)

13-406. Owner to reimburse city for costs incurred. All reasonable costs incurred by the Town of Dover under § 13-304 shall be paid by the owner or owners of said property, plus fifteen percent (15%) for inspection and other incidental costs in connection therewith, shall be paid by the owner or owners of said property. If the bill is not fully paid within sixty (60) days after the mailing of said bill a ten percent (10%) penalty shall be added, and said costs and penalties shall be placed on the tax roll of the Town of Dover as a lien upon the property and collected in the same manner as other town taxes are collected. (as added by Ord. #342-08, Sept. 2008)

13-407. Violations. Any person, firm, corporation, or agent who shall violate provision of this chapter, or fail to comply therewith, or with any of the requirements thereof, shall be guilty of a misdemeanor, and upon conviction of any such violation shall be fined not less than five dollars (\$5.00) nor more than five hundred dollars (\$500.00). Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, or continued. (as added by Ord. #342-08, Sept. 2008)

CHAPTER 5

UNSAFE BUILDINGS--RESIDENTIAL

SECTION

13-501. Definitions.

13-502. Enforcement officer.

13-503. Standards to determine whether a structure or dwelling is unfit for human occupancy or use.

13-504. Procedure regarding residential dwellings or structures determined unfit for human occupancy or use.

13-505. Action of the codes official after the hearing.

13-501. Definitions. The terms as used in this part shall have the following meanings, unless the context otherwise requires:

(1) "Dwelling" means any residential building or residential structure or part thereof used for human occupation or intended to be so used. This includes any outbuildings and appurtenances belonging thereto or usually enjoyed therewith.

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

(3) "Parties in interest" means all individuals, associations, corporations and others who have interest in a dwelling or are in possession thereof.

(4) "Public authority" means any housing authority or officer who is in charge of any department or branch of the government of the Town of Dover or state relating to health, fire, building regulations or other activities concerning dwellings of the Town of Dover.

(5) "Structure" means any residential dwelling or vacant building or structure suitable as a dwelling or residential structure. (as added by Ord. #342-08, Sept. 2008)

13-502. Enforcement officer. The public charged with enforcing this section is the codes official. (as added by Ord. #342-08, Sept. 2008)

13-503. Standards to determine whether a structure or dwelling is unfit for human occupancy or use. The codes official may determine that a structure or dwelling is unfit for human occupancy or use if he finds that the conditions exist in such structure or dwelling are dangerous or injurious to the health, safety or morals of the occupants of such structure or dwelling, the occupants of neighboring structures or dwellings, or other residents of the Town of Dover. Such conditions may include but are not limited to the following:

(1) Defects therein increasing the hazards of fire, accident, or other calamity;

- (2) Lack of adequate ventilation, light or sanitary facilities;
- (3) Dilapidation;
- (4) Disrepair;
- (5) Structural defects; or
- (6) Uncleanliness. (as added by Ord. #342-08, Sept. 2008)

13-504. Procedure regarding residential dwellings or structures determined unfit for human occupancy or use. Whenever a petition is filed with the codes official by a public authority or by any five (5) residents of the Town of Dover charging that any residential structure or dwelling is unfit for human occupancy or use or whenever it appears to the codes official (on the codes official's own motion) that any structure or dwelling is unfit for human occupancy or use, the codes official shall, if his preliminary investigation discloses a basis for such charge, issue and cause to be served upon the owner or parties in interest of such structure or dwelling a complaint stating the charges and containing a notice that a hearing will be held before the codes official at a place therein fixed not less than ten (10) days or more than thirty (30) days after serving the complaint. The time frames may be shortened at the discretion of the codes official in the event of an emergency. The owner and parties of interest shall be given the right to file an answer to the complaint and to appear in person or otherwise to give testimony at the time and place set forth in the complaint. The rules of evidence prevailing in court of law or equity shall not be controlling in hearing before the codes enforcement officer. (as added by Ord. #342-08, Sept. 2008)

13-505. Action of the codes official after the hearing. If, after such notice and hearing, the codes official determines that a structure or dwelling under consideration is unfit for human occupancy or use, the codes official shall state in writing the findings of fact in support of such determination and shall issue and cause to be served upon the owner an order:

(1) If the repair, alteration or improvement of the structure or dwelling can be made at a reasonable cost in relation to the value of the structure or dwelling, requiring the owner to repair, alter or improve such structure or dwelling within the time specified in the order to render the structure or dwelling fit for human occupancy or use or to vacate and close the structure or dwelling as a place of human occupancy or use; or

(2) If the repair, alteration or improvement of the structure or dwelling cannot be made at a reasonable cost in relation to the value of the structure or dwelling requiring the owner to remove or demolish such structure or dwelling within the time specified in the order. (as added by Ord. #342-08, Sept. 2008)

CHAPTER 6

MINIMUM PROPERTY MAINTENANCE PROCEDURES

SECTION

- 13-601. International property maintenance code adopted.
- 13-602. Property maintenance code section 101.1.
- 13-603. Property maintenance code section 103.2.
- 13-604. Property maintenance code section 106.4.
- 13-605. Property maintenance code section 302.4.
- 13-606. Property maintenance code section 304.14.
- 13-607. Property maintenance code section 602.3.
- 13-608. Property maintenance code section 602.4.
- 13-609. Modifications.

13-601. International property maintenance code adopted. Pursuant to the authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-510 and for the purpose of securing the public health, safety and general welfare through structural strengths, stability, sanitation, adequate light and ventilation in dwellings, apartment houses, rooming houses and buildings, structures or other premises used as such, the International Property Maintenance Code, 2006 edition published by the International Code Council is hereby adopted and incorporated herein by reference as a part of the ordinances of the Town of Dover along with any subsequent amendments to the International Property Maintenance Code. This code shall hereinafter be known as property maintenance code. It is adopted and subject to the changes and additions set forth herein. (as added by Ord. #342-08, Sept. 2008)

13-602. Property maintenance code section 101.1. Shall be amended to insert "Town of Dover, Tennessee" as the name of the jurisdiction. (as added by Ord. #342-08, Sept. 2008)

13-603. Property maintenance code section 103.2. Appointment is stricken in its entirety and replaced as follows:

Appointment: The code official shall be appointed by the town administrator and can be removed from office with or without cause. (as added by Ord. #342-08, Sept. 2008)

13-604. Property maintenance code section 106.4. Violation penalties is stricken in its entirety and replaced as follows:

Violation penalties. Any person who shall violate a provision of this code or fail to comply therewith or any of the requirements thereof shall be prosecuted within the limits provided by state or local laws and may be penalized pursuant to the general penalty clause of the Town of Dover. Each

day that violations continue after due notice has been served be deemed a separate offense regardless of whether an additional citation has been issued. If the town must resort to equitable relief to abate a violation, the violator should be liable to the town for the town's reasonable attorney's fees and litigation expenses in bringing and prosecuting the equitable action. (as added by Ord. #342-08, Sept. 2008)

13-605. Property maintenance code section 302.4. Shall be amended to insert "eight (8) inches" as the height that weeds can grow in the Town of Dover. (as added by Ord. #342-08, Sept. 2008)

13-606. Property maintenance code section 304.14. Shall be amended to insert "January 1 to December 31" to be the period for insect screens in doors, windows, and other outside openings. (as added by Ord. #342-08, Sept. 2008)

13-607. Property maintenance code section 602.3. Shall be amended to insert "January 1 to December 31" to be the period to maintain a habitable temperature in buildings. (as added by Ord. #342-08, Sept. 2008)

13-608. Property maintenance code section 602.4. Shall be amended to insert "January 1 to December 31" to be the period to maintain a habitable temperature in work spaces. (as added by Ord. #342-08, Sept. 2008)

13-609. Modifications. Any matters in the International Property Maintenance Code which are contrary to existing ordinances of the Town of Dover shall prevail and all ordinances in conflict are hereby amended to comply with the provisions of this chapter and to that extent any existing ordinances to the contrary are hereby repealed in that respect only. (as added by Ord. #342-08, Sept. 2008)