

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. JUNKYARDS.
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CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Building official.
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- 13-103. Stagnant water.
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- 13-105. Dead animals.
- 13-106. Health and sanitation nuisances.
- 13-107. House trailers.
- 13-108. Food service sanitation ordinance adopted by reference.

13-101. Building official. The "building official" shall be appointed by the board of mayor and aldermen to administer and enforce health and sanitation regulations within the city. (1976 Code, § 8-101, modified)

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. (1976 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. (1976 Code, § 8-106)

¹Municipal code references

Animal control: title 10.

Littering streets, etc.: § 16-107.

Toilet facilities in beer places: § 8-212(11).

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 or building official to cut such vegetation when it has reached a height of over one (1) foot. (1976 Code, § 8-107, modified)

13-105. Dead animals. Any person owning or having possession of any dead animal not intended for use as food shall promptly call the city sanitation department and dispose of such animal in accordance with instructions from the superintendent of that department. (1976 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. (1976 Code, § 8-109)

13-107. House trailers. (See § 14-201 in this code.) (1976 Code, § 8-104)

13-108. 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 recorder provided that the words "municipality of _____" in said unabridged form shall be understood to refer to the City of Henderson, Tennessee; provided further, that in said ordinance all parenthetical phrases referring to grading and subsection H. 2. e. shall be understood to 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 five hundred dollars (\$500.00). In addition thereto,

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.

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. (1976 Code, § 8-113, modified)

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. (1976 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

ABANDONED OR NONOPERATING VEHICLES

SECTION

13-301. Definitions.

13-302. Abandonment of vehicles.

13-303. Leaving of wrecked, nonoperating vehicle on street.

13-304. Disposition of wrecked or discarded vehicles.

13-305. Impounding.

13-306. Disposal of "abandoned motor vehicles."

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

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

(2) "Vehicle" A machine propelled by power 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, an automobile, truck, trailer, motorcycle, tractor, buggy and wagon.

(3) "Street or highway" The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(4) "Property" Any real property within the city or any city property within or without the corporate limits which is not a street or highway.

(5) "Chief of police" The chief of police of the City of Henderson or his authorized representative. (1976 Code, § 9-601)

13-302. Abandonment of vehicles. No person shall abandon any vehicle within the city or on city property within or without the corporate limits, and no person shall leave any vehicle at any place within the city or on city property within or without the corporate limits for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned. (1976 Code, § 9-602)

13-303. Leaving of wrecked, nonoperating vehicle on street. No person shall leave any partially dismantled, nonoperating, wrecked, or junked vehicle on any street or highway within the city or on city property within or without the corporate limits, provided, such vehicle may be left at a place operated by the city for dumping and disposal of garbage and rubbish in accordance with the ordinances of the city and the rules and regulations governing such dumping ground. (1976 Code, § 9-603)

13-304. Disposition of wrecked or discarded vehicles. No person in charge or control of any property other than city property within the city, whether as owner, tenant, occupant, lessee, or otherwise, shall allow any partially dismantled, nonoperating, wrecked, junked, or discarded vehicle to remain on such property longer than thirty (30) days, and no person shall leave any such vehicle on any property other than city property within the city longer than thirty (30) days or on city property within or without the corporate limits for a longer time than forty-eight (48) hours; except that this chapter shall not apply with regard to a vehicle in an enclosed building; a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the lawful operation of such business enterprise; or a vehicle in an appropriate storage place or depository maintained in an lawful place and manner by the city. (1976 Code, § 9-604)

13-305. Impounding. The chief of police is hereby authorized to remove or have removed any vehicle left at any place within the city or on any city property within or without the corporate limits which reasonably appears to be in violation of this chapter or lost, stolen, or unclaimed. Such vehicle shall be impounded until lawfully claimed or disposed of in accordance with the ordinances of the city; provided, however, that any vehicle left at any place, other than on city property, shall not be removed and impounded as provided herein until the chief of police shall have given written notice to remove said vehicle within ten (10) days of the mailing of such notice and of the intention of the chief of police to remove and impound such vehicle if it has not been removed at the end of such time. Such notice shall be given by:

- (1) affixing notice on such vehicle,
- (2) sending notice by mail to the owner of such vehicle at his last known address if the owner is reasonably ascertainable, and
- (3) by sending notice by mail to the person owning or controlling the property on which such vehicle is located.

The chief of police may enter upon private property at all reasonable hours for the purpose of inspecting such vehicle, posting notice thereon, and removing and impounding such vehicle, and it shall be unlawful for any person to prevent the chief of police from entering on private property for purposes of carrying out his duties hereunder or to interfere with him in the lawful performance of his duties under the provisions of this chapter. (1976 Code, § 9-605)

13-306. Disposal of "abandoned motor vehicles". "Abandoned motor vehicles" as defined in Tennessee Code Annotated, § 55-16-103, shall be impounded and disposed of by the police department in accordance with the provisions of Tennessee Code Annotated §§ 55-16-103 through 55-16-109. (1976 Code, § 9-606)