

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. JUNKYARDS.
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CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Health officer.
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- 13-106. Health and sanitation nuisances.
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13-101. Health officer. The "health officer" shall be such municipal, county, or state officer as the mayor, with approval of the city council, 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)

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

13-104. Weeds and other vegetation. (1) It shall be unlawful for any person owning, leasing, occupying, or having control of property in the city, regardless of whether the property is a vacant lot or contains any form of structure, to permit the growth upon the property of weeds, grass, brush, and all other rank or noxious vegetation to a height greater than twelve inches (12") on average when such growth is within two hundred feet (200') of occupied residential or commercial property, or is within twenty feet (20') of any street, thoroughfare, or highway within the city. Excluded from these provisions are tracts of land of five (5) acres or larger in unplatted, undeveloped areas (i.e., not in a subdivision approved by the city planning commission) or tracts that are being used for current agricultural purposes. Also excluded are natural wooded areas containing trees. As to naturally wooded areas, the requirement of this section shall extend only to the line of woods or trees adjoining occupied residential or commercial property, or adjoining streets, thoroughfares, or highways within the city.

(1) An unlawful condition shall be abated within three (3) days of notice when served in person or within seven (7) days of notice when served by U.S. Postal Service, first class or certified mail. (1982 Code, § 8-106, modified)

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. (1982 Code, § 8-107)

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.

It shall be unlawful for any person to fail to comply with any resolution directing the remedying of any unhealthy, unsanitary, unsafe, dangerous, hazardous, noisy, obnoxious, or offensive, condition.

Upon the failure of any person to comply within the time specified in the resolution directing the remedying of any unhealthy, unsanitary, unsafe, dangerous, hazardous, noisy, obnoxious, or offensive condition or situation, the city council may itself abate such nuisance at the expense of such person without further notice, sums so expended to be recovered by suit if necessary. (1982 Code, § 8-108)

13-107. Overgrown and dirty lots. (1) Prohibition. Pursuant to the authority granted under Tennessee Code Annotated, § 6-54-113, it shall be

unlawful for any owner of record of real property to create, maintain, or permit to be maintained on such property the growth of trees, vines, grass, underbrush and/or the accumulations 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 and other harmful animals.

(2) Designation of public officer or department. The mayor or his designated representative is responsible for the enforcement of this section.

(3) Notice to property owner. It shall be the duty of the mayor to serve notice upon the owner of record in violation of 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 carrier engaged in the transportation of property or 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, or hand delivered with the deliverer obtaining the owner's signature confirming receipt of the notice. 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 this section, 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;

(b) The person, office, address, and telephone number of the department or person giving the notice;

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

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

(4) Clean-up at property owner's expense. If the property owner of record fails or refuses to remedy the condition within ten (10) days after receiving the notice (twenty (20) days if the owner is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials), the mayor shall cause the condition to be remedied or removed at a cost in conformity with reasonable standards, and the costs thereof shall be assessed against the owner of the property. The city may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The city may bring one (1) action for debt against more than one (1) or all of the owners of properties against whom such costs have been assessed, and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a misjoinder of parties. Upon the filing of the notice with the office of the register of deeds, the costs shall be a lien on the property in favor of the municipality, second only to liens of the state, county, and municipality for

taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be placed on the tax rolls of the municipality as a lien and shall be added to property tax bills to be collected 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.

(5) Clean-up of owner-occupied property. When the owner of an owner-occupied residential property fails or refuses to remedy the condition within ten (10) days after receiving the notice, the mayor shall cause the condition to be remedied at a cost in accordance with reasonable standards in the community, with these costs to be assessed against the owner of the property. The provisions of subsection (4) shall apply to the collection of costs against the owner of an owner-occupied residential property except that the municipality shall wait until cumulative charges for remediation equal or exceed five hundred dollars (\$500.00) before filing the notice with the register of deeds and the charges becoming a lien on the property. After this threshold has been met and the lien attaches, charges for costs for which the lien attached are collectible as provided in subsection (4) for these charges.

(6) Appeal. The owner of record who is aggrieved by the determination and order of the mayor may appeal the determination and order to the mayor or person designated by the mayor to hear the appeal. The appeal shall be filed within ten (10) days following the receipt of the notice issued pursuant to subsection (3) above. The failure to appeal within this time shall, without exception, constitute a waiver of the right to a hearing.

(7) Judicial review. Any person aggrieved by an order or act under subsection (4) above may seek judicial review of the order or act. The time period established in subsection (3) above shall be stayed during the pendency of judicial review.

(8) Supplemental nature of this section. The provisions of this section are in addition and supplemental to, and not in substitution for, any other provision in the city charter, city code, or other applicable law which permits the city to proceed against an owner, tenant or occupant of property who has created, maintained, or permitted to be maintained on such property the growth of trees, vines, grass, weeds, underbrush and/or the accumulation of the debris, trash, litter, or garbage or any combination of the preceding elements, under its charter, any other provisions of this municipal code of ordinances or any other applicable law.

CHAPTER 2**JUNKYARDS****SECTION**

13-201. Junkyards.

13-201. Junkyards. 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 feet (6') 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. (1982 Code, § 8-110)

CHAPTER 3

ABANDONED VEHICLES

SECTION

13-301. Definitions.

13-302. Abandonment of vehicles.

13-303. Disposition of wrecked or discarded vehicles.

13-304. Impounding.

13-305. Notice to abate; removal by city.

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) "Property." Any real property within the city which is not a street or highway.

(3) "Vehicle." Any 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, automobile, truck, trailer, motorcycle, tractor, buggy, and wagon. (1982 Code, § 9-601)

13-302. Abandonment of vehicles. No person shall abandon any vehicle on any property within the city or leave any vehicle at any place within the city for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned. (1982 Code, § 9-602)

13-303. Disposition of wrecked or discarded vehicles. No person in charge or control of any property within the city, whether as owner, tenant, occupant, lessee, or otherwise, shall allow any dismantled, partially dismantled, non-operating, wrecked, junked, or discarded vehicle to remain on such property longer than ten (10) days. Furthermore, no person shall leave any such vehicle on any property within the city for longer than ten (10) days. This chapter shall not apply with regard to a vehicle in an enclosed building, to a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of such business enterprise, nor to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the city. (1982 Code, § 9-603)

13-304. Impounding. The mayor or his designated representative is hereby authorized to remove or have removed any vehicle left at any place in the city in violation of this chapter or any vehicle which is lost, stolen, or unclaimed. Such vehicle shall be impounded. (1982 Code, § 9-604)

13-305. Notice to abate; removal by city. Whenever any such public nuisance exists on occupied premises within the city in violation of this chapter, the mayor or his duly authorized agent shall order the owner of the premises (if the owner is in possession thereof) or the occupant of the premises whereon such public nuisance exists, 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;
- (4) Provide for compliance within ten (10) days from service thereof.

Such order shall be served upon the owner of the premises or the occupant by serving him personally or by sending said order by certified mail, return receipt requested, to the address of the premises. If the owner or occupant of the premises fails or refuses to comply with the order of the mayor or his duly authorized agent within the ten (10) day period after service thereof, the mayor or his duly authorized agent shall take possession of said junked motor vehicle and remove it from the premises. The mayor or his duly authorized agent shall thereafter dispose of said junked motor vehicle by sale. The amount received from sale shall apply to cost of moving said vehicle. If the amount received from sale of the vehicle is more than the cost of moving the vehicle, the balance will go to the owner of the vehicle. If the sale proceeds fail to pay the cost of moving, the city will pay the remaining cost of moving the vehicle. (1982 Code, § 9-605)