

## TITLE 13

### PROPERTY MAINTENANCE REGULATIONS<sup>1</sup>

#### CHAPTER

1. MISCELLANEOUS.
2. PARKING AND STORAGE OF VEHICLES.
3. JUNKED, ABANDONED APPLIANCES, FIXTURES, ETC.
4. ENVIRONMENTAL COURT.

#### CHAPTER 1

#### MISCELLANEOUS

#### SECTION

- 13-101. Air pollution.
- 13-102. Stagnant water.
- 13-103. Weeds and grass.
- 13-104. Overgrown and dirty lots.
- 13-105. Clean up of premises may be required.
- 13-106. Dead animals.
- 13-107. Health and sanitation nuisances.

**13-101. Air pollution.** (1) Definitions. Cinders, dust, fly ash, fumes and gases as those terms are used in this section should be considered to be all matter other than smoke, but including cinders, dust, soot and/or ashes formed either as a result of the combustion of fuel and/or the incomplete combustion of fuel, which are carried in the gas stream so as to reach the external air and which have not been completely consumed by the combustion process.

(a) "Enforcing officer." The person or persons selected by the city council to enforce the terms of this chapter.

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<sup>1</sup>Municipal code references

Animal control: title 10.

Littering streets, etc.: § 16-107.

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

Refuse and trash disposal: title 17.

Sign control regulations: title 14, chapter 4.

Wastewater treatment: title 18, chapter 2.

(b) "Fuel-burning equipment." Any furnace, incinerator, refuse burning equipment, boiler, apparatus, device, mechanism, stack or structure used in the process of burning fuel or combustible material.

(c) "Fumes." Gases or vapors that are of such character as to create an uncleanly, destructive, offensive or unhealthful condition.

(2) **Prohibited acts.** It shall be unlawful for any person to permit or cause the escape of such quantities of soot, cinders, ashes, fumes and gases from any smoke stack or chimney, or any other equipment in such manner as to be detrimental to any person or to the public or to endanger the health, comfort and safety of any such person or of the public, or in such manner as to cause or have a tendency to cause injury or damage to property or business. The escape of such matter is declared to be a public nuisance and may, in addition to the other penalties provided for, be abated by the enforcing officer or by anyone injured thereby. The deposit of such substance upon the ground, buildings, or otherwise in such quantities as to be visible shall constitute sufficient evidence to establish the violation of this section, but evidence of violation is not limited to the above, but the existence of the nuisance may be otherwise shown. (Ord. #2008-011, May 2008)

**13-102. 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. (Ord. #2008-011, May 2008)

**13-103. Weeds and grass.** (1) It shall be unlawful for any person, firm or corporation to allow weeds or grass to grow to a height in excess of six inches (6") on property owned by or under the control of such person, firm or corporation within the City of Jackson. Provided, however, that this section shall not apply to undeveloped land as defined heron.

(2) Within the context of this chapter the following definitions shall apply:

(a) "Undeveloped land" shall mean acreage of land neither subdivided nor developed by construction along dedicated streets.

(b) "Under the control of" shall include leased or rented land and parkways between curb and sidewalk in front of property owned or otherwise under the control of a person, firm or corporation. (Ord. #2008-011, May 2008)

**13-104. Overgrown and dirty lots.** 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. (Ord. #2008-011, May 2008)

**13-105. Clean up of premises may be required.** (1) Notice. Whenever a person violates the provisions of §§ 13-102, 13-103, or 13-107, the director of building/housing code enforcement shall mail by first class mail to the last known address of the person having control over the offending premises notice of the violation, which notice shall state:

You are hereby notified that the premises under your control, being (describe the property) have been found to be in an unsanitary, unhealthy and unclean condition. You are directed by the City of Jackson, Tennessee, to remove all accumulation of garbage, trash and rubbish and to cut all weeds back to a height of no more than six inches (6") within the next five (5) days, and at your own expense.

Should you fail to act upon this directive within the above described time, the City of Jackson Environmental Court will enter an injunction allowing the city to remove all garbage, trash and rubbish and to cut all weeds back to the height of no more than six inches (6") within the next five (5) days, and at your own expense. (Ord. #2008-011, May 2008, modified)

**13-106. 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 and sanitation department and dispose of such animal in such manner as the health and sanitation superintendent shall direct. (Ord. #2008-011, May 2008)

**13-107. Health and sanitation nuisances.** Any residence, industry, commercial business, apartment, condominium or trailer court or other structure or activity within the City of Jackson, about which garbage and refuse accumulates or is produced, which is not provided with garbage collection service by the City of Jackson or its contractor, or by the owners or producer, in compliance with the provisions of this chapter, or otherwise violates the provisions of this title or title 17 of this code, is hereby declared to be a public nuisance, dangerous to the public health, safety, convenience and welfare, and may be abated as other public nuisances are abated by the environmental court. (Ord. #2008-011, May 2008)

## CHAPTER 2

### PARKING AND STORAGE OF VEHICLES

#### SECTION

- 13-201. Declaration of purpose.
- 13-202. Parking and storage of wrecked, junked, or abandoned vehicles prohibited.
- 13-203. Wrecked, junked, or abandoned vehicle defined.
- 13-204. Parking and storage on residential property restricted.
- 13-205. Parking and storage on nonresidential property restricted.
- 13-206. Procedure for removal.
- 13-207. Notice.
- 13-208. Hearing.
- 13-209. Removal.
- 13-210. Expense of disposal charged to owner.
- 13-211. Delegation of authority.
- 13-212. Exemptions.
- 13-213. Penalty.

**13-201. Declaration of purpose.** The accumulation and storage of motor vehicles in a state of disrepair and/or inoperable condition, and the accumulation and storage of operable vehicles in excessive numbers and/or in inappropriate locations, falls into the category of rubbish and unsightly debris, constituting a detriment to the health, safety and welfare of the community. The council thus declares that such conditions should be regulated, abated and prohibited because they reduce the value of and enjoyment of private property and create, extend and aggravate urban blight. (Ord. #2008-016, Aug. 2008)

**13-202. Parking and storage of wrecked, junked, or abandoned vehicles prohibited.** It shall be unlawful to park, store or leave any motor or other vehicle as wrecked, junked, partially dismantled, or in an abandoned condition, on public or private property in the City of Jackson for a period of longer than five (5) days unless it is in connection with a purpose or business enterprise lawfully situated, licensed, and operating as required in § 13-213. All such wrecked, junked, or abandoned vehicles are hereby declared to be public nuisances. (Ord. #2008-016, Aug. 2008)

**13-203. Wrecked, junked or abandoned vehicle defined.** (1) For the purposes of this chapter, a wrecked, junked, or abandoned vehicle shall mean a vehicle of any age that is damaged or defective in any one or combination of any of the following ways that either makes the vehicle immediately inoperable, or would prohibit the vehicle from being operated in a

reasonably safe manner upon the public streets and highways under its own power if self-propelled, or while being towed or pushed, if not self-propelled:

(a) Flat tires, missing tires; missing wheels, or missing or partially or totally disassembled tires and wheels.

(b) Missing or partially or totally disassembled essential part or parts of the vehicle's drive train, including, but not limited to, engine, transmission, transaxle, drive shaft, differential, or axle.

(c) Extensive exterior body damage or missing or partially or totally disassembled essential body parts, including, but not limited to, fenders, doors, engine hood, bumper or bumpers, windshield or windows.

(d) Missing or partially or totally disassembled essential interior parts, including, but not limited to, driver's seat, steering wheel, instrument panel, clutch, brake, gear shift lever.

(e) Missing or partially or totally disassembled parts essential to the starting or running of the vehicle under its own power, including, but not limited to, starter, generator or alternator, battery, distributor, gas tank, carburetor or fuel injection system, spark plugs, or radiator.

(f) Interior is a container for metal, glass paper, rags or other cloth, wood, auto parts, machinery, waste or discarded materials in such quantity, quality and arrangement that a driver cannot be properly seated in the vehicle.

(g) Lying on the ground (upside down, on its side, or at other extreme angle), sitting on block or suspended in the air by any other method.

(h) General environment in which the vehicle sits, including, but not limited to, vegetation that has grown up around, in or through the vehicle, the collection of pools of water in the vehicle, and the accumulation of other garbage or debris around the vehicle.

(2) In addition, boats, campers, recreational vehicles, and storage trailers in a wrecked, junked, or abandoned condition, as defined above, shall also be considered a public nuisance and in violation of this chapter. (Ord. #2008-016, Aug. 2008)

**13-204. Parking and storage on residential property restricted.**

(1) All vehicles parked or stored on residential property shall be parked or stored on concrete or asphalt in accordance with the following specifications:

(a) Concrete. If concrete is used as a pavement, the minimum thickness shall be four inches (4") for residential structures and five inches (5") for all other uses.

(b) Asphalt. If a bituminous mix is used for pavement, the minimum thickness shall be four inch (4") compacted crushed stone base with a one and one-half inch (1 ½") surface for residential use and a six

inch (6") compacted crushed stone base with a two inch (2") compacted asphalt surface for other uses.

(2) The provisions of subsection (1) above shall not apply to properties with existing gravel driveways that were installed prior to the effective date of the official City of Jackson Zoning Ordinance or installed prior to annexation by the City of Jackson.

(3) Boats, campers, recreational vehicles, and storage trailers are not required to be parked or stored on concrete or asphalt in accordance with the aforementioned specifications provided they:

- (a) Are in an operable condition;
- (b) The surrounding area is maintained and free of grown up vegetation and debris; and
- (c) Are not classified as wrecked, junked or abandoned as defined in § 13-203.

(4) No more than four (4) operable vehicles may be parked or stored at a dwelling unit for more than a five (5) day period unless they are enclosed in a building. (Ord. #2008-016, Aug. 2008)

**13-205. Parking and storage on nonresidential property restricted.** No business enterprise shall park, store, leave, or permit the parking, storage, or leaving of any vehicle that is wrecked, junked, or abandoned, as defined above, on any private property within the city for more than five (5) days unless the vehicle is completely enclosed in a building or:

(1) The area of property devoted to the storage of the vehicle(s) is enclosed by a solid masonry wall or sight proof fence not less than six feet (6') high; and

(2) The area of property devoted to the storage of the vehicle(s) does not exceed twenty percent (20%) of the total lot area and is not located in any required yard. (Ord. #2008-016, Aug. 2008)

**13-206. Procedure for removal.** The owner of any such vehicle or the owner of the private property on which the same is located shall be responsible for its removal upon appropriate notice and the opportunity to be heard. Prior to commencing the hearing procedure set out in this chapter, notices shall be given to the owner or resident of the property upon which the said vehicle is located stating that the condition of said vehicle has caused a violation of this chapter and that unless this violation is corrected within twenty-four (24) hours, procedures will be commenced to affect the removal of the vehicle. Such twenty-four (24) hour notice, or one similar thereto, shall also be provided the vehicle owner and any lien holder to the extent that their names and addresses may be reasonably ascertained after the city has first been apprized of such violation. If in the opinion of the mayor, the chief of police, fire chief, health officer or their designees, an emergency situation exist, the vehicle may be immediately removed. (Ord. #2008-016, Aug. 2008)

**13-207. Notice.** If the twenty-four (24) hour preliminary notice does not accomplish the correction of the violation, the procedure hereinafter set out shall be invoked. A notice shall be directed to the owner of the vehicle and any lien holders, if known, and the owner of the premises where same is located at least two (2) days before the time for compliance therewith. It shall be sufficient service of notice if it is posted in a conspicuous place upon the premises affected and a copy is mailed to such owner and lien holders at their last known address, place of residence, or place of business if known. (Ord. #2008-016, Aug. 2008)

**13-208. Hearing.** Within two (2) days after the mailing or other service of said notice, the persons to whom the notices are directed, or their duly authorized agents, may file a written request for a hearing before the environmental court. The hearing shall be held as soon as practicable after the filing of the request therefore and the persons to whom the notices are directed shall be advised of the time and place of said hearing at least five (5) days in advance thereof. At any such hearing the city and the persons to whom the notices have directed may introduce such witnesses and evidence as is deemed necessary and proper by the City of Jackson. (Ord. #2008-016, Aug. 2008)

**13-209. Removal.** If the violation described in the notice has not been remedied within five (5) days of the mailing or service thereof, or in the event that a notice requesting a hearing is timely filed and the existence of the violation is affirmed by the environmental court after hearing, pursuant to the police power to do all things whatsoever necessary for promoting or maintaining the general welfare of the city or its inhabitants, said vehicle shall be removed. Any tow trucks or vehicles used for such removal, other than city vehicles, shall be covered by insurance in the form and extent of which shall be approved by the City Council of the City of Jackson. (Ord. #2008-016, Aug. 2008)

**13-210. Expense of disposal charged to owner.** All costs and expenses incurred in carrying out the provisions of this chapter shall be the responsibility of the owner. (Ord. #2008-016, Aug. 2008)

**13-211. Delegation of authority.** The mayor is hereby authorized to designate the agency or department to implement the provisions of this chapter. (Ord. #2008-016, Aug. 2008)

**13-212. Exemptions.** The provisions of this chapter will not apply to automotive wrecking, junk or salvage yards that are properly zoned and approved for operation. (Ord. #2008-016, Aug. 2008)

**13-213. Penalty.** Any person violating any provision of this chapter shall be issued an injunction through the environmental court to correct this problem or face a fine of fifty dollars (\$50.00) for each separate violation until

the required action has been taken or face imprisonment not to exceed ten (10) days. Each day that any such violation continues shall constitute a separate violation. (Ord. #2008-016, Aug. 2008)



## CHAPTER 3

### JUNKED, ABANDONED APPLIANCES, FIXTURES, ETC.

#### SECTION

- 13-301. Seizure authorized.
- 13-302. Notice of sale of seized items.
- 13-303. Release of property to owner.
- 13-304. Disposition of abandoned items if not sold.

**13-301. Seizure authorized.** Any fixture or appliance abandoned within the City of Jackson within the meaning of any ordinance or code provision, including those codes adopted by reference, may be seized by appropriate resolution of the City Council of the City of Jackson. (Ord. #2008-011, May 2008)

**13-302. Notice of sale of seized items.** Seized fixtures and appliances not claimed shall be advertised for sale not less than fifteen (15) days by publication in The Jackson Sun, the notice to give the location in which the items were abandoned and a brief description of the item and time, place and date of the sale. (Ord. #2008-011, May 2008)

**13-303. Release of property to owner.** If prior to sale the owner appears and claims same, the item shall be released to the owner upon payment of a fifty dollar (\$50.00) charge for the expenses of such seizure. (Ord. #2008-011, May 2008)

**13-304. Disposition of abandoned items if not sold.** In the event of no bids being received for the purchase of any abandoned item at the time of the sale hereinabove referred to, such item may be thereupon disposed of by the health and sanitation department in such way as the department may see fit. (Ord. #2008-011, May 2008)

## CHAPTER 4

### ENVIRONMENTAL COURT

#### SECTION

13-401. Establishment of the City of Jackson Environmental Court.

13-402. Duties of environmental court.

13-403. Punishment allowed by the court.

**13-401. Establishment of the City of Jackson Environmental Court.** By private act, the City of Jackson, Tennessee, has established the City of Jackson Environmental Court to hear and decide cases involving alleged violations of city environmental ordinances. (In Private Act HR 3680 passed by the Tennessee General Assembly.) (Ord. #2008-011, May 2008)

**13-402. Duties of environmental court.** The environmental court is granted the power to issue injunctions, both mandatory and prohibitory, such power to be exercised as provided for in Rule 65 of the Tennessee Rules of Civil Procedure and is empowered to order any defendant found guilty of violating any ordinance relating to health, housing, fire, land subdivision, building or zoning to correct such violation at the defendant's own expense. (Ord. #2008-011, May 2008)

**13-403. Punishment allowed by the court.** The judge of the City of Jackson Environmental Court shall have the power to punish any person for contempt who, having been ordered to correct a violation of any city ordinance or code section relating to health, animal control, housing, fire, land subdivision, building or zoning, willingly fails to obey such order within the designated day and at the designated time as given by such court order. Each day that any violation of this code or any ordinance continues shall constitute a separate offense.

The punishment for contempt in each case is limited to a fine of fifty dollars (\$50.00) for each separate violation and imprisonment not exceeding ten (10) days for each such violation. (Ord. #2008-011, May 2008, modified)