

TITLE 13

PROPERTY MAINTENANCE REGULATIONS<sup>1</sup>

CHAPTER

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3. JUNKYARDS.
4. ABANDONED VEHICLES.
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CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Smoke, soot, cinders, etc.
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- 13-103. Weeds and grass.
- 13-104. Litter and overgrown conditions defined.
- 13-105. Dead animals.
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- 13-107. Violations and penalty.
- 13-108. Designation of certain municipal enforcement officers as having the authority to issue ordinance summonses.
- 13-109. Littered and/or overgrown property declared nuisances.

13-101. 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.

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.

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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(10).

Wastewater treatment: title 18, chapter 2.

13-103. Weeds and grass. 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 codes enforcement officer to cut such vegetation when it has reached a height of over one (1) foot. (as amended by Ord. #97-8-11-1127, § 2, Aug. 1997)

13-104. Litter and overgrown conditions defined.<sup>1</sup> (1) Any premises in the city which is permitted to remain in an unkept condition and to accumulate garbage, rubbish, refuse, or other waste matter, specifically including hazardous materials, dead animals and/or noncompatible material as defined within this chapter or any combination thereof shall be considered to be a "littered condition." A "littered condition" shall further include property which because of accumulated garbage, rubbish, refuse, or other waste matter harbors mosquitoes, rats, vermin, or other harmful animals; emits unpleasant and obnoxious odors; and/or may be considered dangerous or detrimental to the health, safety, or welfare of the citizens of the City of Lenoir City.

Whenever any premises in the city are permitted to remain in an unkept condition upon which any growth of grass, underbrush, or weeds which exceed the height of ten (10) inches in growth, or upon which trees, vines and/or ground covering is not maintained consistently with ordinary neighborhood standards such property shall be considered to be in an "overgrown condition." An "overgrown condition" shall further include any rank vegetable growth which harbors mosquitoes, rats, vermin, or other harmful animals; emits unpleasant and obnoxious odors; and/or may be considered dangerous or detrimental to the health, safety, or welfare of the citizens of the City of Lenoir City.

(2) Deleted.

(3) Designation of public officer or department. The codes enforcement officer of the city shall be responsible for enforcement of the provisions of this title.

(4) Notice to property owner. It shall be the duty of the department or person designated by the city council to enforce this section 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

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<sup>1</sup>Municipal code reference

Section 13-103 applies to cases where the city wishes to prosecute the offender in city court. Section 13-104 can be used when the city seeks to clean up the lot at the owner's expense and place a lien against the property for the cost of the clean-up but not to prosecute the owner in city court.

This title, chapter 2.

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 Lenoir City 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;

(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.

(5) The codes enforcement officer shall have the option to use this section, but in the alternative, § 13-107, shall include the language:

Pursuant to Tennessee Code Annotated, § 7-63-101, the building inspector is authorized to issue ordinance summons for violations of this chapter on private property. The building inspector shall upon the complaint of any citizen, or acting on his own information, investigate complaints of a violation on private property. If after such investigation the building inspector finds a violation on private property, he shall issue an ordinance summons. The ordinance summons shall be served upon the owner or owners of the property, or upon the person or persons apparently in lawful possession of the property, and shall give notice to the same to appear before the City Court of Lenoir City and answer the charges against him or them.

The penalty for violating this section shall be a fine up to and including fifty dollars (\$50.00) and costs for each offense and/or the judge of the municipal court may punish a violation in the same manner as prescribed by any other city ordinance (Tennessee Code Annotated, § 6-54-306). Each day during which a violation continues to exist following the initial citation shall be considered a separate offense.

In the event that any offender under this section refuses to sign the ordinance summons agreement to appear in court, the municipal enforcement officer in whose presence the violation is committed may have a summons issued by the clerk of city court or the municipal enforcement officer may seek the assistance of a police or peace officer to witness the violation, who may issue a citation in lieu of arrest for the violation or make an arrest for failure to sign the citation in lieu of arrest, Tennessee Code Annotated, § 7-63-104.

Failure of an offender to appear for trial in the city court after signing of the ordinance summons agreement shall cause the court having jurisdiction thereof to issue a warrant against the offender, as provided for in Tennessee Code Annotated, § 7-63-105.

(6) Appeal. Any person who is aggrieved by the determination and order of the public officer under this section may appeal the determination and order to the board of codes enforcement appeals, and according to the procedure, established in title 12, chapter 8 of this municipal code of ordinances.

(7) Judicial review. Any person aggrieved by an order or act of board of housing appeals under subsection (5) above may seek judicial review of the order or act. The time period established in subsection (4) 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 municipal charter, this municipal code of ordinances 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. (as amended by Ord. #97-8-25-1130, Aug. 1997, Ord. #2002-7-1480B, July 2002, and Ord. #2009-02-09-1848, Feb. 2009)

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 city and dispose of such animal in such manner as the city shall direct.

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.

13-107. Violations and penalty. Violations of this chapter shall subject the offender to a penalty of up to five hundred dollars (\$500) for each offense. Each day a violation is allowed to continue shall constitute a separate offense.

13-108. Designation of certain municipal enforcement officers as having the authority to issue ordinance summonses. (1) The City Council of the City of Lenoir City hereby designates the codes enforcement officer as having the

authority to issue ordinance summons in the area of sanitation and the codes enforcement officer as having the authority to issue ordinances summons in the area of litter control as provided in Tennessee Code Annotated, sections 7-63-201 through 7-63-204.

(2) Such enforcement officers who witness a violation of any ordinance, law or regulation in those areas in which they have been given the authority to issue ordinance summons and give the summons to the offender.

The ordinance summons shall contain the name and address of the person being summoned and such other information necessary; to identify and give the person cited notice of the charge against him and state a specific date and place for the offender to appear and answer the charges against him. The ordinance summons shall also contain an agreement to appear, which shall be signed by the offender. If the offender refuses to sign the agreement to appear, the enforcement officer in whose presence the offense occurred may seek the assistance of a police officer to witness the violation. The police officer who witnesses the violation may issue a citation in lieu of arrest for the violation or arrest the offender for failure to sign the citation in lieu of arrest. If the police officer makes an arrest, he shall dispose of the person arrested as provided for in citation in lieu of arrest in non-traffic cases.

It shall be unlawful for any person to violate his agreement to appear in court, regardless of the disposition of the charge for which the citation in lieu of arrest was issued. (as added by Ord. #97-8-11-1127, §§ 1 and 2, Aug. 1997)

13-109. Littered and/or overgrown property declared nuisances. The maintenance of any private property in a littered and/or overgrown condition by any person owning, occupying, or in control of such property is hereby declared to be a nuisance. (as added by Ord. #2002-7-1480B, July 2002)

## CHAPTER 2

SLUM CLEARANCE<sup>1</sup>

## SECTION

- 13-201. Findings of city council.
- 13-202. Definitions.
- 13-203. "Public officer" designated; powers.
- 13-204. Initiation of proceedings; hearings.
- 13-205. Orders to owners of unfit structures.
- 13-206. Appeals of public officer's orders to board of housing appeals.
- 13-207. When public officer may repair, etc.
- 13-208. When public officer may remove or demolish.
- 13-209. Lien for expenses; sale of salvage materials; other powers not limited.
- 13-210. Basis for a finding of unfitness.
- 13-211. Service of complaints or orders.
- 13-212. Enjoining enforcement of orders.
- 13-213. Additional powers of public officer.
- 13-214. Powers conferred are supplemental.
- 13-215. Structures unfit for human habitation deemed unlawful.

13-201. Findings of city council. Pursuant to Tennessee Code Annotated, § 13-21-101, et seq., the city council finds that there exists in the city structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city.

13-202. Definitions. (1) "Municipality" shall mean the City of Lenoir City, Tennessee, and the areas encompassed within existing city limits or as hereafter annexed.

(2) "Governing body" shall mean the city council charged with governing the city.

(3) "Public officer" shall mean the officer or officers who are authorized by this chapter to exercise the powers prescribed herein and pursuant to Tennessee Code Annotated, § 13-21-101, et seq.

(4) "Public authority" shall mean any housing authority or any officer who is in charge of any department or branch of the government of the city or

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<sup>1</sup>State law reference

Tennessee Code Annotated, title 13, chapter 21.

state relating to health, fire, building regulations, or other activities concerning structures in the city.

(5) "Owner" shall mean the holder of title in fee simple and every mortgagee of record.

(6) "Parties in interest" shall mean all individuals, associations, corporations and others who have interests of record in a dwelling and any who are in possession thereof.

(7) "Structure" shall mean any dwelling or place of public accommodation or vacant building or structure suitable as a dwelling or place of public accommodation. (as amended by Ord. #97-8-25-1130, § 4, Aug. 1997)

13-203. "Public officer" designated; powers. There is hereby designated and appointed a "public officer," to be the codes enforcement officer of the city, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the codes enforcement officer.

13-204. Initiation of proceedings; hearings. Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the city charging that any structure is unfit for human occupancy or use, or whenever it appears to the public officer (on his own motion) that any structure is unfit for human occupation or use, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of, and parties in interest of, such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer (or his designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the service of the complaint; and the owner and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint; and the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer.

13-205. Orders to owners of unfit structures. If, after such notice and hearing as provided for in the preceding section, the public officer determines that the structure under consideration is unfit for human occupancy or use, he shall state in writing his finding of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order:

(1) If the repair, alteration or improvement of the structure can be made at a reasonable cost in relation to the value of the structure (not exceeding fifty percent [50%] of the reasonable value), requiring the owner, during the time specified in the order, to repair, alter, or improve such structure to render it fit for human occupancy or use or to vacate and close the structure for human occupancy or use; or

(2) If the repair, alteration or improvement of said structure cannot be made at a reasonable cost in relation to the value of the structure (not to exceed fifty percent [50%] of the value of the premises), requiring the owner within the time specified in the order, to remove or demolish such structure.

13-206. Appeals of public officer's orders to board of housing appeals. Any person who is aggrieved by the determination and order of the public officer under this chapter may appeal the determination and order to the board of housing appeals, and according to the procedures, established in section 12-502(3) of this municipal code of ordinances. (as added by Ord. #97-8-25-1130, § 5, Aug. 1997)

13-207. When public officer may repair, etc. If the owner fails to comply with the order to repair, alter, or improve or to vacate and close the structure as specified in the preceding section hereof, the public officer may cause such structure to be repaired, altered, or improved, or to be vacated and closed; and the public officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human occupancy or use; the use or occupation of this building for human occupancy or use is prohibited and unlawful." (as renumbered by Ord. #97-8-25-1130, § 5, Aug. 1997)

13-208. When public officer may remove or demolish. If the owner fails to comply with an order, as specified above, to remove or demolish the structure, the public officer may cause such structure to be removed and demolished. (as renumbered by Ord. #97-8-25-1130, § 5, Aug. 1997)

13-209. Lien for expenses; sale of salvaged materials; other powers not limited. The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer shall be assessed against the owner of the property, and shall upon the filing of the notice with the office of the register of deeds of Loudon County, 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 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. In addition, the municipality may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The municipality may bring one action for debt against more than one or all of the owners of properties against whom said

costs have been assessed and the fact that multiple owners have been joined in one action shall not be considered by the court as a misjoinder of parties. If the structure is removed or demolished by the public officer, he shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the chancery court of Loudon County by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court provided, however, that nothing in this section shall be construed to impair or limit in any way the power of the City of Lenoir City to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (as renumbered by Ord. #97-8-25-1130, § 5, Aug. 1997)

13-210. Basis for a finding of unfitness. The public officer defined herein shall have the power and may determine that a structure is unfit for human occupation and use if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants or users of such structure, the occupants or users of neighboring structures or other residents of the City of Lenoir City; such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; and uncleanness. (as renumbered by Ord. #97-8-25-1130, § 5, Aug. 1997)

13-211. Service of complaints or orders. Complaints or orders issued by the public officer pursuant to this chapter shall be served upon persons, either personally or by registered mail, but if the whereabouts of such person is unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the city. In addition, a copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the Register's Office of Loudon County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (as renumbered by Ord. #97-8-25-1130, § 5, Aug. 1997)

13-212. Enjoining enforcement of orders. Any person affected by an order issued by the public officer served pursuant to this chapter may file a suit in chancery court for an injunction restraining the public officer from carrying out the provisions of the order, and the court may, upon the filing of such suit, issue a temporary injunction restraining the public officer pending the final disposition of the cause; provided, however, that within sixty (60) days after the

posting and service of the order of the public officer, such person shall file such suit in the court.

The remedy provided herein shall be the exclusive remedy and no person affected by an order of the public officer shall be entitled to recover any damages for action taken pursuant to any order of the public officer, or because of noncompliance by such person with any order of the public officer. (as renumbered by Ord. #97-8-25-1130, § 5, Aug. 1997)

13-213. Additional powers of public officer. The public officer, in order to carry out and effectuate the purposes and provisions of this chapter, shall have the following powers in addition to those otherwise granted herein:

(1) To investigate conditions of the structures in the city in order to determine which structures therein are unfit for human occupation or use;

(2) To administer oaths, affirmations, examine witnesses and receive evidence;

(3) To enter upon premises for the purpose of making examination, provided that such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession;

(4) To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this chapter; and

(5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate. (as renumbered by Ord. #97-8-25-1130, § 5, Aug. 1997)

13-214. Powers conferred are supplemental. This chapter shall not be construed to abrogate or impair the powers of the city with regard to the enforcement of the provisions of its charter or any other ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by the charter and other laws. (as renumbered by Ord. #97-8-25-1130, § 5, Aug. 1997)

13-215. Structures unfit for human habitation deemed unlawful. It shall be unlawful for any owner of record to create, maintain or permit to be maintained in the city structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city.

Violations of this section shall subject the offender to a penalty of up to five hundred dollars (\$500) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (as renumbered by Ord. #97-8-25-1130, § 5, Aug. 1997)

## CHAPTER 3

JUNKYARDS<sup>1</sup>

## SECTION

- 13-301. Definitions.
- 13-302. Junkyard screening.
- 13-303. Screening methods.
- 13-304. Requirements for effective screening.
- 13-305. Maintenance of screens.
- 13-306. Utilization of highway right-of-way.
- 13-307. Non-conforming junkyards.
- 13-308. Permits and fees.
- 13-309. Violations and penalty.

13-301. Definitions. (1) "Junk" shall mean old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles, trucks, vehicles of all kinds, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

(2) "Junkyard" shall mean an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. This definition includes scrap metal processors, used auto parts yards, yards providing temporary storage of automobile bodies or parts awaiting disposal as a normal part of the business operation when the business will continually have like materials located on the premises, garbage dumps, sanitary landfills, and recycling centers.

(3) "Recycling center" means an establishment, place of business, facility or building which is maintained, operated, or used for the storing, keeping, buying, or selling of newspaper or used food or beverage containers or plastic containers for the purpose of converting such items into a usable product.

(4) "Person" means any individual, firm, agency, company, association, partnership, business trust, joint stock company, body politic, or corporation.

(5) "Screening" means the use of plantings, fencing, natural objects, and other appropriate means which screen any deposit of junk so that the junk is not visible from the highways and streets of the city.

13-302. Junkyard screening. Every junkyard shall be screened or otherwise removed from view by its owner or operator in such a manner as to bring the junkyard into compliance with this chapter.

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<sup>1</sup>Municipal code reference

Refuse and trash disposal: title 17.

13-303. Screening methods. The following methods and materials for screening are given for consideration only:

(1) Landscape planting. The planting of trees, shrubs, etc., of sufficient size and density to provide a year-round effective screen. Plants of the evergreen variety are recommended.

(2) Earth grading. The construction of earth mounds which are graded, shaped, and planted to a natural appearance.

(3) Architectural barriers. The utilization of:

(a) Panel fences made of metal, plastic, fiberglass, or plywood.

(b) Wood fences of vertical or horizontal boards using durable woods such as western cedar or redwood or others treated with a preservative.

(c) Walls of masonry, including plain or ornamented concrete block, brick, stone, or other suitable materials.

(4) Natural objects. Naturally occurring rock outcrops, woods, earth mounds, etc., may be utilized for screening or used in conjunction with fences, plantings, or other appropriate objects to form an effective screen.

13-304. Requirements for effective screening. Screening may be accomplished using natural objects, earth mounds, landscape plantings, fences, or other appropriate materials used singly or in combination as approved by the city. The effect of the completed screening must be the concealment of the junkyard from view on a year-round basis.

(1) Screens which provide a "see-through" effect when viewed from a moving vehicle shall not be acceptable.

(2) Open entrances through which junk materials are visible from the main traveled way shall not be permitted except where entrance gates, capable of concealing the junk materials when closed, have been installed. Entrance gates must remain closed from sundown to sunrise.

(3) Screening shall be located on private property and not on any part of the highway right-of-way.

(4) At no time after the screen is established shall junk be stacked or placed high enough to be visible above the screen nor shall junk be placed outside of the screened area.

13-305. Maintenance of screens. The owner or operator of the junkyard shall be responsible for maintaining the screen in good repair to insure the continuous concealment of the junkyard. Damaged or dilapidated screens, including dead or diseased plantings, which permit a view of the junk within shall render the junkyard visible and shall be in violation of this code and shall be replaced as required by the city.

If not replaced within sixty (60) days the city shall replace said screening and shall require payment upon demand. Failure to pay in full shall result in

the fee plus interest to be assessed to the property and shall be combined with the subsequent taxation of the property by the city.

13-306. Utilization of highway right-of-way. The utilization of highway right-of-way for operating or maintaining any portion of a junkyard is prohibited; this shall include temporary use for the storage of junk pending disposition.

13-307. Non-conforming junkyards. Those junkyards within the city and lawfully in existence prior to the enactment of this code, which do not conform with the provisions of the code shall be considered as "non-conforming." Such junkyards shall be subject to the following conditions, any violation of which shall terminate the non-conforming status:

- (1) The junkyard must continue to be lawfully maintained.
- (2) There must be existing property rights in the junk or junkyard.
- (3) Abandoned junkyards shall no longer be lawful.
- (4) The location of the junkyard may not be changed for any reason. If the location is changed, the junkyard shall be treated as a new establishment at a new location and shall conform to the laws of the city.
- (5) The junkyard may not be extended or enlarged.

13-308. Permits and fees. It shall be unlawful for any junkyard located within the city to operate without a "Junkyard Control Permit" issued by the city.

- (1) Permits shall be valid for the fiscal year for which issued and shall be subject to renewal each year. The city's fiscal year begins on July 1 and ends on June 30 the year next following.
- (2) Each application for an original or renewal permit shall be accompanied by a fee of fifty dollars (\$50.00) which is not subject to either proration or refund.
- (3) All applications for an original or renewal permit shall be made on a form prescribed by the city.
- (4) Permits shall be issued only to those junkyards that are in compliance with these rules.
- (5) A permit is valid only while held by the permittee and for the location for which it is issued.

13-309. Violations and penalty. Violations of this chapter shall subject the offender to a penalty of up to five hundred dollars (\$500) for each offense. Each day a violation is allowed to continue shall constitute a separate offense.

## CHAPTER 4

ABANDONED VEHICLES

## SECTION

13-401. Definitions.

13-402. Abandonment of vehicles.

13-403. Leaving of wrecked, nonoperating vehicle on street.

13-404. Disposition of wrecked or discarded vehicles.

13-405. Impounding.

13-406. In lieu of impounding.

13-407. Disposal of "abandoned motor vehicles."

13-401. 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 Lenoir City or his authorized representative.

13-402. 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.

13-403. 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.

13-404. 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.

13-405. 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.

13-406. In lieu of impounding. In lieu of impounding an abandoned vehicle and after an investigation, the municipal enforcement officer finds an abandoned vehicle on private or public property, he shall issue an ordinance summons to be issued to a violator of this section. The ordinance summons shall be served upon the owner or owners of the property, or upon the person or persons apparently in lawful possession of the property, and shall give notice to

the same to appear before the City Court of Lenoir City and answer the charges against him or them.

The penalty for violating this section shall be a fine up to and including fifty dollars (\$50.00) and costs for each offense and/or the judge of the municipal court may punish a violation in the same manner as prescribed in any other city ordinance (Tennessee Code Annotated, § 6-54-306). Each day during which a violation continues to exist following the initial citation shall be considered a separate offense.

In the event that any offender under this section refuses to sign the ordinance summons agreement to appear in court, the municipal enforcement officer in whose presence the violation is committed may have a summons issued by the clerk of city court or the municipal enforcement officer may seek the assistance of a police or peace officer to witness the violation, who may issue a citation in lieu of arrest for the violation or make an arrest for failure to sign the citation in lieu of arrest, Tennessee Code Annotated, § 7-63-104.

Failure of an offender to appear for trial in the city court after signing of the ordinance summons agreement shall cause the court having jurisdiction thereof to issue a warrant against the offender, as provided for in Tennessee Code Annotated, § 7-63-105. (as added by Ord. #2002-7-1480C, July 2002)

13-407. Disposal of "abandoned motor vehicles". "Abandoned motor vehicles" as defined in Tennessee Code Annotated, § 55-6-103, upon impoundment, 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. ( as amended by Ord. #2002-7-1480B, July 2002)

## CHAPTER 5

JUNKED VEHICLES

## SECTION

- 13-501. Definitions.
- 13-502. Violations a civil offense.
- 13-503. Exceptions.
- 13-504. Removal or abatement without permission of owner or occupant.
- 13-505. Enforcement.
- 13-506. Appeals to the board.
- 13-507. Decisions by board.
- 13-508. Appeals to court.
- 13-509. Penalty for violation.

13-501. Definitions. For the purpose of the interpretation and application of this chapter, the following words and phrases shall have the indicated meanings:

(1) "Person" shall mean any natural person, or any firm, partnership, association, corporation or other organization of any kind and description.

(2) "Private property" shall include all property that is not public property, regardless of how the property is zoned or used.

(3) "Traveled portion of any public street or highway" shall mean the width of the street from curb to curb, or where there are no curbs, the entire width of the paved portion of the street, or where the street is unpaved, the entire width of the street in which vehicles ordinarily use for travel.

(4) (a) "Vehicle" shall mean any machine propelled by power other than human power, designed to travel along the ground by the use of wheels, treads, self-laying tracks, runners, slides or skids, including but not limited to automobiles, trucks, motorcycles, motor scooters, go-carts, campers, tractors, trailers, tractor-trailers, buggies, wagons, and earth-moving equipment, and any part of the same.

(b) "Junk 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:

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

(ii) 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.

(iii) 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.

(iv) 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.

(v) 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.

(vi) 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.

(vii) Lying on the ground (upside down, on it side, or at other extreme angle), sitting on blocks, or suspended in the air by any other method in combination with any of the preceding conditions.

(viii) 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. (as added by Ord. #1997-10-13-1139, Oct. 1997)

13-502. Violations a civil offense. It shall be unlawful and a civil offense for any person:

(1) To park and or in any other manner place and leave unattended on the traveled portion of any public street or highway a junk vehicle for any period of time, even if the owner or operator of the vehicle did not intend to permanently desert or forsake the vehicle.

(2) To park or in any other manner place and leave unattended on the traveled portion of any street or highway, or upon any other public property, a junk vehicle for more than forty-eight (48) continuous hours, even if the owner or operator of the vehicle did not intend to permanently desert or forsake the vehicle.

(3) To park, store, keep, maintain on private property a junk vehicle for more than sixty (60) days. (as added by Ord. #1997-10-13-1139, Oct. 1997)

13-503. Exceptions. (1) It shall be permissible for a person to park, store, keep and maintain a junked vehicle on private property under the following conditions:

(a) The junk vehicle is completely enclosed within a building or screened from view where neither the vehicle nor any part of it is visible from the street or from any other abutting property by means of a fence, rapidly growing trees, shrubbery or other appropriate means. However, this exception shall not exempt the owner or person in possession of the property from any zoning, building, housing, property maintenance, and other regulations governing the building in which such vehicle is enclosed.

(b) The junk vehicle is parked or stored on property lawfully zoned for business engaged in wrecking, junking, or repairing vehicles. However, this exception shall not exempt the owner or operator of any such business from any other zoning, building, property maintenance and other regulations governing business engaged in wrecking, junking, or repairing vehicles.

(2) No person shall park, store, keep and maintain on private property a junk vehicle for any period of time if it poses an immediate threat to the health and safety of citizens of the city. (as added by Ord. #1997-10-13-1139, Oct. 1997, and amended by Ord. #2002-7-22-1480G, July 2002)

13-504. Removal or abatement without permission of owner or occupant. If such public nuisance is not abated by any person in charge or control of any property within the city, whether as owner, tenant, occupant, lessee or otherwise, and a discarded vehicle remains upon public or private property following the ten (10) days notice, and if no hearing is requested by the owner or occupant of the public or private premises or by the owner or occupant of the premises adjacent to the public right-of-way on which said vehicle is located, official action shall be taken by the city to abate such nuisance at the expense of the person in charge or control of the property, if any.

Prior to entry upon private property for the purposes specified in this division, codes enforcement officer or any member of his department designated by him, shall apply to the Lenoir City Municipal Court or any court of competent jurisdiction for any warrant or order necessary for the entry onto private property to examine vehicles or parts thereof, obtain information as to the identity of vehicles and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this division. The Lenoir City Municipal Court shall have the authority to issue all orders and warrants necessary to enforce this division.

The codes enforcement officer or any member of his department designated by him, may enter upon private property for the purposes specified in this division to examine vehicles or parts thereof, obtain information as to the identity of vehicles, and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this division. Any such discarded vehicle shall be impounded at the cost of the owner until lawfully claimed or

disposed of in accordance with Tennessee Code Annotated, §§ 55-16-103 through 55-16-109. (as added by Ord. #2002-7-22-1480G, July 2002)

13-505. Enforcement. Pursuant to Tennessee Code Annotated, § 7-63-101, the building inspector is authorized to issue ordinance summons for violations of this chapter on private property. The building inspector shall upon the complaint of any citizen, or acting on his own information, investigate complaints of junked vehicles on private property. If after such investigation the building inspector finds a junked vehicle on private property, he shall issue an ordinance summons. The ordinance summons shall be served upon the owner or owners of the property, or upon the person or persons apparently in lawful possession of the property, and shall give notice to the same to appear before the City Court of Lenoir City and answer the charges against him or them. If the offender refuses to sign the agreement to appear, the building inspector may

- (1) Request the city judge to issue a summons, or
- (2) Request a police officer to witness the violation. The police officer who witnesses the violation may issue the offender a citation in lieu of arrest as authorized by Tennessee Code Annotated, § 7-63-101 *et seq.*, or if the offender refuses to sign the citation, may arrest the offender for failure to sign the citation in lieu of arrest. (as added by Ord. #1997-10-13-1139, Oct. 1997, as amended by Ord. #2002-7-22-1480G, July 2002)

13-506. Appeals to the board. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this chapter, or any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the board of housing appeals; provided, that such person shall file in the office of the city recorder a written petition requesting such hearing and setting forth a statement of the grounds therefor within twenty (20) days after the date the notice was served. Within ten (10) days after the receipt of the petition the inspector shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show cause why such notice should be modified or withdrawn. The hearing before the board shall be commenced not later than thirty (30) days after the date on which the petition was filed; provided that, upon written application of the petitioner to the board, the date of the hearing may be postponed beyond the thirty (30) day period if the petitioner shows good and sufficient reason why it should be postponed. Any notice served automatically becomes an order if a written petition for hearing is not filed in the office of the recorder within twenty (20) days after the notice is served. (as added by Ord. #1997-10-13-1139, Oct. 1997, and renumbered by Ord. #2002-7-22-1480G, July 2002)

13-507. Decisions by board. After hearing an appeal, the board shall sustain, modify, or withdraw the notice, depending upon its findings as to whether the provisions of this chapter and the rules and regulations adopted thereto have been complied with. The board may also modify any notice as to authorize a variance from the provisions of this junked vehicle chapter when, because of special conditions, a literal enforcement of the provisions thereof will result in practical difficulty or unnecessary hardship; provided, that the spirit of the junked vehicle chapter will be observed, public health and welfare secured, and substantial justice done. The board may also extend the time for compliance if the case warrants. If the board sustains or modifies such notice, it shall be deemed to be an order and the violator shall comply with all provisions of such order within the specified length of time. (as added by Ord. #1997-10-13-1139, Oct. 1997, and renumbered by Ord. #2002-7-22-1480G, July 2002)

13-508. Appeals to court. Any person or persons, jointly or severally, aggrieved by the decision of the board, or any taxpayer, or any officer, department, board of bureau of the municipality, may seek relief therefrom in any court of competent jurisdiction as provided by the laws of the state. (as added by Ord. #1997-10-13-1139, Oct. 1997, and renumbered by Ord. #2002-7-22-1480G, July 2002)

13-509. Penalty for violations. The penalty for violating this section shall be a fine up to and including fifty dollars (\$50.00) and costs for each offense and/or the judge of the municipal court may punish a violation in the same manner as prescribed in any another other city ordinance (Tennessee Code Annotated, § 6-54-306). Each day during which a violation continues to exist following the initial citation shall be considered a separate offense.

In the event that any offender under this section refuses to sign the ordinance summons agreement to appear in court, the municipal enforcement officer in whose presence the violation is committed may have a summons issued by the clerk of city court or the municipal enforcement officer may seek the assistance of a police or peace officer to witness the violation, who may issue a citation in lieu of arrest for the violation or make an arrest for failure to sign the citation in lieu of arrest, Tennessee Code Annotated, § 7-63-104.

Failure of an offender to appear for trial in the city court after signing of the ordinance summons agreement shall cause the court having jurisdiction thereof to issue a warrant against the offender, as provided for in Tennessee Code Annotated, § 7-63-105. (as added by Ord. #1997-10-13-1139, Oct. 1997, and replaced by Ord. #2002-7-1480G, July 2002)

CHAPTER 6

OPEN BURNING

SECTION

- 13-501. Definitions.
- 13-602. Compliance with TDEC.
- 13-503. Burn permit policy compliance.
- 13-504. Burn restriction.
- 13-605. Conflict.
- 13-606. Violation.
- 13-607. Enforcement.

13-601. Definitions. (1) "Agricultural purposes" includes growing crops for human or animal consumption or raising livestock for human consumption. It covers property utilized for the construction of tool sheds, barns, or other outdoor storage structures necessary to perform routine farming or homeowner maintenance practices. (Outdoor structures may also be demolished and burned at the owner's discretion so long as the material to be burned is in compliance with state law). Agricultural purposes also includes privately owned forest land requiring routine clearing of brush, thickets, dead trees, etc.

(2) "Established private residence" is a residential dwelling that is occupied full time.

(3) "Open burning" is the burning of any matter under such conditions that products of combustion are emitted directly into the open atmosphere without passing directly through a stack.

(4) "Person" is any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, agency, authority, commission, department of the United States government, or of the State of Tennessee government, or any other legal entity or their legal representative, agent, or assigns.

(5) "Wood waste" is any product which has not lost its basic character as wood, such as bark, sawdust, chips, and chemically untreated lumber whose "disposition" by open burning is solely to get rid of or destroy. (as added by Ord. #2007-7-23-1780-A, July 2007)

13-602. Compliance with TDEC. All open burning in Lenoir City must comply with the applicable state rules (TDEC Rule/Chapter 1200-3-4). The enforcement of these rules is the responsibility of TDEC. (as added by Ord. #2007-7-23-1780-A, July 2007)

13-603. Burn permit policy compliance. All open burning by any person in Lenoir City must comply with the Lenoir City Fire Department Burn Permit

Policy, which includes Tennessee wildfire laws from the Forestry Division of the Department of Agriculture.

It is illegal for any person to cause, suffer, or allow, or permit open burning of any trash, wood scraps, brush, tree limbs, and/or other materials and debris that are generated by clearing of vacant lots or vacant land for purposes of land development. Open burning for agricultural purposes and open burning on land where there is an established private residence are specifically exempted from this section. (as added by Ord. #2007-7-23-1780-A, July 2007)

13-604. Burn restriction. It is illegal for any person to cause, suffer, allow, or permit open burning of any trash, wood scraps, brush, tree limbs, and/or other materials and debris that are not produced by the land upon which it is burned or substantially used on the property prior to its being burned. (as added by Ord. #2007-7-23-1780-A, July 2007)

13-605. Conflict. In the event a compliance conflict arises between the rules and regulations enumerated in as defined and referenced in §§ 13-602 and 13-603; § 13-603 shall prevail and supercede any and all requirements under TDEC or other Tennessee state law provisions. (as added by Ord. #2007-7-23-1780-A, July 2007)

13-606. Violation. Any violation of this chapter is a Lenoir City ordinance violation and shall be subject to a fine of fifty dollars (\$50.00) per day of violation and up to any and all administrative costs associated with enforcement of this chapter. (as added by Ord. #2007-7-23-1780-A, July 2007)

13-607. Enforcement. The Lenoir City Enforcement Officer, the Lenoir City Fire Department, and the Lenoir City Police Department are hereby authorized and directed to enforce the provisions of this chapter. (as added by Ord. #2007-7-23-1780-A, July 2007)