

TITLE 13**PROPERTY MAINTENANCE REGULATIONS****CHAPTER**

1. MISCELLANEOUS.
2. JUNKED MOTOR VEHICLES.

CHAPTER 1**MISCELLANEOUS****SECTION**

- 13-101. Weeds and grass.
- 13-102. Overgrown and dirty lots.
- 13-103. Violations and penalty.

13-101. 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 recorder to cut such vegetation when it has reached a height of over one foot (1').

13-102. Overgrown and dirty lots. (1) Prohibition. Pursuant to the authority granted to municipalities 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 board of mayor and aldermen shall designate an appropriate department or person to enforce the provisions of this section.

(3) Notice to property owner. It shall be the duty of the department or person designated by the board of mayor and aldermen 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 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 Lobelville 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.

(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 department or person designated by the board of mayor and aldermen to enforce the provisions of this section shall immediately 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 in Perry County, 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 department or person designated by the board of mayor and aldermen to enforce the provisions of this section shall immediately cause the condition to be remedied or removed 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 must 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 public officer may appeal the determination and order to the board of mayor and aldermen. The appeal shall be filed with the recorder 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 of the board of mayor and aldermen 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 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.

13-103. Violations and penalty. Violations of this chapter shall subject the offender to a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

CHAPTER 2

JUNKED MOTOR VEHICLES

SECTION

13-201. Definitions.

13-202. Abandonment of vehicles.

13-203. Disposition of wrecked or discarded vehicles.

13-204. Impounding, notice to owner or occupant to abate public nuisance on occupied premises.

13-205. Violations and penalty.

13-201. 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. (Ord. #31, Dec. 1971)

13-202. 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. (Ord. #31, Dec. 1971)

13-203. 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; 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 operation of such business enterprise; or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the city. (Ord. #31, Dec. 1971)

13-204. Impounding. The city manager 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 lost, stolen or unclaimed. Such vehicle shall be impounded. (Ord. #31, Dec. 1971)

13-205. Notice to owner or occupant to abate public nuisance on occupied premises. Whenever any such public nuisance exists on occupied premises within the city in violation of this chapter hereof, the city manager or his duly authorized agent shall order the owner of the premises, if 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 city manager or his duly authorized agent within the ten (10) day period after service thereof, as provided herein , the city manager or his duly authorized agent shall take possession of said junked motor vehicle and remove it from the premises. The city manager 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 sale of vehicle is more than the cost of moving vehicle, the balance of sale will go to the owner of vehicle . If the sale of vehicle fails to pay the cost of moving, the city will pay the remaining cost of moving vehicle. (Ord. #31, Dec. 1971)

14-206. Violations and penalty. Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than two dollars (\$2.00) nor more than fifty dollars (\$50.00). Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. (Ord. #31, Dec. 1971)