

TITLE 13

PROPERTY MAINTENANCE

CHAPTER

1. REMOVAL OF VEGETATION AND DEBRIS FROM CERTAIN LOTS.

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REMOVAL OF VEGETATION AND DEBRIS FROM CERTAIN LOTS

SECTION

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13-101. Accumulation of vegetation and debris. It shall be unlawful for any person, firm or corporation to permit or maintain the presence upon any real estate owned by them located within the corporate limits of the City of Newbern the growth of trees, vines, grass, underbrush and/or the accumulation of debris, dead animals, trash, litter, garbage, stagnate water, or any combination of the preceding elements, so as to endanger the health, safety or welfare of any person or the general public or to encourage the infestation of rats and other harmful animals. (Ord. #99-5, May 1999)

13-102. Violations. Any person, firm or corporation found guilty of violating any provision of this chapter shall be fined under the general penalty clause for this municipal code and each day of continued violation after the mailing of notice by the public works director to the registered owner of the affected real estate as determined by the city's tax rolls via First Class U.S. Mail will constitute a separate offense. (Ord. #99-5, May 1999)

13-103. Removal of vegetation and debris. In addition to the penalties provided by § 13-102, the failure of any owner of real estate to remove any accumulation or vegetation and debris for which notice has been issued pursuant to § 13-102 within thirty (30) days of such issuance shall serve as an irrevocable appointment by the owner of such real estate of the public works director as his agent, with full authority to arrange for the removal of such vegetation and debris from the real estate. In such event, the City of Newbern shall have a lien upon the real estate in question for the reasonable cost incurred by the city in the removal of such vegetation and debris which shall be enforceable the same as liens for unpaid city taxes.

Notwithstanding the foregoing, any owner of the affected real estate registered on the city's property tax rolls shall be entitled to request the city's removal of such vegetation and debris provided such owner shall first agree in writing to reimburse the city for the total of its costs incurred in the removal of such vegetation and debris and to release and indemnify the city for all claims, damages and liability arising in connection with such removal. (Ord. #99-5, May 1999)

13-104. Right of owner to appeal. Any owner of real estate receiving the notice specified in § 13-102 above shall be entitled to appeal such action of the public works director to the city's board of mayor and aldermen by the tender of written notice of such appeal within twenty (20) days of receipt of such notice. Such appeal shall be heard by the city board as soon as practicable following receipt of the notice of appeal. Pending the board's ruling on appeal, the city building official shall suspend all actions in connection with the removal of the vegetation and debris. The ruling of the city board shall be final and binding upon the parties subject to their rights of appeal to the Courts of Tennessee under the general laws of the State. (Ord. #99-5, May 1999)

13-105. Powers conferred are supplemental. Nothing in this chapter shall be construed to abrogate or impair the powers of the courts or of any department of the town to enforce any 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 any other laws. (Ord. #99-5, May 1999)