

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

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2. LITTERING REGULATIONS.
3. STRUCTURES UNFIT FOR HUMAN HABITATION.
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CHAPTER 1

MISCELLANEOUS

SECTION

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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. (Ord. #97-4, April 1997)

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 not treating it so as to effectively prevent the breeding of mosquitoes. (Ord. #97-4, April 1997)

13-103. Weeds. 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 city recorder or city codes inspector to cut such vegetation when it has reached a height of over one (1) foot. (Ord. #97-4, April 1997)

¹Municipal code references
 Littering streets, etc.: § 16-107.

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, 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 or other harmful animals. (Ord. #97-4, April 1997)

13-105. Dead animals. Any person owning or having possession of any dead animal not intended for use as food shall promptly bury or dispose of such animal. (Ord. #97-4, April 1997)

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. (Ord. #97-4, April 1997)

13-107. Violation and penalty. Any violation of this chapter shall be a civil offense punishable to a penalty of up to five hundred dollars (\$500.00) for each separate offense. Each day a violation is allowed to continue shall constitute a separate offense. (Ord. #97-4, April 1997)

CHAPTER 2

LITTERING REGULATIONS

SECTION

13-201. Definitions.

13-202. Littering.

13-203. Hauling litter.

13-204. Violation and penalty.

13-201. Definitions. (1) "Garbage" includes putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food;

(2) "Litter" includes garbage, refuse, rubbish and all other waste material;

(3) "Refuse" includes all putrescible and non putrescible solid waste; and

(4) "Rubbish" includes nonputrescible solid waste consisting of both combustible and non-combustible waste. (Ord. #98-5, June 1998)

13-202. Littering. A person commits littering who:

(1) Knowingly places, drops or throws litter on any public or private property without permission and does not immediately remove it;

(2) Negligently places or throws glass or other dangerous substances on or adjacent to water to which the public has access for swimming or wading, or on or within fifty feet (50') of a public highway; or

(3) Negligently discharges sewage, minerals, oil products or litter into any public waters or lakes within the town;

(4) If litter is discovered on any public property other than public property designated for the disposal of litter, or if litter is discovered upon the private property of a person who has not given permission for the disposal of litter, and the litter bears the name of a natural person, there is an inference that the natural person has committed the offense of criminal littering.

(5) Nothing in this chapter shall be construed to prevent prosecution or conviction under other applicable laws. (Ord. #98-5, June 1998)

13-203. Hauling litter. (1) Any motor vehicle, which transports litter, as defined in this chapter, or any material likely to fall or be blown off onto the highways, shall be required to have such material either in an enclosed space or fully covered by a tarpaulin.

(2) If such motor vehicle is a non-commercial, not-for-hire pickup truck, the provisions of this section shall be construed to be complied with if the material on such non-commercial, not-for-hire pickup truck is secured in such a way to reasonably ensure it will not fall or be blown off the vehicle.

(3) All other pickup trucks and other motor vehicles are required to comply with the provisions of subsection (1).

(4) Any motor vehicle having a gross weight of less than sixteen thousand pounds (16,000 lbs.) Which is transporting litter, as defined in this chapter, to an energy recovery facility, as defined in Tennessee Code Annotated, § 68-211-501(2), shall be required to have such material in an enclosed space, unless it is a motor vehicle with a factory installed hydraulic lift system that lifts the entire bed of the truck.

(5) The provisions of this section do not apply to motor vehicles transporting recovered materials to a convenience center or scrap dealer for recycling. (Ord. #98-5, June 1998)

13-204. Violation and penalty. Any violation of this chapter shall be a civil offense punishable by a fine of up to fifty dollars (\$50.00) for each separate offense. Each day that the violation is allowed to continue shall constitute a separate offense. (Ord. #98-5, June 1998, modified)

CHAPTER 3

STRUCTURES UNFIT FOR HUMAN HABITATION¹

SECTION

- 13-301. Findings of board.
- 13-302. Definitions.
- 13-303. "Public officer" designated powers.
- 13-304. Initiation of proceedings; hearings.
- 13-305. Orders to owners of unfit structures.
- 13-306. When public officer may repair, etc.
- 13-307. When public officer may remove or demolish.
- 13-308. Lien for expenses; sale of salvage materials, other powers not limited.
- 13-309. Basis for a finding of unfitness.
- 13-310. Service of complaints or orders.
- 13-311. Enjoining enforcement of order.
- 13-312. Additional powers of public officer.
- 13-313. Powers conferred are supplemental.
- 13-314. Structures unfit for human habitation deemed unlawful.

13-301. Findings of board. Pursuant to Tennessee Code Annotated, § 13-21-01, et seq., the board of mayor and aldermen finds that there exists in the town 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 town. (Ord. #00-01, Jan. 2000)

13-302. Definitions. (1) "Dwelling" means any building or structure, or part thereof, used and occupied for human occupation or use or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

(2) "Governing body" shall mean the board of mayor and aldermen charged with governing the town.

(3) "Municipality" shall mean the Town of Pleasant View, Tennessee, and the areas encompassed within existing town limits or as hereafter annexed.

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

¹Municipal code references

Building, Existing buildings, Housing and Unsafe building abatement codes: title 12.

(5) "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.

(6) "Place of public accommodation" means any building or structure in which goods are supplied or services performed, or in which the trade of the general public is solicited.

(7) "Public authority" shall mean any housing authority or any officer who is in charge of any department or branch of the government of the town or state relating to health, fire, building regulations, or other activities concerning structures in the town.

(8) "Public officer" means any officer or offices of a municipality or the executive director or other chief executive officer of any commission or authority established by such municipality or jointly with any other municipality who is authorized by this chapter to exercise the power prescribed herein and pursuant to Tennessee Code Annotated, § 13-21-101, et seq.

(9) "Structure" means any dwelling or place of public accommodation or vacant building or structure suitable as a dwelling or place of public accommodation. (Ord. #00-01, Jan. 2000)

13-303. "Public officer" designated powers. There is hereby designated and appointed a "public officer," to be the building commissioner of the town, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the building commissioner. (Ord. #00-01, Jan. 2000)

13-304. 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 town 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 a court of law or equity shall not be controlling in hearings before the public officer. (Ord. #00-01, Jan. 2000)

13-305. 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 occupation 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, within the time specified in the order, to repair, alter, or improve such structure to render it fit for human occupation or use to vacate and close the structure for human occupation 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 structures. (Ord. #00-01, Jan. 2000)

13-306. 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 occupation or use. The use or occupation of this building for human occupation or use is prohibited and unlawful." (Ord. #00-01, Jan. 2000)

13-307. 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. (Ord. #00-01, Jan. 2000)

13-308. Lien for expenses; sale of salvage 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 Cheatham 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 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 (1) action for debt against more

than one or all of the owners of properties against whom said cost 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. If the structure is removed or demolished by the public officer, he shall set 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 Cheatham County by the public officer, shall be secured in such a manner as may be directed by such court, and shall be disbursed by such court to the person found to be entitled thereto by final order or decree of such court. Nothing in this section shall be construed to impair or limit in any way the power of the Town of Pleasant View to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (Ord. #00-01, Jan. 2000)

13-309. 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 Town of Pleasant View. Such conditions may include the following (without limiting the generality of the foregoing); defects therein increasing the hazards of fire, accident, or other dilapidation; disrepair; structural defects; or uncleanliness. (Ord. #00-01, Jan. 2000)

13-310. 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 persons are 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 town. In addition, a copy of such complaint or order shall be posted in a conspicuous place on 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 Cheatham County, Tennessee, and such filing shall have the same in force and effect as other lis pendens notices provided by law. (Ord. #00-01, Jan. 2000)

13-311. Enjoining enforcement of order. Any person affected by an order issued by the public officer served pursuant to this chapter may file a bill 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 a bill 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. (Ord. #00-01, Jan. 2000)

13-312. 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 town 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. (Ord. #00-01, Jan. 2000)

13-313. Powers conferred are supplemental. This chapter shall not be construed to abrogate or impair the powers of the town 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 this chapter and other laws. (Ord. #00-01, Jan. 2000)

13-314. 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 town 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 residences of the town.

Violations of this section shall subject the offender to a civil penalty of up to fifty dollars (\$50.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (Ord. #00-01, Jan. 2000, modified)

CHAPTER 4

ABANDONED, WRECKED AND INOPERATIVE VEHICLES

SECTION

- 13-401. Definitions.
- 13-402. Storing, parking or leaving dismantled or other such motor vehicle prohibited, and declared nuisance, exceptions.
- 13-403. Notice to remove.
- 13-404. Responsibility for removal.
- 13-405. Notice procedure.
- 13-406. Content of notice.
- 13-407. Request for hearing.
- 13-408. Procedure for hearing.
- 13-409. Removal of motor vehicle from property.
- 13-410. Notice of removal.
- 13-411. Disposition of vehicles.
- 13-412. Redemption of impounded vehicle.
- 13-413. Penalty.

13-401. Definitions. For the purpose of this chapter the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(1) "Town" is the Town of Pleasant view.

(2) "Building commissioner" is the Building Commissioner of the Town of Pleasant View or such other person or persons designated by the board of mayor and aldermen to enforce the provisions of this chapter.

(3) "Motor vehicle" is any vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to automobiles, buses, motor-bikes, motorcycles, motorscooters, trucks, tractors, riding lawn mowers, go-carts, golf carts, campers and trailers.

(4) "Junked motor vehicle" is any vehicle, as defined by § 13-401(3), which does not have lawfully affixed thereto an unexpired license plate or the condition of which is wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded.

(5) "Person" shall mean any person, firm, partnership, association, corporation, company or organization of any kind.

(6) "Private property" shall mean any real property within the town which is privately owned and which is not public property as defined in this subsection.

(7) "Public property" shall mean any street or highway which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel, and shall also mean any other publicly owned property or facility. (Ord. #97-16, Oct. 1997)

13-402. Storing, parking or leaving dismantled or other such motor vehicle prohibited, and declared nuisance, exceptions. No person shall park, store, leave, or permit the parking, storing, or leaving of any motor vehicle of any kind which is in an abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled condition whether attended or not, upon any public or private property within the town for a period of time in excess of seventy-two (72) hours. The presence of an abandoned, wrecked, dismantled, inoperative, rusted, junked, or partially dismantled vehicle or parts thereof, on private or public property is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this chapter. This section shall not apply to any vehicle enclosed within a building on private property or to any vehicle held in connection with a business enterprise, lawfully licensed by the town and properly operated in the appropriate business zone, pursuant to the zoning laws of the town, or to any motor vehicle in operable condition specifically adopted or designed for operation on drag strips or raceways, or any vehicle retained by the owner for antique collection purposes operable and licensed or in the process of being restored. (Ord. #97-16, Oct. 1997)

13-403. Notice to remove. Whenever it comes to the attention of the building commissioner that any nuisance as defined in § 13-402 of this chapter exists in the Town of Pleasant View, Tennessee, a notice in writing shall be served upon the occupant of the land where the nuisance exists, or in the case there is no such occupant, then upon the owner of the property or his agent, notifying them of the existence of the nuisance and requesting its removal in the time specified in this chapter. (Ord. #97-16, Oct. 1997)

13-404. Responsibility for removal. Upon proper notice and opportunity to be heard, the owner of the abandoned, wrecked, dismantled, or inoperative vehicle and the owner or occupant of the private property on which the same is located, either or all of them, shall be responsible for its removal. In the event of removal and disposition by the town, the owner or occupant of the private property where same is located, shall be liable for the expenses incurred. (Ord. #97-16, Oct. 1997)

13-405. Notice procedure. The building commissioner shall give notice of removal to the owner or occupant of the private property where it is located, at least thirty (30) days before the time of compliance. It shall constitute sufficient notice, when a copy of same is posted in a conspicuous place upon the private property on which the vehicle is located and duplicate copies are sent by

certified mail to the owner or occupant of the private property at his last known address. (Ord. #97-16, Oct. 1997)

13-406. Content of notice. The notice shall contain the request for removal within the time specified in this chapter, and the notice shall advise that upon failure to comply with the notice to remove, the town or its designee shall undertake such removal with the cost of removal to be levied against the owner or occupant of the property. (Ord. #97-16, Oct. 1997)

13-407. Request for hearing. The persons to whom the notices are directed, or their duly authorized agents may file a written request for hearing before the municipal judge of the Town of Pleasant View, or its designee within the thirty (30) day period of compliance prescribed in § 13-405 for the purpose of defending the charges by the town. (Ord. #97-16, Oct. 1997)

13-408. Procedure for hearing. The hearing shall be held as soon as practicable after the filing of the request and the persons to whom the notices are directed shall be advised of the time and place of said hearing at least fifteen (15) days in advance thereof. At any such hearing, the town and the persons to whom the notices have been directed may introduce such witnesses and evidence as either party deems necessary. (Ord. #97-16, Oct. 1997)

13-409. Removal of motor vehicle from property. If the violation described in the notice has not been remedied within the thirty (30) day period of compliance, or in the event that a notice requesting a hearing is timely filed, a hearing is had and the existence of the violation is affirmed by the judge of the Town of Pleasant View or its designee, the building commissioner or his designee shall have the right to take possession of the junked motor vehicle and remove it from the premises. It shall be unlawful for any person to interfere with, hinder, or refuse to allow such person or persons to enter upon private property for the purpose of removing a vehicle under the provisions of this chapter. (Ord. #97-16, Oct. 1997)

13-410. Notice of removal. Within forty-eight (48) hours of the removal of such vehicle, the building commissioner shall give notice to the registered owner of the vehicle, if known, and also to the owner or occupant of the private property from which the vehicle was removed, that said vehicle, or vehicles, has been impounded and stored for violation of this chapter. The notice shall give the location of where the vehicle or vehicles, is stored, and the costs incurred by the town for removal. (Ord. #97-16, Oct. 1997)

13-411. Disposition of vehicles. Upon removing a vehicle, the building commissioner shall sell the abandoned motor vehicle at a public auction on or after ten (10) days after its removal. The purchaser of the motor vehicle shall

take title to the motor vehicle free and clear of all liens and claims of ownership, shall receive a sales receipt from the building commissioner and upon presentation of such sales receipt shall be entitled to receive a certificate of title from the Department of Revenue for the State of Tennessee. The proceeds of the sale of an abandoned motor vehicle shall be used for payment of the expenses of the auction, the cost of towing, preserving, and storing the abandoned motor vehicle, and all notice and publication costs, together with any other costs associated with the process. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or any entitled lien holder for a period of sixty (60) days and if not claimed, then shall be deposited in the general fund of the town. Should the sale of any vehicle for any reason be invalid, the town's liability shall be limited to the return of the purchase price. (Ord. #97-16, Oct. 1997)

13-412. Redemption of impounded vehicles. The owner of any vehicle seized under the provisions of this chapter may redeem such vehicle at any time after its removal but prior to the sale or deconstruction thereof upon proof of ownership and payment to the Town of Pleasant View in connection with the enforcement of this chapter as determined by the building commissioner or his designee. (Ord. #97-16, Oct. 1997)

13-413. Penalty. Any person violating any of the provisions of this chapter shall be guilty of a civil offense, and upon conviction shall be subject to a civil penalty not to exceed fifty dollars (\$50.00) per offense. (Ord. #97-16, Oct. 1997, modified)