

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. SLUM CLEARANCE.
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CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Health officer.
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- 13-106. Public nuisances.
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- 13-108. Removal of vegetation and debris from certain lots.
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13-101. Health officer. The "health officer" shall be such municipal, county, or state officer as the board of mayor and council shall appoint or designate to administer and enforce health and sanitation regulations within the City of Lake City. (1968 Code, § 8-501)

13-102. 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. (1968 Code, § 8-504)

13-103. Stagnant water. It shall be unlawful for any person to knowingly allow any pool of stagnant water to accumulate and stand on his property without treating it so as to effectively prevent the breeding of mosquitoes. (1968 Code, § 8-505)

¹Municipal code references

Animal control: title 10.

Littering streets, etc.: § 16-107.

Toilet facilities in beer places: § 8-211.

13-104. 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 chief of police to cut such vegetation when it has reached a height of over one (1) foot. (1968 Code, § 8-506)

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 health officer and dispose of such animal in such manner as the health officer shall direct. (1968 Code, § 8-507)

13-106. Public nuisances. When the board of mayor and council declares by resolution, after public notice and hearing, that any existing structure or condition, without reasonable cause, adversely affects the public health, safety, welfare, or happiness, such structure or condition shall be deemed to be a public nuisance. The recorder shall thereupon deliver or send a copy of such resolution to the person or persons responsible for such nuisance and order its abatement within a specified reasonable period of time. It shall be unlawful for any person to fail to comply with such an order. Furthermore, upon the failure of any person to comply with the recorder's order, the board of mayor and council may direct the abatement of such nuisance and assess the resulting costs against the offender and/or any property which may be involved. (1968 Code, § 8-508)

13-107. Automobile graveyards. (1) For the purposes of this section "automobile graveyard" means any lot or place which is exposed to the weather and upon which more than five (5) motor vehicles of any kind, incapable of being operated, and which it would not be economically practical to make operative, are placed, located, or found. The term "automobile graveyard" or "automobile junkyard" shall not be construed to mean an establishment having facilities for processing iron, steel, or nonferrous scrap and whose principal produce is scrap iron, steel, or nonferrous scrap for sale for remelting purposes only.

(2) No person shall own or maintain any "automobile graveyard" within the city until he shall receive a permit so to do from the city recorder. The city recorder shall issue a permit to any applicant whose premises comply with the requirements of this and all other applicable ordinances of the city upon payment of an annual permit fee of \$50.00. Any permit so issued may be revoked by the city recorder for failure to comply with any requirement of this section. However, charges shall be preferred in writing by the recorder and served upon the permittee and he shall be given the right to be heard as to why his license should not be revoked.

Any person aggrieved by the city recorder's action relative to the issuance or revocation of an "automobile graveyard" permit may appeal to the city governing body which shall hold a hearing and decide whether or not the city

recorder's action was reasonable. Based upon its findings at such hearing the city governing body shall affirm or reverse the city recorder's action.

(3) All "automobile graveyards" within the city shall be operated and maintained subject to the following regulations:

(a) All motor vehicles stored or kept in such yards shall be so kept that they will not catch and hold water in which mosquitoes may breed and so that they will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared or propagated.

(b) All such "automobile graveyards" shall be enclosed within a close-fitting plank or metal solid fence touching the ground on the bottom and being not less than six (6) feet in height, such fence to be so built that it will be impossible for stray cats and/or stray dogs to have access to such "automobile graveyards."

(c) Such "automobile graveyards" shall be so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety.

(4) Except for "automobile graveyards" in existence at the time this section becomes effective, no "automobile graveyards" shall be permitted within 1,000 feet of any U. S. Highway, 500 feet of any state route, and 100 feet of any city street.

(5) Any owner and/or operator of an "automobile graveyard" in existence at the time this section becomes effective shall have sixty (60) days in which to get a permit or remove the offending vehicles.

(6) Any person owning or maintaining an "automobile graveyard" in violation of any provision of this section shall be punishable by a fine of not more than fifty dollars (\$50.00) for each offense. Each day any violation continues shall constitute a separate offense. (1968 Code, § 8-509)

13-108. Removal of vegetation and debris from certain lots. The board of mayor and council hereby elects to avail itself of the authority granted by Pub. Acts 1988, ch. 564, (TCA 6-54-113) to remove certain vegetation and debris from certain lots and to charge the costs as lien on the property. The code enforcement officer/building inspector is hereby designated as the "appropriate department or person" to make such determinations, give such notices and orders, and to take such actions as are authorized and provided for by the law. Hearings, as authorized by the law, shall be before the code enforcement officer/building inspector. (1968 Code, § 8-512)

13-109. Penalty. Upon conviction for violation of any provisions of this chapter relating to miscellaneous property maintenance regulations as described herein or in permitting or allowing such violation to exist, such violator shall be punished by a fine not to exceed fifty (\$50.00) dollars and each day that such violation shall continue after the time for correction of violation as herein provided, shall constitute a separate offense. (as added by Ord. #418, March 2004)

CHAPTER 2

SLUM CLEARANCE¹

SECTION

- 13-201. Findings of board.
- 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. When public officer may repair, etc.
- 13-207. When public officer may remove or demolish.
- 13-208. Lien for expenses; sale of salvaged materials; other powers not limited.
- 13-209. Basis for a finding of unfitness.
- 13-210. Service of complaints or orders.
- 13-211. Enjoining enforcement of orders.
- 13-212. Additional powers of public officer.
- 13-213. Powers conferred are supplemental.

13-201. Findings of board. Pursuant to Tennessee Code Annotated, § 13-21-101, et seq., the board of mayor and 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 and, therefore, ordains as follows. (1968 Code, § 4-601)

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

(2) "Governing body" shall mean the board of mayor and 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 state relating to health, fire, building regulations, or other activities concerning structures in the city.

¹State law reference

Tennessee Code Annotated, title 13, chapter 21.

(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) "Structures" shall mean any building or structure, or part thereof, used for human occupation and intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. (1968 Code, § 4-602)

13-203. "Public officer" designated; powers. There is hereby designated and appointed a "public officer," to be the building inspector of the city, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the building inspector. (1968 Code, § 4-603)

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 occupancy 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. (1968 Code, § 4-604)

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. (1968 Code, § 4-605)

13-206. 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." (1968 Code, § 4-606)

13-207. 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. (1968 Code, § 4-607)

13-208. 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 a lien against the real property upon which such costs were incurred. 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 Anderson or Campbell County, Tennessee, by the public officer, shall be secured in such 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, provided, however, that nothing in this section shall be construed to impair or limit in any way the power of the City of Lake City to define and declare nuisances and to cause their removal or abatement by summary proceedings or as otherwise may be provided by the charter or ordinances of the city. (1968 Code, § 4-608)

13-209. 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 Lake 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. (1968 Code, § 4-609)

13-210. 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 of general circulation 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 Anderson or Campbell County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (1968 Code, § 4-610)

13-211. 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. (1968 Code, § 4-611)

13-212. 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. (1968 Code, § 4-612)

13-213. 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. (1968 Code, § 4-613)

CHAPTER 3

JUNKED VEHICLES

SECTION

13-301. Definitions.

13-302. Location or presence of junked vehicles within the city deemed public nuisance exceptions.

13-303. Removal of junked vehicles required.

13-304. Notification and authority.

13-305. Authority to enforce.

13-306. Nuisances on public thoroughfares.

13-307. Penalty.

13-301. Definitions. The following definitions shall apply in the interpretation and enforcement of this section:

(1) "Antique." Any vehicle over 25 years old.

(2) "Demolisher." Any person whose business is to convert a motor vehicle into processed scrap or scrap metal, or otherwise to wreck or dismantle a motor vehicle.

(3) "Junked vehicle." Any vehicle, which is wrecked, dismantled, partially dismantled, or discarded.

(4) "Person." Any person or individual firms or organization, partnership, association, corporation or company of any kind.

(5) "Shall." The word "shall" is mandatory and not merely directory.

(6) "Vehicle." Any machine propelled other than by human power which is designed to travel along the ground by use of wheels, treads, runners, or slides, and transports persons, or property and shall include, and not be limited to automobiles, trucks/trailers, motorcycles, tractors, mobile homes or motor homes. (As added by Ord. #367, Nov. 1998)

13-302. Location or presence of junked vehicles within the city deemed public nuisance exceptions. The location or presence of any junked vehicle or junked vehicles on any lot, tract, parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, within the City of Lake City, shall be deemed a public nuisance, and it shall be unlawful for any person or persons to cause or maintain such public nuisance by wrecking, dismantling, rendering inoperable, abandoning or discarding his or their vehicle or vehicles on property, or to allow or permit the same to be placed, located, maintained or exist upon his or their own real property; provided that this section shall not apply to:

(1) Any vehicle in operable condition specifically adapted or constructed for racing or operation on privately owned dragstrips or raceways.

(2) Any antique retained and maintained by the owner for collection purposes other than for salvage or for transportation. Such vehicle shall be

maintained in operable condition and at the discretion of the authority with jurisdiction be required to comply with § 13-302(3) or this chapter.

(3) Any junked vehicle kept within a building where it will not be visible from the street;

(4) Any junked vehicle in an appropriate storage place or depository maintained at a location designated and approved by the City of Lake City. (As added by Ord. #367, Nov. 1998)

13-303. Removal of junked vehicles required. (1) The accumulation and storage of one or more such vehicles in violation of the provisions of this chapter shall constitute rubbish and unsightly debris and a nuisance and may be detrimental to the health, safety and general welfare of the inhabitants of the City of Lake City.

(2) It shall be the duty of the registered owner of such vehicle and shall also be the duty of the person in charge of control of the property upon which such junked vehicle is located, whether owner, tenant, occupant, lessee, or otherwise, to remove the vehicle to a place of lawful storage or to have the vehicle housed within a building where it will not be visible from a public right of way. (As added by Ord. #367, Nov. 1998)

13-304. Notification and authority. (1) Whenever any such public nuisance exists on occupied or unoccupied, commercial, residential, private or public property within the City of Lake City, the owner or owners of said property shall be notified by the person authorized by the City of Lake City to act as their agent, to have the vehicle removed and stored. The notification shall be in writing, specify the public nuisance and its location, specify any corrective measures that can be taken, and state that compliance must be provided within ten (10) days of receipts of the notification.

(2) The notification shall be served upon the owner or owners of said premises by serving them personally or by sending said notice by certified mail, return receipt requested. If the owner or owners of the premises fail to or refuse to comply with the order of the authorized agent of the City of Lake City within a ten (10) period after notification, such failure or refusal to remove the nuisance shall be subject to the penalties provided within this chapter.

(3) If the owner or owners of the vehicle or premises upon which the junked vehicle lies fail or refuse to comply with the order of the authorized agent of the city within a ten (10) day period after notification, the authorized agent may enter upon said property, take possession of junked vehicle or vehicles and remove the same from said property. Upon completion of such removal, any reasonable costs incurred, plus 15 percent for inspection and other incidental costs for correction purposes, shall be paid by the owner or owners of said property to the City of Lake City and said costs shall be billed to said owner or owners accordingly. If the bill is not fully paid to the city within sixty (60) days after receipts of the bill, a ten (10) percent penalty shall be added to the balance due. The costs and penalty shall be placed on the tax roll of the City of Lake

City as a lien upon the property and collected in the same manner as other city taxes are collected. (As added by Ord. #367, Nov. 1998)

13-305. Authority to enforce. The authorized agent for the City of Lake City may enter upon private property for the purposes specified in the ordinance in order to examine vehicles or parts thereof, obtain information as to identity of vehicle(s) and remove or cause to remove the vehicle or parts of a vehicle declared a public nuisance. (As added by Ord. #367, Nov. 1998)

13-306. Nuisances on public thoroughfares. Nothing in this chapter shall affect other ordinances or procedures that allow for the removal of vehicles left on public property or which constitute obstruction to traffic within the city. (As added by Ord. #367, Nov. 1998)

13-307. Penalty. Upon conviction for violation of any provisions of this chapter relating to the maintaining of a public nuisance as described herein or in permitting or allowing such public nuisance to exist, such violator shall be punished by a fine not to exceed fifty (50) dollars and each day that such nuisance shall continue after the time for removal as herein provided shall constitute a separate offense. (As added by Ord. #367, Nov. 1998)