

**TITLE 13**

**PROPERTY MAINTENANCE REGULATIONS<sup>1</sup>**

**CHAPTER**

1. MISCELLANEOUS.
2. JUNKYARDS.
3. JUNKED VEHICLES.
4. SLUM CLEARANCE.
5. OUTDOOR BURNING.

**CHAPTER 1**

**MISCELLANEOUS**

**SECTION**

- 13-101. Health officer.
- 13-102. Smoke, soot, cinders, etc.
- 13-103. Stagnant water.
- 13-104. Weeds.
- 13-105. Dead animals.
- 13-106. Health and sanitation nuisances.
- 13-107. House trailers.

**13-101. Health officer.** The "health officer" shall be such municipal, county, or state officer as the board of commissioners shall appoint or designate to administer and enforce health and sanitation regulations within the municipality. (1985 Code, § 8-401)

**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. (1985 Code, § 8-405)

**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. (1985 Code, § 8-406)

---

<sup>1</sup>Municipal code references

Animal control: title 10.

Littering streets, etc.: § 16-107.

Toilet facilities in beer places: § 8-212(10).

**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. (1985 Code, § 8-407)

**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. (1985 Code, § 8-408)

**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. (1985 Code, § 8-409)

**13-107. House trailers.** It shall be unlawful for any person to park, locate, or occupy any house trailer or portable building unless it complies with all plumbing, electrical, sanitary, and building provisions applicable to stationary structures and the proposed location conforms to the zoning provisions of the municipality and unless a permit therefor shall have been first duly issued by the building official, as provided for in the building code. (1985 Code, § 8-404)

**CHAPTER 2****JUNKYARDS****SECTION**

13-201. Junkyards.

**13-201. Junkyards.**<sup>1</sup> All junkyards within the corporate limits shall be operated and maintained subject to the following regulations:

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

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

(3) Such yards 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. (1985 Code, § 8-410)

---

<sup>1</sup>State law reference

The provisions of this section were taken substantially from the Bristol ordinance upheld by the Tennessee Court of Appeals as being a reasonable and valid exercise of the police power in the case of Hagaman v. Slaughter, 49 Tenn. App. 338, 354 S.W.2d 818 (1961).

## CHAPTER 3

### JUNKED VEHICLES

#### SECTION

- 13-301. Definitions.
- 13-302. Junked vehicles declared to be public nuisance.
- 13-303. Provisions of this chapter are supplemental.
- 13-304. Duties of building inspector.
- 13-305. Enforcement.
- 13-306. Disposal of junked vehicles.
- 13-307. Nonliability of city.
- 13-308. Prior removal of junked vehicles deemed to be compliance with chapter.
- 13-309. Violation; penalty.
- 13-310. Chapter cumulative.

**13-301. Definitions.** For the purposes of this chapter, the following terms, phrases, words and their duration shall have the meaning given herein. When not inconsistent with the context, words used in the present tense shall include the future; words used in the plural number shall include the singular number; words used in the singular number shall include the plural number. The word "shall" is always mandatory and not merely directory.

(1) "Junked motor vehicles." Any contrivance, or parts thereof, propelled by power and used for transportation of persons and property on public streets and highways, the condition of which is one or more of the following:

- (a) Wrecked.
- (b) Dismantled.
- (c) Partially dismantled.
- (d) Inoperative.
- (e) Abandoned.
- (f) Discarded.

(2) "Junked appliances." Any unit, or part thereof, of machinery, furniture or equipment, whether functional or ornamental, and whether mechanical or powered by some source of energy or not, including, but not limited to: stoves, refrigerators, television sets, beds, lamps, tools, objects of art, etc., the condition of which is one of the following:

- (a) Wrecked.
- (b) Dismantled.
- (c) Partially dismantled.
- (d) Inoperative.
- (e) Abandoned.

(f) Discarded.

(3) "Person." Any individual, firm, partnership, corporation, association, company or organization of any kind. (1985 Code, § 8-301)

**13-302. Junked vehicles declared to be public nuisance.** The presence of any junked motor vehicle or appliance on public property or on any private lot, tract or parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, within the City of South Fulton, Tennessee, shall be deemed a public nuisance, and shall further be considered rubbish or refuse and it shall be unlawful for any person to cause or maintain such a public nuisance by wrecking, dismantling, partially dismantling, rendering inoperable, abandoning or discarding any motor vehicle or appliance on the real property of another or to suffer, permit or allow a junked motor vehicle or appliance to be parked, left or maintained on his own real property, provided that this provision shall not apply with regard to:

(1) Any motor vehicle or appliance in an enclosed building:

(2) Any motor vehicle or appliance on the premises of a business enterprise operated in a lawful manner, when necessary to the operation of such business enterprise during normal business hours.

(3) Any motor vehicle or appliance on property occupied and used for repair, reconditioning and remodeling of motor vehicles or appliances shall within a 6 (six) month period after final reading of this ordinance put in place a fence to shield from public view, all wrecked, dismantled, partially dismantled, inoperable, or discarded motor vehicles or appliances.

(4) Any motor vehicle classified as antique or classic while in wrecked, dismantled, partially dismantled, or inoperative state shall be maintained in enclosed building or placed in enclosed area 72 (seventy-two) inches in height which shields vehicles from public view, said vehicle will hold all current state, county and city registrations.

(5) Any motor vehicle which is parked without current state, county and city registrations shall be considered inoperable.

Nothing in this section shall authorize the maintenance of a public or private nuisance as defined under other provisions of law. (Ord. 91-1, March 1991)

**13-303. Provisions of this chapter are supplemental.** This chapter is not the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles or appliances within the city. Such junked motor vehicles and appliances are hereby declared to be a public nuisance and unlawful as set out in § 13-302 above. The provisions of this chapter are supplemental and in addition to all other regulatory codes, statutes and ordinances heretofore enacted by the city, state or any other legal entity or agency having jurisdiction. (1985 Code, § 8-303)

**13-304. Duties of building inspector.** The provisions of this chapter shall be administered and enforced by the building inspector or city manager (as directed by the board of commissioners). In the enforcement of this chapter, such officer and his duly authorized agents, assistants, employees or contractors may enter upon private or public property to examine a junked motor vehicle or appliance; or obtain information as to the identity of a junked motor vehicle or appliance and of the owner thereof, and to remove or cause removal of a junked motor vehicle or appliance declared to be a nuisance pursuant to this chapter. (1985 Code, § 8-304)

**13-305. Enforcement.** Whenever the enforcement officer shall deem such a public nuisance to exist, he shall issue a notice to the parties hereinafter stated, and such notice shall:

- (1) Be in writing;
- (2) Specify the public nuisance and its location;
- (3) Request the public nuisance to be abated; and
- (4) Advise the said party that he has ten (10) days to abate the nuisance or to make a written demand for a hearing before the enforcement officer, or else the public nuisance will be removed and abated by the city.

The notice shall be sent by certified or registered mail, return receipt requested, to the last known address of the owner of the property whereon the nuisance is located, as it appears on the current tax assessment roll. Where the owner of the property is not the occupant thereof, such notice shall be mailed also to the occupant(s). The enforcement officer shall coordinate his efforts to determine ownership of a junked motor vehicle with the South Fulton Police Department, and notice shall also be sent to the last registered and legal owner of record of the junked motor vehicle, unless the owner is the owner or occupant of the premises whereon the nuisance is located, and unless identification numbers are not available to determine ownership of the vehicle. If the owner, or his address, of any junked motor vehicle is not known or cannot be readily ascertained, the notice to him to abate, and of his right to a hearing, may be given by attaching such notice to the vehicle no less than ten (10) days before action is to be taken. If the latter method of service is used, the enforcement officer shall make an affidavit attesting to such facts. Where a junked motor vehicle is found to be upon any public property within the city, notice to the owner of the vehicle is all that shall be required. Where a junked appliance is found on public property, no notice shall be required.

In the event a hearing is demanded, such hearing shall be held within five (5) days after the demand is made and shall be conducted by the enforcement officer, who shall hear all the facts and testimony on the condition of the junked motor vehicle or appliance and the circumstances concerning the location. Such hearing shall not be limited by technical rules of evidence. The enforcement officer may impose such conditions and take such other action as

he deems appropriate under the circumstances to carry out the purposes of this chapter. He may delay the time for removal of the junked motor vehicle or appliance if, in his opinion, circumstances justify it. At the conclusion of any hearing, the enforcement officer may find that a junked motor vehicle or appliance has been abandoned, wrecked, dismantled or is inoperative, on private or public property, and order the same removed from the property as a public nuisance and order disposal of same. The order requiring removal shall include a description of the junked appliance or junked motor vehicle and the correct identification number and state license tag number of the junked motor vehicle, if available at the site.

Any interested party may appeal the decision of the enforcement officer by appealing to any court of competent jurisdiction pursuant to the Rules of Civil Procedure within fourteen (14) days after the decision. If no appeal is taken within the time prescribed, or immediately after a final judicial review affirming the right to remove the nuisance, the enforcement officer shall cause the junked motor vehicle or appliance to be removed and disposed of in any manner as he may provide. (1985 Code, § 8-305)

**13-306. Disposal of junked vehicles.** Upon the failure, neglect or refusal to abate by any owner-occupant or owner of private property who has been notified and ordered to abate such public nuisance within the times as set forth above, the enforcement officer is hereby authorized, empowered and directed to remove same and dispose of it.

The cost of such removal and disposal shall be accounted for by the enforcement officer, and where the full amount due the city for such service is not paid by such owner within thirty (30) days after the disposal of such nuisance, then and in that case, the enforcement officer shall cause to be recorded in the Obion County Register's Office a sworn statement showing the cost and expenses incurred for the work, the date the work was done, and the location of the property on which said work was done. The recordation of such sworn statement shall constitute a lien and privilege on the property, and shall remain in full force and effect for the amount due in principal and interest, plus cost of court, if any, for collection, until final payment has been made. Sworn statements recorded in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes charge against the property designated or described in the statement and that the same is due and collectible as provided by law. (1985 Code, § 8-306)

**13-307. Nonliability of city.** Neither the owner or occupant of the premises from which any aforesaid junked motor vehicles shall be removed, their servants or agents, or any department of the City of South Fulton, or its

agents, shall be liable for any loss or damage to said junked motor vehicle while being removed or as a result of any subsequent sale or other disposition. (1985 Code, § 8-307)

**13-308. Prior removal of junked vehicles deemed to be compliance with chapter.** The removal of the junked motor vehicle from the premises prior to the time for removal by the city shall be considered compliance with the provisions of this chapter and no further action shall be taken against the owner of the junked motor vehicle or appliance or the owner or occupant of the premises. Written permission given to the enforcement officer for the removal of the junked motor vehicle or appliance by the owner of same or the owner or occupants of the premises on which it is located, shall be considered compliance with the provisions of this chapter on their part and no further action shall be taken against the ones giving such permission, except for collection of towing charges or hauling costs for the removal of the nuisance. (1985 Code, § 8-308)

**13-309. Violation; penalty.** In addition to the civil remedies provided for in this chapter, it shall be unlawful for any person to continue and maintain the public nuisance as described herein, and any person violating any provision of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished according to the general penalty provision of the municipal code of ordinances. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. (1985 Code, § 8-309)

**13-310. Chapter cumulative.** The provisions of this chapter shall be deemed cumulative of the provisions and regulations contained in the Municipal Code of South Fulton, Tennessee, save and except that where the provisions of this chapter and the sections hereunder are in conflict with the provisions elsewhere in the South Fulton Municipal Code, then the provisions contained herein shall prevail. (1985 Code, § 8-310)

## CHAPTER 4

### SLUM CLEARANCE

#### SECTION

- 13-401. Definitions.
- 13-402. Structures unfit for habitation to be repaired, closed or demolished.
- 13-403. Procedure for abating unfit structures.
- 13-404. Conditions rendering structures unfit for human habitation.
- 13-405. Service of complaints or orders.
- 13-406. Powers of the public officer.
- 13-407. Chapter confers supplementary powers and procedures.

**13-401. Definitions.** The following terms whenever used or referred to in this chapter shall have the following respective meanings for the purposes of this chapter, unless a different meaning clearly appears from the context:

- (1) "Municipality" shall mean the City of South Fulton.
- (2) "Governing body" shall mean the board of commissioners of the City of South Fulton.
- (3) "Public officer" shall mean the building inspector. He is hereby designated and authorized to exercise the powers prescribed by this chapter and by Tennessee Code Annotated, title 13, chapter 21.
- (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 dwellings in the city.
- (5) "Owner" shall mean the holder of the title in fee simple and every mortgage of record.
- (6) "Parties in interest" shall mean all individuals, associations, corporation and others who have interests of record in a dwelling and any who are in possession thereof.
- (7) "Dwelling" shall mean any building or structure or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.
- (8) "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.
- (9) "Structure" means any dwelling or place of or public accommodation. (1985 Code, § 4-701, as amended by Ord. #88-1, March 1988)

**13-402. Structures unfit for habitation to be repaired, closed or demolished.** The City of South Fulton hereby finds that there exists in this

city, structures which are unfit for human habitation and, therefor hereby ordains that such structures shall be repaired, closed or demolished in the manner herein provided. (1985 Code, § 4-702, as amended by Ord. #88-1, March 1988)

**13-403. Procedure for abating unfit structures.** (1) 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 habitation, or whenever it appears to the public officer (on his own motion) that any structure is unfit, 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 structures a complaint stating the charges in that respect and containing a notice that a hearing will be held before the planning commission at a place therein fixed, not less than (10) days nor more than thirty (30) days after the serving of said complaint; that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the planning commission.

(2) If after such notice and hearing, the planning commission determines that the structure under consideration is unfit for human habitation, the public officer shall state in writing his finds of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order:

(a) If the repair, alteration or improvement of the said structure can 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 structure), requiring the owner, within the time specified in the order, to repair, alter, or improve such structure to render it fit for human habitation or to vacate and close the structure; or

(b) If the repair, alteration or improvement of the 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 structure), requiring the owner, within the time specified in the order, to remove or demolish such structure.

(3) If the owner fails to comply with an order to repair, vacate, close, remove or demolish the structure, the public officer may cause such structure to be dealt with as required by the order served upon said owner, and that the public officer may cause to be posted on the main entrance of any structure so closed, a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building is prohibited and unlawful."

(4) The amount of the cost of such repairs, alterations and improvements, or vacating and closing, or removal or demolition by the public

officer shall be a lien against the real property upon which such cost was 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 by the public officer, and 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 that nothing in this section shall limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by appropriate proceedings. (1985 Code, § 4-703, as amended by Ord. #88-1, March 1988)

**13-404. Conditions rendering structures unfit for human habitation.** The public officer may determine that a structure is unfit for human habitation if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants of such structure, the occupants of neighboring structures or other residents of the 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; uncleanliness. (1984 Code, § 4-704, as amended by Ord. #88-1, March 1988)

**13-405. 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. 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 Obion County, and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law. (1985 Code, § 4-705)

**13-406. Powers of the public officer.** The public officer is hereby authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the following powers in addition to others herein granted:

(1) To investigate the conditions of structures in the municipality in order to determine which structures 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 examinations, provided that such entries 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 purpose of this chapter; and
- (5) To delegate any of his functions and power under this chapter to such officers and agents as he may designate. (1985 Code, § 4-706, as amended by Ord. #88-1, March 1988)

**13-407. Chapter confers supplementary powers and procedures.**

Nothing in this chapter shall be construed to abrogate or impair the powers of the court or of any department of the city to enforce any provisions of its charter or other ordinances or regulations, nor to prevent or punish violations thereof, and the powers and procedures prescribed by this chapter shall be in addition and supplemental to the powers conferred by any other law. (1985 Code, § 4-707)

## CHAPTER 5

### OUTDOOR BURNING

#### SECTION

13-501. Outdoor burning regulated.

13-502. Permit: types of fires.

13-503. Permit: application process.

13-504. Permit: regulations concerning burning.

13-505. Exemptions.

**13-501. Outdoor burning regulated.** No person shall burn or allow others to burn trash, rubbish, leaves, construction materials, branches, undergrowth, nor any other substance within city limits except when such fire is exempt, as described below, or when a permit for the outdoor burning has been issued by the fire department of the City of South Fulton, Tennessee. (Ord. #96-10, Nov. 1996)

**13-502. Permit: types of fires.** A permit may be issued for the following types of fires within the city limits of South Fulton:

(1) Fires for the destruction of natural vegetation which has been cut and stacked as a result of a single, residential yard cleanup.

(2) Fires for large outdoor gatherings involving a controlled bonfire.

(3) Fires for burning of building materials may be allowed depending on the quantity of materials and the types of materials to be burned. No plastics, rubber, or asphalt materials shall be burned. (Ord. # 96-10, Nov. 1996)

**13-503. Permit: application process.** To obtain a permit required by this chapter, the applicant shall file an application with the fire department which shall include:

(1) The type of materials to be burned.

(2) The location of the fire.

(3) The individual(s) designated as being responsible for controlling the fire shall sign for the permit.

(4) A statement that throughout the burning a garden hose of sufficient length will be maintained for immediate use in assisting and controlling the fire by the person responsible for controlling said burning. (Ord. #96-10, Nov. 1996)

**13-504. Permit: regulations concerning burning.** (1) Bonfires and rubbish fires shall be constantly attended by a competent person until such fire is extinguished. Such person shall have a garden hose connected to a water supply, or other fire extinguishing equipment readily available for use. (Pursuant to Southern Building Code 501.1.3)

(2) Outdoor burning will only be permitted during the hours of 8:00 a.m. through 6:00 p.m. Permits will state the times when such burning is to be allowed. Burning in excess of the times set in the permit shall be considered a violation of this chapter.

(3) No permit will be issued during times where burning is prohibited by state or county officials due to increased fire hazards which are climate or weather related.

(4) No fee shall be required to obtain an outdoor burning permit.

(5) All such permits shall be available for inspection throughout the period of the time the permit is issued and burning is in progress. Failure to have the permit available will constitute a violation of this chapter, the same as if no permit was obtained when burning was conducted.

(6) The permit shall be issued by the fire department on the particular date on which burning is to be conducted. Burning shall only apply for the date stated in the permit. Any outdoor burning conducted after such date shall require a separate permit. Permits will not be granted more than 6 hours in advance of the intended burning times. Even if a permit has been issued it is subject to being canceled if wind and weather conditions change so that continued burning would create an unnecessary hazard.

(7) The fire department may prohibit any or all bonfires and outdoor rubbish fires when atmospheric conditions or local circumstances make such fires inadvisable. (Pursuant to Southern Building Code 501.1.4). (Ord. #96-10, Nov. 1996)

**13-505. Exemptions.** The following types of outdoor fires are exempt from the permit process:

(1) Contained cooking fires.

(2) Fire in outdoor fire pits, fireplaces, or burn barrels. (Ord. #96-10, Nov. 1996)