

**TITLE 13****PROPERTY MAINTENANCE REGULATIONS****CHAPTER****1. OVERGROWN AND DIRTY LOTS.****CHAPTER 1****OVERGROWN AND DIRTY LOTS****SECTION**

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**13-101. Definitions.** The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) "Building materials" means any materials or other substances accumulated as a result of repairs or additions to existing buildings or structures, construction of new buildings, demolition of existing buildings or moving of buildings.

(2) "Garbage" means the byproduct of animal or vegetable foodstuffs resulting from handling, preparation, cooking and consumption of food, or other matter which is subject to decomposition, decay, putrefaction or the generation of noxious or offensive gases or odors, or which during or after decay, may serve as breeding or feeding material for flies or other insects or animals.

(3) "Improved property" means a parcel less than five (5) acres containing any manmade, immovable structure intended for or suitable for occupancy by humans which becomes part of, is placed upon, or is affixed to real estate, whether such structure has been completed or not.

(4) "Litter" means all discarded manmade materials, including, but not limited to, building materials, trash, garbage, industrial waste, refuse and other solid waste.

(5) "Parcel" means a subdivided lot or tract of land which may be improved property or vacant.

(6) "Refuse" means solid waste consisting of garbage or trash.

(7) "Trash" means accumulation of waste from households, yards or businesses.

(8) "Vacant parcel" means undeveloped land that currently does not have a structure suitable for occupancy by humans or is presently used or could be used solely for agricultural purposes. (Ord. #08-015, Aug. 2008)

**13-102. Prohibited practices.** Pursuant to the authority granted municipalities by Tennessee Code Annotated, § 6-54-113 and the powers and authority granted by the charter of the town, as the same may be amended or replaced, it shall be unlawful for any property owner or occupant of property to:

(1) Fail to cut grass, weeds and other overgrowth vegetation on improved property or on vacant parcels less than five (5) acres when such vegetation is of a height greater than one foot (1') on the average, such condition being declared a nuisance in that it may permit the property to serve as a refuge for rodents, snakes and/or other vermin, or create a fire hazard. All other vacant parcels adjacent to improved property shall be similarly kept cut within one hundred feet (100') of such improved property. Weeds and grass on heavily wooded parcels where equipment cannot maneuver because of the natural density of the vegetation are exempt from these provisions. In addition, the tilling, planting and harvesting of agricultural crops are exempt from the provisions stated herein.

(2) Permit or cause trash, garbage or miscellaneous refuse, or any other substance which may cause foul odor to accumulate on improved property or vacant parcels so as to serve as a refuse for rodents, snakes and/or other vermin. Such condition is or may become a nuisance, or may endanger or threaten the health, safety and/or welfare of residents or occupants of nearby property.

(3) Have on their premises materials that would create or permit a littered condition such as but not limited to dilapidated furniture, appliances, machinery, equipment, building material, automobile parts, tires, or any other items which are in a wholly or partially rusted, wrecked, junked, dismantled or inoperative condition, which are not completely enclosed within a building, dwelling or opaque fencing/screening. Such materials may endanger or cause injury to the residents or occupants of nearby property. (Ord. #08-015, Aug. 2008)

**13-103. Duty of owner and occupant to clear on notice.** (1) Within ten (10) days' written notice of a violation of this chapter from the town's code enforcement supervisor or his designee, it shall be the duty of the owner and occupant to cut and remove all grass, weeds and other overgrowth vegetation and to remove all trash, litter, materials and other offending conditions from the property. The notice shall include a brief statement of this section and the consequences of failing to remedy the noted condition; the person, office, address and telephone number of the person giving official notice; a cost estimate for remedying the noted condition; and a place where the notified party may request a hearing to appeal the enforcement action.

(2) If the property owner is a carrier engaged in the transportation of personal property or is a utility transmitting communications, electricity, gas, liquids, steam, sewerage or other materials, the ten (10) day period of this section shall be twenty (20) days, excluding Saturdays, Sundays and legal holidays. (Ord. #08-015, Aug. 2008)

**13-104. Hearing rights; appeals.** (1) Should the owner or occupant of any property notified of a violation of this chapter request a hearing, the town shall provide for a hearing by the town administrator or his designee. A request for such hearing must be made within ten (10) days following the receipt of the notice issued pursuant to this chapter. Failure to make the request within this time shall without exception constitute a waiver of the right to a hearing.

(2) Any person aggrieved by an order or act of the town under the provisions of this chapter may seek judicial review of the order or act. The time period established in this chapter shall be stayed during the pendency of the hearing. (Ord. #08-015, Aug. 2008)

**13-105. Town's right to remedy violations; collection of costs.**

(1) Should the owner or occupant of any parcel fail to remove such weeds, trash, garbage, grass or other objects or substances within ten (10) days after notice of violation of this chapter, thereafter the town shall have the authority to enter onto such parcel and immediately cause the offending conditions to be remedied or removed; and to charge the cost or expense of such action, including associated legal fees and/or other administrative costs, against such owner and/or occupant. The town is authorized to use either internal labor and equipment or private contractors at its discretion to enforce the provisions of this chapter.

(2) If the owner fails to pay the expense of the cleanup within thirty (30) days from receipt of a certified invoice, the amount shall be certified to the town attorney who shall process a lien with the register of deeds on the properties upon which the expenditure was made. These costs shall be collected by the municipal tax collector 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. (Ord. #08-015, Aug. 2008)

**13-106. Violation and penalty.** In addition to any other action the town may take against a permit holder in violation of this chapter, such violation shall be punishable by civil penalty not to exceed fifty dollars (\$50.00). Each day a violation occurs shall constitute a separate offense. Nothing herein shall prohibit the town from seeking other remedies, including injunctive relief or claims for damages to its rights-of-way, to enforce the purposes of this chapter. (Ord. #08-015, Aug. 2008)

**13-107. Enforcement by town recorder.** The city recorder of the Town of Thompson's Station, Tennessee is hereby designated as the appropriate department or person to carry out the provisions of this chapter, to promote the general welfare of the municipality as it pertains to the removal of vegetation and debris from parcels of property lying within the municipality. (Ord. #91-005, Oct. 1991, modified)