

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. JUNKYARDS.
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CHAPTER 1

MISCELLANEOUS

SECTION

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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 aldermen shall appoint or designate to administer and enforce health and sanitation regulations within the Town of Tiptonville. (1979 Code, § 8-101)

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. (1979 Code, § 8-105)

13-103. Stagnant water. It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property without treating it so as effectively to prevent the breeding of mosquitoes. (1979 Code, § 8-106)

¹Municipal code references

Animal control: title 10.

Littering streets, etc.: § 16-107.

Toilet facilities in beer places: § 8-211(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 recorder or chief of police to cut such vegetation when it has reached a height of over one (1) foot. (1979 Code, § 8-107)

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. (1979 Code, § 8-108)

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. (1979 Code, § 8-109)

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 town and unless a permit therefor shall have been first duly issued by the building official, as provided for in the building code. (1979 Code, § 8-104)

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

13-201. Junkyards.

13-201. Junkyards.¹ 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. (1979 Code, § 8-111)

¹State 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

SLUM CLEARANCE

SECTION

13-301. Definitions.

13-302. Hazardous or unsightly property to be cleared, cleaned, or abated and dwellings and or structures unfit for habitation to be repaired, closed or demolished.

13-303. Procedure for abating unfit dwellings and or structures.

13-304. Procedure for abating hazardous or unsightly properties.

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13-307. Service of complaints or orders.

13-308. Powers of the public officer.

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13-310--13-314. [Rescinded.]

13-301. 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 Tiptonville.

(2) "Governing body" shall mean the Board of Mayor and Aldermen of the City of Tiptonville.

(3) "Public officer" shall mean the zoning compliance officer. He is hereby designated and authorized to exercise the powers prescribed by this chapter and by Tennessee Code Annotated, title 13, chapter 12.

(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 municipality or state relating to health, fire, building regulations, or other activities concerning dwellings in the municipality.

(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 or property 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 use or intended to be used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

(8) "Hazardous or unsightly property" shall mean grass or weeds above 6 inches in height, abandoned or inoperative automobiles, inoperative appliances and machinery, trash and debris, unusable building materials, discarded materials, habitats which breed vermin and insect vectors, sites of

public nuisance, sites causing visual and environmental offense, and sites whose condition of maintenance pose a hazard to public nuisance, sites causing visual and environmental offense, and sites whose condition of maintenance pose a hazard to public health and safety. (1979 Code, § 8-501, as replaced by Ord. #2086, March 2001, Ord. #2091, Jan. 2002, and Ord. #2092, Aug. 2002)

13-302. Hazardous or unsightly property to be cleared, cleaned, or abated and dwellings and or structures unfit for habitation to be repaired, closed or demolished. The City of Tiptonville hereby finds that there exists in this municipality properties, which are hazardous or unsightly within the definition described above. Furthermore, there exists dwellings or structures, which are unfit for human habitation or use. The City of Tiptonville hereby ordains that such properties be cleared, cleaned or abated, and that such dwellings shall be repaired, closed or demolished in the manner herein described. (1979 Code, § 8-502, as replaced by Ord. #2086, March 2001, Ord. #2091, Jan. 2002, and Ord. #2092, Aug. 2002)

13-303. Procedure for abating unfit dwellings and or structures.

(1) Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the municipality charging that any dwelling is unfit for human habitation, and or structure is not suitable for human occupation or whenever it appears to the public officer (on his own motion) that any dwelling 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 of interest of such dwellings and or structures, a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the serving of said complaint; there 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 public officer.

(2) If after such notice and hearing, the public officer determines that the dwelling and or structure under consideration is unfit for human habitation, the public officer shall state in writing his findings 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 dwelling or structure can be made at a reasonable cost in relation to the value of the dwelling and or structure (not to exceed fifty percent (50%) of the value of the dwelling or structure), requiring the owner, within the time specified in the order, to repair, alter, or improve such dwelling and or structure to render it fit for human habitation or to vacate and close the dwelling and or structure; or

(b) If the repair, alteration or improvement of said dwelling and or structure cannot be made at a reasonable cost in relation to the value of the dwelling and or structure (not to exceed fifty percent (50%) of the value of the dwelling or structure) requiring the owner, within the time specified in order, to remove or demolish such dwelling and or structure.

(3) If the owner fails to comply with an order to repair, vacate, close, remove or demolish the dwelling and or structure, the public officer may cause such dwelling and or 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 dwelling and or 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 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 cost was incurred. If the dwelling and or structure is removed or demolished by the public officer, he shall sell the materials of such dwelling and or 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 municipality to define and declare nuisances and to cause their removal or abatement by appropriate proceedings. (1979 Code, § 8-503, as replaced by Ord. #2086, March 2001, Ord. #2091, Jan. 2002, Ord. #2092, Aug. 2002, and amended by Ord. #2180, Nov. 2016 *Ch8_08-09-22*)

13-304. Procedure for abating hazardous or unsightly properties.

(1) When a petition is filed with the public officer by a public authority or by at least five (5) residents of the municipality charging that any property is hazardous or unsightly, or whenever it appears to the public officer (on his own motion) that any property is hazardous or unsightly, 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 properties a complaint stating the charges in that respect, and that the property shall be cleaned, cleared or abated within 30 days after receipt of said complaint.

(2) After such notice, the owner of or parties in interest may request that the City of Tiptonville clean, clear or abate the premises for the amount of the costs incurred by the city for such cleaning, clearing and abating the property and all such bills or charges and payment method shall be set by the city.

(3) Upon the failure, refusal or neglect of any owner or parties in interest to either

(a) Request a hearing before the public officer, or

(b) To comply with an order to clean, clear or abate hazardous or unsightly property,

the public officer may cause such property to be dealt with as required by the order serviced upon said owner of or parties in interest. The street department, upon notice from the public officer, is hereby authorized and directed to clean, clear or abate said property and a statement of cost thereof shall be prepared by the office of the director of public works and filed with the city recorder for collection as a special tax. Any hearing requested by the owner or party in interest shall be conducted by the public officer within ten (10) days after such request is received and the procedures set forth in this chapter shall govern the conducting of such hearings. The public officer may make such orders as are appropriate following the hearing.

(4) The amount of the cost of such cleaning, clearing or abating of any hazardous or unsightly property by the public officer shall be a lien against the real property upon which such cost was incurred. All such bills or charges shall bear interest at the rate of eighteen (18.00) percent per year. The city recorder may certify or turn over to the city attorney for collection of all unpaid or uncollected bills or charges and the city attorney shall file suit or take other steps as may be necessary for collection. (1979 Code, § 8-504, as replaced by Ord. #2086, March 2001, Ord. #2091, Jan. 2002, Ord. #2092, Aug. 2002, and amended by Ord. #2180, Nov. 2016 *Ch8_08-09-22*)

13-305. Conditions rendering dwelling or structure unfit for human habitation. The public officer may determine that a dwelling and or structure is unfit for human habitation or occupation if he finds that conditions exist in such dwelling and or structure which are dangerous or injurious to the health, safety or morals of the occupants of such dwelling and or structure, the occupants of neighboring dwellings and or structures or other residents of the municipality; 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. (1979 Code, § 8-505, as replaced by Ord. #2086, March 2001, Ord. #2091, Jan. 2002, and Ord. #2092, Aug. 2002)

13-306. Conditions rendering property hazardous or unsightly. The public officer may determine that property is hazardous or unsightly if he finds that conditions exist on such property which are hazardous to the public health and safety of the owners of such property, owners of adjacent properties; such conditions may include the following (without limiting the generality of the foregoing): junk cars, weeds, grasses, abandoned appliances and machinery, trash, rodents, etc. (1979 Code, § 8-506, as replaced by Ord. #2086, March 2001, Ord. #2091, Jan. 2002, and Ord. #2092, Aug. 2002)

13-307. 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. 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 municipality, or in the absence of such newspaper, in one printed and published in the county and circulating in the municipality. 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 Lake County, and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law. (1979 Code, § 8-507, as replaced by Ord. #2086, March 2001, Ord. #2091, Jan. 2002, and Ord. #2092, Aug. 2002)

13-308. 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 dwelling/structure or property conditions in the municipality in order to determine which dwellings and or structures therein are unfit for human habitation or occupation and which properties are hazardous or unsightly;

(2) To administer oaths, affirmations, examine witnesses and receive evidence;

(3) To enter upon premises for the purpose of making examination, 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 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. (1979 Code, § 8-508, as replaced by Ord. #2086, March 2001, Ord. #2091, Jan. 2002, and Ord. #2092, Aug. 2002)

13-309. Chapter confers supplementary powers and procedures. Nothing in this chapter shall be construed to abrogate or impair the powers of the courts or of any department of the municipality 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. (1979 Code, § 8-509, as replaced by Ord. #2086, March 2001, Ord. #2091, Jan. 2002, and Ord. #2092, Aug. 2002)

13-310--13-314. [Rescinded.] These sections were rescinded by Ord. #2092, Aug. 2002. (as added by Ord. #2091, Jan. 2002, and rescinded by Ord. #2092, Aug. 2002)