

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

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2. UNSAFE BUILDINGS.
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CHAPTER 1

MISCELLANEOUS

SECTION

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- 13-105. Sale of meats.
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13-101. Health officer. Designation shall be any town, county, or state officer as the board of mayor and aldermen may appoint to enforce applicable health and sanitation regulations within the Town of Wartrace, Tennessee. He shall have such powers and duties as are prescribed herein and in the general laws of the state. (Ord. #72-001, Nov. 1972)

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.

¹Municipal code references

Animal control: title 10.

Littering streets, etc.: § 16-107.

Toilet facilities in beer places: § 8-213(10).

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 to effectively prevent the breeding of mosquitoes. (1960 Code, § 10-229, modified)

13-104. Weeds, vegetation, debris, etc.¹ If it is determined by the health officer or any other person as designated by the board of mayor and aldermen of the Town of Wartrace that any owner of record of real property has created, maintained, or permitted to be maintained on such property the growth of trees, vines, grass, underbrush and/or the accumulation of debris, trash, litter, or 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 and other harmful animals, the designated person shall provide notice to the owner of record to remedy the condition immediately. The notice shall be given by United States mail, addressed to the last known address of the owner of record. The notice shall state that the owner of the property is entitled to a hearing. The notice shall be written in plain language and shall also include but not be limited to the following elements:

- (1) A brief statement of this law which shall contain the consequences of failing to remedy the noted condition;
- (2) The person, office address, and telephone number of the department or person giving notice;
- (3) A cost estimate for remedying the noted condition which shall be in conformity with the standards of cost in the community; and
- (4) A place wherein the notified party may return a copy of the notice, indicating the desire for a hearing.

If the owner requests a hearing the request shall be made within ten (10) days following the receipt of the notice of conditions. Failure to make the request within the ten (10) day period shall without exception constitute a waiver of the right to a hearing.

If the person fails or refuses to remedy the condition within ten (10) days after receiving the notice, the designated person shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards and the cost thereof assessed against the owner of the property. The cost shall be a lien upon the property in favor of the town. These costs shall be placed upon the tax rolls of the Town of Wartrace as a lien upon the property and shall be collected in the same manner as the town's taxes are collected. Provided, however, if the person who is the owner of record is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewerage, or other materials the ten (10)day

¹State law reference

Tennessee Code Annotated, § 6-54-113.

period as referred to above shall be twenty (20) days, excluding Saturdays, Sundays and legal holidays.

13-105. Sale of meats. It shall be unlawful for any person to sell or offer for sale, within the town, any meat which has not been inspected as prescribed by the United States Department of Agriculture in conjunction with the State of Tennessee. (Ord. #72-001, Nov. 1972)

13-106. 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 city recorder and dispose of such animal in such manner as the city recorder shall direct.

13-107. Health and sanitation nuisances. It shall be unlawful for any person to permit any premises owned by him or under his control to become a public health and/or sanitation nuisance because of a particular use or failure to properly maintain, including but not necessarily limited to, keeping premises clean with weeds and grass cut sufficiently to discourage the habitation of snakes, rodents, and mosquitoes. The intent is to promote all sanitary conditions. (Ord. #72-001, Nov. 1972)

13-108. Violations. Any person guilty of violating any of these regulations are subject to fine in accordance with this code. In addition to, or in lieu thereof, any premises not meeting these requirements may be cleaned to conform and costs accrued from this action will be assessed to appropriate person for payment to the town. Such assessments against owners, if not paid, will be added to the current year property taxes and shown on statement when submitted. (Ord. #72-001, Nov. 1972)

13-109. Signs on city controlled property. It shall be a violation of this section for any individual, business or corporation to erect, install, post or otherwise exhibit a sign regardless of the sign's size, appearance or content on property owned by, or under lease to, the Town of Wartrace without the prior approval of the board of mayor and aldermen.

Any sign erected in violation of this section is subject to immediate removal by the town, without notice to the sign owner. In addition, any violation of this section is subject to the penalty provisions of the municipal code adopting ordinance. (as added by Ord. #98-006, Nov. 1998)

CHAPTER 2

UNSAFE BUILDINGS

SECTION

- 13-201. Purpose
- 13-202. Building inspector defined.
- 13-203. Dangerous buildings defined.
- 13-204. Standards for repair, vacation or demolition.
- 13-205. Dangerous buildings--nuisances.
- 13-206. Duties of building inspector.
- 13-207. Duties of board of mayor and aldermen.
- 13-208. Violations--penalty for disregarding notices or orders.
- 13-209. Duties of the city attorney.
- 13-210. Emergency cases.
- 13-211. Where owner absent from the town.
- 13-212. Administrative liability
- 13-213. Duties of the fire department.
- 13-214. Duties of the police department.

13-201. Purpose. This chapter provides for the vacation, removal, repair and/or demolition of any building or structure which is or threatens to be a public nuisance, dangerous to the health, morals, safety or general welfare of the people of the Town of Wartrace, Tennessee or which might tend to constitute a fire menace. This chapter also provides for the assessment of the cost of vacation, removal, repair or demolition thereof as a municipal lien or assessment against such premises, and provides for the recovery of such costs in an action at law. (Ord. #81-004, _____)

13-202. Building inspector defined. Whenever this code refers to the "Building Inspector" it shall mean the person appointed or designated by the board of mayor and aldermen to administer and enforce the provisions of this code. (Ord. #81-004, _____)

13-203. Dangerous buildings defined. All buildings or structures which have any or all of the following defects shall be deemed dangerous buildings:

- (1) Those whose interior walls or other vertical structural members lists, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
- (2) Those which, exclusive of the foundation, show thirty-three (33) per cent or more, of damage or deterioration of the supporting member or members, or fifty (50) per cent of damage or deterioration of the non-supporting enclosing or outside walls or covering.

(3) Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.

(4) Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals, or the general health and welfare of the occupants or the people of the Town of Wartrace.

(5) Those which have become or are as dilapidated, decayed, unsafe, insanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein.

(6) Those having light, air, and sanitation facilities which are inadequate to protect the health, morals, safety, or general welfare of human beings who live or may live therein.

(7) Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes, or other means of communication.

(8) Those which have parts thereof which are so attached that they may fall and injure members of the public or property.

(9) Those which because of their condition are unsafe, insanitary, or dangerous to the health, morals, safety or general welfare of the people of this town.

(10) Those buildings existing in violation of any provision of the building code of this town, or any provision of the fire prevention code, or other ordinances of this town. (Ord. #81-004, _____)

13-204. Standards for repair, vacation or demolition. The following standards shall be followed in substance by the building inspector and the town board in ordering repair, vacation or demolition:

(1) If the "dangerous building" can reasonably be repaired so that it will no longer exist in violation of the terms of this chapter it shall be ordered repaired.

(2) If the "dangerous building" is in such condition as to make it dangerous to the health, morals, safety or general welfare of its occupants, it shall be ordered to be vacated.

(3) In any case where a "dangerous building" is 50 per cent damaged or decayed, or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this chapter it shall be demolished. In all cases where a "dangerous building" is a fire hazard existing or erected in violation of the terms of this chapter or any ordinance of the town or statute of the State of Tennessee it shall be demolished. (Ord. #81-004, _____)

13-205. Dangerous buildings--nuisances. All "dangerous buildings" within the terms of § 13-203 are hereby declared to be public nuisances and shall be repaired, vacated, or demolished as herein provided. (Ord. #81-004, _____)

13-206. Duties of building inspector. The building inspector shall:

(1) Inspect or cause to be inspected semi-annually all public buildings, schools, halls, churches, theaters, hotels, tenements, commercial, manufacturing, or loft buildings for the purpose of determining whether any conditions exist which render such places a "dangerous building" within the terms of § 13-203 of this chapter.

(2) Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this chapter.

(3) Inspect any building, wall or structure reported (as hereinafter provided for) by the fire or police departments of this town as probably existing in violation of the terms of this chapter.

(4) Inspect annually buildings in the following sections of this town, to determine whether they are "dangerous buildings" within the terms of § 13-203 of this chapter: The entire Town of Wartrace, Tennessee.

(5) Notify in writing the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of the County of Bedford of any building found by him to be a "dangerous building" within the standard set forth in § 13-203 of this chapter, that:

(a) the owner must vacate, or repair, or demolish said building in accordance with the terms of the notice and this chapter;

(b) the occupant or lessee must vacate said building or may have it repaired in accordance with the notice and remain in possession;

(c) the mortgagee, agent or other persons having an interest in said building as shown by the land records of the Recorder of Deeds of the County of Bedford may at his own risk repair, vacate or demolish said building or have such work or act done; provided, that any person notified under this subsection to repair, vacate, or demolish any building shall be given such reasonable time, not exceeding 30 days, as may be necessary to do, or have done, the work or act required by the notice provided for herein.

(6) Set forth in the notice provided for in subsection (5) hereof, a description of the building, or structure deemed unsafe, a statement of the particulars which make the building or structure a "dangerous building" and an order requiring the same to be put in such condition as to comply with the terms of this chapter within such length of time, not exceeding 30 days, as is reasonable.

(7) Report to the town board any non-compliance with the "notice" provide for in sub-sections (5) and (6) hereof.

(8) Appear at all hearing conducted by the town board, and testify as to the condition of "dangerous buildings."

(9) Place a notice on all "dangerous buildings" reading as follows:

"This building has been found to be a dangerous building by the building inspector. This notice is to remain on this building until it is repaired, vacated, or demolished in accordance with the notice which has been given the owner, occupant, lessee, mortgagee, or agent of this building, and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of the County of Bedford. It is unlawful to remove this notice until such notice is complied with." (Ord. #81-004, _____)

13-207. Duties of board of mayor and aldermen. The board of mayor and aldermen shall:

(1) Upon receipt of a report of the building inspector as provided for in § 13-206(7) hereof, given written notice to the owner, occupant, mortgagee, lessee, agent, and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of the County of Bedford to appear before them on the date specified in the notice to show cause why the building or structure reported to be a "dangerous building" should not be repaired, vacated, or demolished in accordance with the statement of particulars set forth in the building inspector's notice provided for herein in § 13-206(6).

(2) Hold a hearing and hear such testimony as the building inspector or the owner, occupant, mortgagee, lessee, or any other person having an interest in said building as shown by the land records of the Recorder of Deeds of the County of Bedford shall offer relative to the "dangerous building."

(3) Make written findings of fact from the testimony offered pursuant to subsection (2) as to whether or not the building in question is a "dangerous building" within the terms of § 13-203 hereof.

(4) Issue an order based upon findings of fact made pursuant to subsection (3) commanding the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of the County of Bedford to repair, vacate, or demolish any building found to be a "dangerous building" within the terms of this chapter and provided that any persons so notified, except the owners, shall have the privilege of either vacating or repairing a "dangerous building"; or any person not the owner of said "dangerous building" but having an interest in said building as shown by the land records of the Recorder of Deeds of the County of Bedford may demolish said "dangerous building" at this own risk to prevent the acquiring of a lien against the land upon which said "dangerous building" stands by the town as provided in subsection (5) hereof.

(5) If the owner, occupant, mortgagee, or lessee fails to comply with the order provided for in subsection (4) hereof, within 10 days, the town board shall cause such building or structure to be repaired, vacated, or demolished as the facts may warrant, under the standards hereinbefore provided for in § 13-206 of this chapter, and shall with the assistance of the city attorney cause the costs of such repair, vacation, or demolition to be charged against the land on which the building existed as a municipal lien or cause such costs to be added to the tax duplicate as an assessment, or to be levied as a special tax against the land upon which the building stands or did stand, or to be recovered in a suit at law against the owner; provided, that in cases where such procedure is desirable and any delay thereby caused will not be dangerous to the health, morals, safety, or general welfare of the people of this town, the town board shall notify the city attorney to take legal action to force the owner to make all necessary repairs or demolish the building.

(6) Report to the city attorney the names of all persons not complying with the order provided for in § 13-207(4). (Ord. #81-004, _____)

13-208. Violations--penalty for disregarding notices or orders.

The owner of any "dangerous building" who shall fail to comply with any notice or order to repair, vacate, or demolish said building given by any person authorized by this chapter to give such notice or order shall be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding fifty dollars (\$50.00) for each offense and a further sum of fifty dollars (\$50.00) for each and every day such failure to comply continues beyond the date fixed for compliance.

The occupant or lessee in possession who fails to comply with any notice to vacate and who fails to repair said building in accordance with any notice given as provided for in this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding fifty dollars (\$50.00) for each offense and a further sum of fifty dollars (\$50.00) for each and every day such failures to comply continues beyond the date fixed for compliance.

Any person removing the notice provided for in § 13-206(9) hereof shall be guilty of misdemeanor and upon conviction shall be fined not exceeding fifty dollars (\$50.00) for each offense. (Ord. #81-004, _____)

13-209. Duties of the city attorney. The city attorney shall:

(1) Prosecute all persons failing to comply with the terms of the notice provided for in § 13-206(5) and (6), and the order provided for in § 13-207(4).

(2) Appear at all hearings before the town board in repairing or causing to be vacated or demolished "dangerous buildings."

(3) Take such other legal action as is necessary to carry out the terms and provisions of this chapter. (Ord. #81-004, _____)

13-210. Emergency cases. In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless a "dangerous building" as defined herein is immediately repaired, vacated, or demolished, the building inspector shall report such facts to the town board and the town board shall cause the immediate repair, vacation, or demolition of such "dangerous building." The costs of such emergency repair, vacation or demolition of such "dangerous building" shall be collected in the same manner as provided in § 13-207(5). (Ord. #81-004, _____)

13-211. Where owner absent from the town. In cases, except emergency cases, where the owner, occupant, lessee, or mortgagee is absent from the town all notices or orders provided for herein shall be sent by registered mail to the owner, occupant, mortgage, lessee and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of the County of Bedford to the last known address of each, and a copy of such notice shall be posted in a conspicuous place on the "dangerous building" to which it relates. Such mailing and posting shall be deemed adequate service. (Ord. #81-004, _____)

13-212. Administrative liability. No officer, agent, or employee of the Town of Wartrace, Tennessee shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this code. Any suit brought against any officer, agent, or employee of the Town of Wartrace, Tennessee, as a result of any act required or permitted in the discharge of his duties under this code shall be defended by the city attorney until the final determination of the proceedings therein. (Ord. #81-004, _____)

13-213. Duties of fire department. The employees of the fire department shall make a report in writing to the building inspector of all buildings or structures which are, may be, or are suspected to be "dangerous buildings" within the terms of this chapter. Such reports must be delivered to the building inspector within 24 hours of the discovery of such buildings by any employee of the fire department. (Ord. #81-004, _____)

13-214. Duties of police department. All employees of the police department shall make a report in writing to the building inspector any buildings or structures which are, or are suspected to be "dangerous buildings" within the terms of this chapter. Such reports must be delivered to the building inspector within 24 hours of the discovery of such buildings by any employee of the police department. (Ord. #81-004, _____)

CHAPTER 3

JUNK, SALVAGE, ABANDONED OR INOPERABLE VEHICLES

SECTION

13-301. Definitions.

13-302. Storage and care of premises.

13-303. Violation and penalty.

13-301. Definitions. (1) "Junk, salvage" - Any accumulation of items not in use, incapable of being used, and exposed to the weather.

(2) "Abandoned or inoperable vehicles" - One that is in a state of disrepair, incapable of being moved under its own power, and/or not bearing a current valid motor vehicle license, or license plate. (Ord. #90-002, Nov. 1990)

13-302. Storage and care of premises. (1) It shall be unlawful for the owner or occupant of a residential, commercial, industrial building, structure or property to utilize the premises of such property for the storage of any abandoned or inoperable vehicle, ice box, freezer, refrigerator, stove, washing and drying machines, glass, rags, motors, tires, building material, building rubbish, junk, salvage, or similar items.

(2) Open storage shall include storage on a porch or landing when such storage is visible to pedestrians on the sidewalk or motorists on the public street.

(3) It shall be the duty and responsibility of every owner, occupant, person, firm, corporation or agent to keep the premises of such property clean, and to remove from said premises all of the above-named items, including, but not limited to weeds, dead trees, trash, garbage, etc., upon official notice from the Town of Wartrace. (Ord. #90-002, Nov. 1990)

13-303. Violation and penalty. (1) Any violation of this chapter is hereby declared a nuisance; the offending party shall be deemed guilty of a misdemeanor, and upon due notice, and conviction thereof shall be subject to a fine of not less than five dollars (\$5.00), nor more than fifty dollars (\$50.00).

(2) The Town of Wartrace through the party or department designated by the board of mayor and aldermen may take into custody any motor vehicle, junk, or salvage, which is deemed to fit the description of §§ 13-301 and 13-302, with official notice and consent of the owner(s) or occupant(s), and said party or parties shall be liable to the Town of Wartrace for any costs incurred, and upon the party or parties failure to pay said expenses, a lien shall be placed upon the property for the amount of such expenses.

(3) The Town of Wartrace may employ the means necessary to accomplish the removal, storage and disposition of said vehicles, junk or salvage.

(4) The Town of Wartrace, upon due notice to the owner or occupant, shall dispose of the said vehicles, junk or salvage. (Ord. #90-002, Nov. 1990)

CHAPTER 4**JUNKYARDS****SECTION**

13-401. Junk defined.

13-402. Junkyards storage and enclosure.

13-403. Violation and penalty.

13-401. Junk defined. Shall be construed to mean any accumulation of items not in use nor able to be used in their present form and is exposed to the weather. (Ord. #68-004, Aug. 1969)

13-402. Junkyards storage and enclosure.¹ All such junk, the territory wherein stored defined as a junkyard, located 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 junk yards 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 junk yards.

(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. (Ord. #68-004, Aug. 1969)

13-403. Violation and penalty. Any person violating this chapter shall be deemed guilty of a misdemeanor, punishable by a fine of not less than one dollar (\$1.00) nor more than fifty dollars (\$50.00). (Ord. #68-004, Aug. 1969)

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).