

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. JUNKYARDS.

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 city council shall appoint or designate to administer and enforce health and sanitation regulations within the City of Westmoreland. (1978 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. (1978 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

¹Municipal code references
 Animal control: title 10.
 Littering streets, etc.: § 16-107.

without treating it so as effectively to prevent the breeding of mosquitoes. (1978 Code, § 8-106)

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 city marshal to cut such vegetation when it has reached a height of over one foot (1'). (1978 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. (1978 Code, § 8-112)

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. (1978 Code, § 8-113)

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 City of Westmoreland and unless a permit therefor shall have been first duly issued by the building official, as provided for in the building code. (1978 Code, § 8-104)

13-108. Notice to owner of unsanitary conditions. If the mayor of the City of Westmoreland finds debris, junk automobiles, scrap metal, rubbish, trash, tin cans, papers or stagnant water has accumulated, or a dense growth of trees, vines, grass and underbrush has developed on any lot, tract or parcel of land within the City of Westmoreland to such an extent that it constitutes a menace to life, property, the public health, the public welfare, or creates a fire hazard, he shall notify the record owner of such property in writing, at his last known mailing address, that he has found that debris, junk automobiles, scrap metal, rubbish, trash, tin cans, papers or stagnant water has accumulated, or a dense growth of trees, vines, grass and underbrush has developed on the lot, tract or parcel of land, described in said notice, to such an extent that it constitutes a menace to life, property, the public health, the public welfare or creates a fire hazard, and demand that such owner cause such condition to be

remedied forthwith. He shall also cause a copy of said notice to be served by a police officer of the City of Westmoreland upon the occupant of said property, or upon any agent of the owner thereof. The mailing of such notice shall be sufficient proof thereof, and the delivery of notice shall be equivalent to mailing. If the mailing address of the owner is not known, and the property is unoccupied, and the owner has no agent in the City of Westmoreland, said notice shall be posted upon said property as notice to the owner thereof. (1978 Code, § 8-108)

13-109. Hearing. Within twenty (20) days after the mailing of said notice, or the service thereof, the owner of said property shall have the right to have a hearing before the City Council of the City of Westmoreland to show that said condition does not exist, or to show why said debris, junk automobiles, scrap metal, rubbish, trash, tin cans, papers or stagnant water, or the dense growth of trees, grass, vines and underbrush that has developed on said lot or tract of land does not constitute a menace to life, property, the public health, the public welfare, or creates a fire hazard, or why said condition should not be remedied by the City of Westmoreland at the expense of the owner of said property. At said hearing the city and the property owner may introduce such witnesses as deemed necessary. (1978 Code, § 8-109)

13-110. Remedy at expense of owner; lien on property; hearing. If the condition described in said notice has not been remedied within twenty (20) days after the mailing, or service thereof, and in the event there is a hearing, as hereinabove provided, after notice to the property owner of the decision of the city council, the city mayor shall cause said condition to be remedied by the City of Westmoreland at the expense of the owner of said property. After causing said condition to be remedied, the mayor shall certify to the city recorder the expense incurred in remedying said condition, together with his certificate as to the condition of the property which necessitated incurring said expense, and a copy of the notice mentioned above with proof of service thereof, and a copy of the result of the hearing before the city council, whereupon said expense shall become and constitute a lien and charge upon said property, which shall be payable, with interest at the rate of six percent (6%) per annum, from the date of such certification until paid, at the time taxes on said property become due and payable to the City of Westmoreland, and which expense and charge shall be a first and prior lien against said property, subject only to the lien for taxes due the County of Sumner, and the same character as the lien of the City of Westmoreland for municipal taxes. Upon failure of the owner of said property to pay said lien it may be enforced in the same manner as tax liens in favor of the City of Westmoreland, and shall be certified by the city recorder to the city attorney along with the certification of taxes assessed against the property of the city.

Any property owner shall have a right to have a hearing before the city council of the City of Westmoreland to show cause, if any, why said expense and charge should not constitute a lien against the property. (1978 Code, § 8-110)

13-111. Records to be kept. The city recorder of the City of Westmoreland shall keep a complete set of files and records relating to such liens, and shall include the amounts of such liens in tax statements for taxes thereafter submitted to the owners of lots, tracts or parcels of land subject to such liens. (1978 Code, § 8-111)

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

13-201. Junkyards.

13-201. Junkyards. It shall be unlawful for any person, or persons, firms or corporations to carry onto or permit to be carried onto his or its property any junk or to permit any junk yard where junk of any kind is stored or permitted to remain for a period exceeding ten (10) days. (1978 Code, § 8-115)