

**TITLE 13**

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

**CHAPTER**

1. SLUM CLEARANCE REGULATIONS.
2. JUNKED MOTOR VEHICLES.

**CHAPTER 1**

**SLUM CLEARANCE REGULATIONS**

**SECTION**

- 13-101. Findings of city council.
- 13-102. Definitions.
- 13-103. "Public officer" designated; powers.
- 13-104. Initiation of proceedings; hearings.
- 13-105. Orders to owners of unfit structures.
- 13-106. When public officer may repair, etc.
- 13-107. When public officer may remove or demolish.
- 13-108. Lien for expenses; sale of salvaged materials; other powers not limited.
- 13-109. Basis for a finding of unfitness.
- 13-110. Service of complaints or orders.
- 13-111. Enjoining enforcement of orders.
- 13-112. Additional powers of public officer.
- 13-113. Powers conferred are supplemental.
- 13-114. Structures unfit for human habitation deemed unlawful.

**13-101. Findings of city council.** Pursuant to Tennessee Code Annotated, § 13-21-101, et seq., the city council finds that there exists in the city structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city. (1972 Code, § 4-601, as replaced by Ord. #562, Jan. 2013)

**13-102. Definitions.** (1) "Dwelling" means any building or structure, or part thereof, used and occupied for human occupation or use or intended to

---

<sup>1</sup>Municipal code references

Animal control: title 10.

Littering regulated: title 11, chapter 6.

be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

(2) "Governing body" shall mean the city council charged with governing the city.

(3) "Municipality" shall mean the City of Norris, Tennessee, and the areas encompassed within existing city limits or as hereafter annexed.

(4) "Owner" shall mean the holder of title in fee simple and every mortgagee of record.

(5) "Parties in interest" shall mean all individuals, associations, corporations and others who have interests of record in a dwelling and any who are in possession thereof.

(6) "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.

(7) "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 structures in the city.

(8) "Public officer" means any officer or officers of a municipality or the executive director or other chief executive officer of any commission or authority established by such municipality or jointly with any other municipality who is authorized by this chapter to exercise the power prescribed herein and pursuant to Tennessee Code Annotated, § 13-21-101, et seq.

(9) "Structure" means any dwelling or place of public accommodation or vacant building or structure suitable as a dwelling or place of public accommodation. (1972 Code, § 4-602, as replaced by Ord. #562, Jan. 2013)

**13-103. "Public officer" designated; powers.** There is hereby designated and appointed a "public officer," to be the building inspector of the city, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the building inspector. (1972 Code, § 4-603, as replaced by Ord. #562, Jan. 2013)

**13-104. Initiation of proceedings; hearings.** 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 occupancy or use, or whenever it appears to the public officer (on his own motion) that any structure is unfit for human occupation or use, the public officer shall, if their preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of, and parties in interest of, such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer (or their designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the service of the complaint; and the owner and parties in interest shall have the right to file an

answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint; and the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer. (1972 Code, § 4-604, as replaced by Ord. #562, Jan. 2013)

**13-105. Orders to owners of unfit structures.** If, after such notice and hearing as provided for in the preceding section, the public officer determines that the structure under consideration is unfit for human occupation or use, they shall state in writing their finding of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order:

(1) If the repair, alteration or improvement of the structure can be made at a reasonable cost in relation to the value of the structure (not exceeding fifty percent (50%) of the reasonable value), requiring the owner, within the time specified in the order, to repair, alter, or improve such structure to render it fit for human occupation or use or to vacate and close the structure for human occupation or use; or

(2) If the repair, alteration or improvement of 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 premises), requiring the owner within the time specified in the order, to remove or demolish such structure. (1972 Code, § 4-605, as replaced by Ord. #562, Jan. 2013)

**13-106. When public officer may repair, etc.** If the owner fails to comply with the order to repair, alter, or improve or to vacate and close the structure as specified in the preceding section hereof, the public officer may cause such structure to be repaired, altered, or improved, or to be vacated and closed; and the public officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human occupation or use. The use or occupation of this building for human occupation or use is prohibited and unlawful." (1972 Code, § 4-606, as replaced by Ord. #562, Jan. 2013)

**13-107. When public officer may remove or demolish.** If the owner fails to comply with an order, as specified above, to remove or demolish the structure, the public officer may cause such structure to be removed and demolished. (1972 Code, § 4-607, as replaced by Ord. #562, Jan. 2013)

**13-108. Lien for expenses; sale of salvaged materials; other powers not limited.** The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer, as well as reasonable fees for registration, inspections and professional evaluations of the property, shall be assessed against the owner of the property, and shall, upon the certification of the sum owed being presented to the

municipal tax collector, be a lien on the property in favor of the municipality, second only to liens of the state, county and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be collected by the municipal tax collector or county trustee 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 as set forth in Tennessee Code Annotated, §§ 67-5-2010 and 67-5-2410. In addition, the municipality may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The municipality may bring one (1) action for debt against more than one (1) or all of the owners of properties against whom said costs have been assessed, and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a misjoinder of parties. If the structure is removed or demolished by the public officer, the public officer 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 of Anderson County by the public officer, 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. Nothing in this section shall be construed to impair or limit in any way the power of the City of Norris to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (1972 Code, § 4-608, as replaced by Ord. #562, Jan. 2013)

**13-109. Basis for a finding of unfitness.** The public officer defined herein shall have the power and may determine that a structure is unfit for human occupation and use if they find that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants or users of such structure, the occupants or users of neighboring structures or other residents of the City of Norris. 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; or uncleanliness. (1972 Code, § 4-609, as replaced by Ord. #562, Jan. 2013)

**13-110. 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 persons are 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. In addition, 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 Anderson County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (1972 Code, § 4-610, as replaced by Ord. #562, Jan. 2013)

**13-111. Enjoining enforcement of orders.** Any person affected by an order issued by the public officer served pursuant to this chapter may file a bill in chancery court for an injunction restraining the public officer from carrying out the provisions of the order, and the court may, upon the filing of such suit, issue a temporary injunction restraining the public officer pending the final disposition of the cause; provided, however, that within sixty (60) days after the posting and service of the order of the public officer, such person shall file such bill in the court.

The remedy provided herein shall be the exclusive remedy and no person affected by an order of the public officer shall be entitled to recover any damages for action taken pursuant to any order of the public officer, or because of noncompliance by such person with any order of the public officer. (1972 Code, § 4-611, as replaced by Ord. #562, Jan. 2013)

**13-112. Additional powers of public officer.** The public officer, in order to carry out and effectuate the purposes and provisions of this chapter, shall have the following powers in addition to those otherwise granted herein:

- (1) To investigate conditions of the structures in the city in order to determine which structures therein 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 examination, provided that such entry 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 they deem necessary to carry out the purposes of this chapter; and
- (5) To delegate any of their functions and powers under this chapter to such officers and agents as they may designate. (1972 Code, § 4-612, as replaced by Ord. #562, Jan. 2013)

**13-113. Powers conferred are supplemental.** This chapter shall not be construed to abrogate or impair the powers of the city with regard to the enforcement of the provisions of its charter or any other ordinances or regulations, nor to prevent or punish violations thereof and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by the charter and other laws. (as added by Ord. #562, Jan. 2013)

**13-114. Structures unfit for human habitation deemed unlawful.**

It shall be unlawful for any owner of record to create, maintain or permit to be maintained in the city structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city.

Violations of this section shall subject the offender to a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense. (as added by Ord. #562, Jan. 2013)

## CHAPTER 2

### JUNKED MOTOR VEHICLES

#### SECTION

- 13-201. Definitions.
- 13-202. Declared public nuisance.
- 13-203. Order to remove.
- 13-204. Removal by city.
- 13-205. Exemptions.

**13-201. Definitions.** For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein:

(1) "Junked motor vehicles." A junked motor vehicle is any motor vehicle which does not have lawfully affixed thereto an unexpired license plate or the condition is:

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

(2) "Motor vehicle." A motor vehicle is any vehicle which is self-propelled and any device in, upon, or by which any person or property is or may be transported or drawn from one location to another, except devices moved only by human power or used exclusively upon stationary rails or tracks.

(3) "City manager." The city manager or his duly authorized representative. (1972 Code, § 8-501, as amended by Ord. #493, July 2007)

**13-202. Declared public nuisance.** The location or presence of any junked motor vehicle on any lot, tract, or parcel of land, or portion thereof, occupied or unoccupied, improved or unimproved, within the city, shall be deemed a public nuisance and it shall be unlawful for any person to cause, maintain, or permit such public nuisance by wrecking, dismantling, rendering inoperable, abandoning, or discarding a motor vehicle on the property of another, or to suffer, permit, or allow the same to be placed, located, maintained, or to exist upon his own real property. This section shall not apply to:

- (1) Any junked motor vehicle in an enclosed building.
- (2) Any junked motor vehicle in an appropriate storage place or depository maintained in an officially designated place and manner by the city. (1972 Code, § 8-502)

**13-203. Order to remove.** It shall be unlawful for the owner or occupant of the premises to fail, neglect, or refuse to obey such order within ten (10) days after service of the same, however the persons to whom the notices are directed, or their duly authorized agents may file a written request for hearing before the city manager within the ten (10) day period of compliance for the purpose of defending the charges by the city. (1972 Code, § 8-503)

**13-204. Removal by city.** If the premises on which a junked motor vehicle is located contrary to this chapter are unoccupied and the owner or agent thereof cannot be found, or by permission of the owner of the premises, the city manager shall abate such public nuisance by entering upon the property and impounding and taking into custody the motor vehicle and disposing of same in accordance with Tennessee Code Annotated, title 55, chapter 16. Such impoundment and disposition shall not relieve any person from liability for penalty upon conviction for violating other provisions of this chapter, but is in addition to any other penalty. (1972 Code, § 8-504)

**13-205. Exemptions.** The provisions of this chapter shall not apply to:

- (1) Vehicles in operable condition specifically adapted or constructed for racing or operation on privately owned drag strips or raceways.
- (2) Vehicles stored by a member of the armed forces of the United States who is on active duty assignment, and stored with the permission of the property owner.
- (3) Vehicles retained by the owner for bonafide antique collection purposes rather than for salvage purposes. (1972 Code, § 8-505)