

TITLE 13**PROPERTY MAINTENANCE REGULATIONS¹****CHAPTER**

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CHAPTER 1**MISCELLANEOUS****SECTION**

- 13-101. Health officer.
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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 city. (1978 Code, § 8-1501)

13-102. Stagnant water. It shall be unlawful for any person to knowingly allow any pool of stagnant water to accumulate and stand on his property without treating it so as to prevent the breeding of mosquitoes. (1978 Code, § 8-1504)

13-103. 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, § 8-1505)

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

13-104. 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, § 8-1506)

CHAPTER 2

WEEDS

SECTION

- 13-201. Weeds, etc., to be kept clipped.
- 13-202. Notice to cut.
- 13-203. Cutting by city.
- 13-204. Collection of costs incurred by city.
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13-201. Weeds, etc., to be kept clipped. The owners of all lots or lands in the city are hereby required to keep all weeds, grass, brush and noxious growths of any kind upon such property cut, trimmed, clipped or cleared. (1978 Code, § 8-401)

13-202. Notice to cut. Upon the failure of any owner of property within the limits of the city to cut, or have cut, trimmed, clipped or cleared, such weeds, grass, brush or noxious growths as described in the first section of this chapter, it shall be the duty of the street department, acting by and through the director of public works, his deputy or agent, to serve a notice on the owner of such property to cut or have cut, trimmed, clipped or cleared, within ten (10) days of the service of such notice, all weeds, grass, brush or noxious growths upon his, her, or their property. Such notice may be served personally on the owner of the property, may be mailed to the last known address of such owner by registered or certified mail, or may be posted on the property on which such weeds, grass, brush, or noxious growths exist. Service of notice by any of the above methods shall be due notice within the meaning of this chapter. (1978 Code, § 8-402, modified)

13-203. Cutting by city. Upon the failure of any owner of lots or lands in the city to cut or cause to be cut weeds, grass, brush or noxious growths upon the property described in the notice mentioned above, within ten (10) days thereof, the street department, acting through the director of public works and at his direction, is authorized and directed to cut or have cut, trimmed, clipped or cleared, such weeds, grass, brush or noxious growths and a statement of the cost thereof shall be prepared by the office of the director of public works and filed with the city recorder for collection. Pursuant to the authority conferred by the General Assembly of Tennessee, a lien is hereby declared on such property for all costs and expenses of cutting or clearing incurred by the street department. (1978 Code, § 8-403, modified)

13-204. Collection of costs incurred by city. Upon receipt of such statement of costs, the city recorder shall bill the owner, by regular mail, in a

manner similar to that followed in mailing monthly utility bills, for the amount of the costs incurred by the city for such cutting or clearing of his property, and all such bills or charges shall bear interest at the rate of eighteen percent (18%) per annum, during that period of time commencing thirty (30) days after the date of mailing such bills or statements of charges and ending on the date of payment. At the same time unpaid real estate taxes are certified or turned over to the city attorney for collection, the city recorder may also certify or turn over to him for collection all unpaid and uncollected bills or charges for weed cutting and the city attorney shall file suit or take such other steps as may be necessary to enforce the lien for same on such property. (1978 Code, § 8-404, as amended by Ord. #BB-578, June 2006)

13-205. Attorney's fee for collecting costs. All uncollected items for weed cutting for each year, including interest, and all costs incurred by the city in cutting and clearing weeds, grass, brush or noxious growths, after notice to the property owner as herein provided, are hereby declared to be a special tax to be collected as other general taxes levied by the city, including real estate taxes and special assessments. When placed in the hands of the city attorney for collection, ten per cent (10%) of the unpaid charges for such costs incurred by the city, shall be added to principal and interest for the attorney's services in making such collections and retained by him. (1978 Code, § 8-405)

CHAPTER 3

SLAUGHTERING AND SELLING MEATS, ETC.

SECTION

13-301. Slaughter house regulations.

13-302. Selling of meats regulated.

13-303. Violations.

13-301. Slaughter house regulations. No animals, fowls, or fish may be slaughtered or dressed except in a slaughter house which meets the following sanitary regulations:

(1) The floor of the slaughter house must be of smooth cement so constructed as to be easily cleaned and so as to provide a drain for all liquids at one or two points, the drains to be connected to the city sanitary sewer.

(2) The walls and ceilings of the slaughter house shall be well plastered, wainscoted, or sealed with metal or lumber with a smooth surface and shall be painted a light color.

(3) Walls, ceilings, and floors shall be kept washed clean with soap and water and an ample supply of water from an approved source must be conveniently provided for flushing and washing the floors and walls and ceilings and the implements, containers, and accessories of the business.

(4) Buildings must be fly-proof and rodent-proof and all openings must be well screened.

(5) An ample supply of hot water must be provided for a thorough cleaning at least daily of all implements and containers used. The entire premises must be thoroughly cleaned and all refuse and waste products removed daily.

(6) All employees of said slaughter house must wear clean clothes must be free from any contagious disease, and must secure a health certificate before working in the slaughter house or handling any of the implements or food products.

(7) The slaughter house must be separated from any possible source of contamination by a distance of at least one hundred (100) feet.

(8) At no time shall there be allowed to exist on the premises of any slaughter house an unclean, unhealthful, or unsanitary condition. All fresh meats shall be securely protected at all times from flies, insects, dust, dirt, and from any and all foreign or injurious contamination so that it will be pure and wholesome at all times. (1978 Code, § 8-601)

13-302. Selling of meats regulated. It shall be unlawful to sell, market, or purvey the fresh meats of any animal, fish, or fowl which has not been slaughtered in a sanitary slaughter house under the conditions set forth hereinabove. Fresh meats or fish dressed and slaughtered in accordance with

this chapter may be sold, marketed, or purveyed from a place of business, wagon, or hack, or truck provided said business, wagon, hack or truck is constructed so that same is thoroughly sanitary and so that the meat is well iced and is kept in such a manner that it is not exposed to flies, insects, and/or any foreign matter or substance.

Fresh whole fish may be sold from screened in wagons, trucks, or hacks provided said fresh whole fish are iced and kept under sanitary conditions, but all dressed fish must be dressed in a regularly supervised, and established slaughter house. (1978 Code, § 8-602)

13-303. Violations. Any person who violates any of the provisions of this chapter, or who refuses to comply with any lawful orders or requirements of the sanitarian of the City of Dyersburg, duly made in writing pursuant hereto, shall be guilty of a misdemeanor and shall be punished by a fine under the general penalty clause for this code.

It shall be the duty of the city sanitarian or his duly appointed deputy or assistant upon learning of the violation of any provision of this chapter to institute a prosecution in the name of the City of Dyersburg against the person or persons committing the violation. (1978 Code, § 8-603)

CHAPTER 4

AUTOMOBILE GRAVEYARDS

SECTION

- 13-401. "Automobile graveyard" defined.
- 13-402. Permit required.
- 13-403. Regulations applicable.
- 13-404. Existing automobile graveyards.
- 13-405. Violations.

13-401. "Automobile graveyard" defined. For the purposes of this chapter "automobile graveyard" means any lot or place which is exposed to the weather and upon which more than five (5) motor vehicles of any kind incapable of being operated and which it would not be economically practical to make operative, are placed, located, or found. The term "automobile graveyard" or "automobile junkyard" shall not be construed to mean an establishment having facilities for processing iron, steel, or nonferrous scrap and whose principal produce is scrap iron, steel, or nonferrous scrap for sale for remelting purposes only. (1978 Code, § 8-801)

13-402. Permit required. No person shall own or maintain any "automobile graveyard" within the city until he shall receive a permit so to do from the city recorder. The city recorder shall issue such a permit to any applicant whose premises comply with the requirements of this and all other applicable ordinances of the city. Any permit so issued may be revoked by the city recorder for failure to comply with any requirement of this chapter. However, charges shall be preferred in writing by the recorder and served upon the permittee and he shall be given the right to be heard as to why his license should not be revoked.

Any person aggrieved by the city recorder's action relative to the issuance or revocation of an "automobile graveyard" permit may appeal to the city governing body which shall hold a hearing and decide whether or not the city recorder's action was reasonable. Based upon its findings at such hearing the city governing body shall affirm or reverse the city recorder's action. (1978 Code, § 8-802)

13-403. Regulations applicable. All "automobile graveyards" within the city shall be operated and maintained subject to the following regulations:

- (1) All motor vehicles stored or kept in such yards shall be so kept that they will not catch or hold water in which mosquitoes may breed and so that they will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared, or propagated.

(2) All such "automobile graveyards" shall be enclosed within a close fitting plank or metal solid fence touching the ground on the bottom and being not less than six (6) feet in height, such fence to be so built that it will be impossible for stray cats and/or stray dogs to have access to such "automobile graveyards."

(3) Such "automobile graveyards" 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. (1978 Code, § 8-803)

13-404. Existing automobile graveyards. Any owner and/or operator of an "automobile graveyard" in existence at the time this chapter becomes effective shall have sixty (60) days in which to get a permit or remove the offending vehicles. (1978 Code, § 8-804)

13-405. Violations. Any person owning or maintaining an "automobile graveyard" in violation of any provision of this chapter shall be punishable under the general penalty clause for this code. (1978 Code, § 8-805)

CHAPTER 5

ABANDONED MOTOR VEHICLES ON PRIVATE PROPERTY

SECTION

- 13-501. Restrictions on keeping.
- 13-502. Violations.
- 13-503. Notice to suspected violators.
- 13-504. Failure to comply with notice.
- 13-505. Removal of offending vehicles by chief of police.
- 13-506. Authority of city personnel to enter private premises.
- 13-507. Deadline for abating nuisance privately.
- 13-508. Each day constitutes a separate offense.

13-501. Restrictions on keeping. It shall be unlawful to park, store, or leave, or to permit the parking or storing of any licensed or unlicensed motor vehicle of any kind, for a period in excess of seventy-two hours, which is in a rusted, wrecked, junked, partially dismantled, inoperative, or abandoned condition, whether attended or not, upon any private property within the city, unless the same is completely enclosed within a building or unless it is connected with a business enterprise operated in a lawful place and manner and licensed as such and when necessary to the operation of such business enterprise. (1978 Code, § 8-901)

13-502. Violations. The accumulation and storage of one or more such vehicles in violation of the provisions of this chapter shall constitute rubbish and unsightly debris, and a nuisance detrimental to the health, safety, and general welfare of the inhabitants of the City of Dyersburg, and it shall be the duty of the registered owner of such motor vehicle and it shall also be the duty of the person in charge or control of the private property upon which such motor vehicle is located whether as owner, tenant, occupant, lessee, or otherwise to remove the same to a place of lawful storage, or to have the motor vehicle housed within a building where it will not be visible from the street. (1978 Code, § 8-902)

13-503. Notice to suspected violators. Whenever there is reasonable grounds to believe that a violation of a provision of this chapter exists, the chief of police will give, or cause to be given, written notice that said motor vehicle violates the provisions of this chapter and demand that said motor vehicle be removed to a place of lawful storage within ten days of the mailing of such notice, or within ten days of the mailing of such notice said motor vehicle be housed in a building where it will not be visible from the street and advise of the intention of the chief of police to remove and impound such motor vehicle if it

has not been so removed or housed at the end of such time. Such notice will be given by:

- (1) Affixing notice on such motor vehicle;
- (2) Sending notice by mail to the owner of such motor vehicle at his last known address if the owner is reasonably ascertainable; and
- (3) By sending notice by mail to the person owning or controlling the property on which the motor vehicle is located. (1978 Code, § 8-903)

13-504. Failure to comply with notice. Any person who fails, neglects or refuses to remove the abandoned, wrecked, junked, partially dismantled or inoperative motor vehicle or to house the same and abate said nuisance in accordance with the notice given pursuant to the provisions of § 13-503 of this chapter, shall be in violation of the provisions of this chapter and shall be guilty of a misdemeanor. (1978 Code, § 8-904)

13-505. Removal of offending vehicles by chief of police. In addition to and not in lieu of any other procedure prescribed in this chapter or in this code for removal of abandoned motor vehicles from private property, if the registered owner of such vehicle which is in violation of this chapter or the owner or person in lawful possession or control of the private property upon which same is located shall fail, neglect, or refuse to remove or house such abandoned, wrecked, junked, partially dismantled, or inoperative motor vehicle in accordance with the notice given pursuant to the provisions of § 13-503 of this chapter, the chief of police may remove and impound said motor vehicle until lawfully claimed. If not lawfully claimed within a period of ten days, the chief may dispose of such vehicle at public sale and he may thereafter maintain an action in the name of the City of Dyersburg, in the appropriate court, against any person, or persons upon whom notice was served as required by § 13-503 of this chapter to recover the cost of removing, impounding, and disposing of such motor vehicle in the event the proceeds of any sale thereof shall be insufficient to recover such cost. Any such unsatisfied cost shall become a lien upon the real property upon which said motor vehicle was located in violation of this chapter, said lien to be satisfied as any other delinquent tax lien. (1978 Code, § 8-905)

13-506. Authority of city personnel to enter private premises. The chief of police, any regularly employed and salaried officer of the police department of the City of Dyersburg, contracting agents of the City of Dyersburg, and employees of such contracting agents, and authorized office employees and agents of the City of Dyersburg, and each of them, are hereby expressly authorized to enter upon property for the purpose of enforcing the provisions of this chapter. It shall be unlawful for any person to interfere with, hinder, or refuse to allow them to enter upon private property for such purpose

and to remove any motor vehicle in accordance with the provision of this chapter. (1978 Code, § 8-906)

13-507. Deadline for abating nuisance privately. Any person to whom notice was given pursuant to § 13-503 of this chapter shall have the right to remove or house such motor vehicle in accordance with said notice at his own expense at any time prior to the arrival of the chief of police or his authorized representatives for the purpose of removal of said motor vehicle. (1978 Code, § 8-907)

13-508. Each day constitutes a separate offense. Each day any violation under this chapter is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. (1978 Code, § 8-908)

CHAPTER 6

SWIMMING POOLS

SECTION

- 13-601. Minimum standards adopted.
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- 13-603. Plans, specifications, etc., to be submitted.
- 13-604. Existing pools shall be made to comply.
- 13-605. Health officer to enforce chapter.
- 13-606. Inspections by health officer authorized.
- 13-607. Weekly inspections required as a minimum.
- 13-608. Permit required for each pool; suspension or revocation.
- 13-609. Application for a permit; issuance or denial of permit.
- 13-610. Permit to be posted; term.
- 13-611. Operator in addition to lifeguard required.
- 13-612. Lifeguard required.
- 13-613. Records required to be kept for each pool.
- 13-614. Test kits required.
- 13-615. Vacuum cleaners required.
- 13-616. Walls and bottoms to be kept clean and in good repair.
- 13-617. Filters required.
- 13-618. Equipment for chlorination, etc., required.
- 13-619. Overflow gutters to be kept clean and open.
- 13-620. Proper water level to be maintained.
- 13-621. Patrons to take showers and be free from apparent infection, etc.
- 13-622. Showers, toilets, etc., to be kept clean and in good repair.
- 13-623. Plumbing facilities to be properly constructed and maintained.
- 13-624. Drinking fountains to be properly constructed and maintained.
- 13-625. Drinking water be potable, etc.
- 13-626. Waste containers shall be provided in bathhouses.
- 13-627. First aid and medical facilities to be provided.
- 13-628. Violations.

13-601. Minimum standards adopted. All sections, 1 through 40, of the TDPH/SE-Proposed Minimum Standards for Public Pools, Revised, March, 1965, hereinafter referred to as "Minimum Standards, shall be applicable as a part of and along with the several provisions of this chapter. For private swimming pools, the 1994 Standard Swimming Pool Code, as promulgated by the Southern Building Code Congress International, Inc., shall be applicable as a part of and along with the several provisions of this chapter. (1978 Code, § 8-1101, as amended by ord. #BB-451, Jan. 1996, modified)

13-602. Definitions. The following definitions shall apply along with those set out in the "Minimum Standards" in the interpretation of this chapter.

(1) "Health officer." The person duly appointed to such position having jurisdiction, or any person or persons authorized to act as his agent.

(2) "Person." Any and all persons, including any individual, firm, or association, and any municipal or private corporation, or institution organized or existing under the laws of this or any other state.

(3) "Certified life guard." An individual who has successfully completed an American Red Cross Senior Life Saving Course and holds a current certificate of qualification. (1978 Code, § 8-1102)

13-603. Plans, specifications, etc., to be submitted. Plans, specifications, and supporting data shall be prepared and submitted in duplicate to the health officer for approval as outlined in § 2 of the "Minimum Standards"; provided, that the health officer may assume the responsibility of reviewing and approving plans and specifications as deemed necessary by the health officer and in all cases within a year after the effective date of the provisions in this chapter. (1978 Code, § 8-1103)

13-604 Existing pools shall be made to comply. Public pools in existence at the time the provisions in this chapter become effective shall be made to comply with the provisions of said chapter within a reasonable time. (1978 Code, § 8-1104)

13-605. Health officer to enforce chapter. It shall be the duty of the health officer to enforce provisions of this chapter. (1978 Code, § 8-1105)

13-606. Inspections by health officer authorized. The health officer is hereby authorized and directed to make inspections to determine conditions at all public pools in order that he may perform his duty of safeguarding the health and safety of those individuals using said public pools and facilities. The health officer shall have the power to enter upon any private or public property at reasonable times for the purpose of inspecting and investigating conditions relating to the enforcement of this chapter and he shall be given access to any records and shall be furnished such information as required to make his inspection complete. (1978 Code, § 8-1106)

13-607. Weekly inspections required as a minimum. Inspections of public pools shall be made at least once per week during any and all times that said public pools are in actual operation or are open for public use. Water samples shall be taken for bacteriological examination at the time inspections are made. (1978 Code, § 8-1107)

13-608. Permit required for each pool; suspension or revocation.

It shall be unlawful for any public pool to be operated by any person at any time unless he holds a valid permit issued by the health officer in the name of such person for that specific public pool. The health officer is hereby authorized to issue, suspend, or revoke permits in accordance with the provision of this chapter; provided that exceptions may be made for those public pools regulated by the Regulations Governing Organized Camps as authorized, by Pub. Acts 1965, ch. 65. (1978 Code, § 8-1108)

13-609. Application for a permit; issuance or denial of permit.

The application for a permit to operate a public pool shall be made in writing, in the name of the person making application, to the health officer. At this time an inspection of the public pool under consideration shall be made by the health officer. If he is satisfied that the requirements of this chapter are met the permit shall be issued. If deficiencies are found, issuance of the permit shall be denied, until said deficiencies are corrected. (1978 Code, § 8-1109)

13-610. Permit to be posted; term.

Permits for operation of public pools shall be conspicuously posted on the public pool premises at all times. Said permits shall be good for one (1) calendar year only unless revoked or suspended by the health officer. (1978 Code, § 8-1110)

13-611. Operator in addition to lifeguard required.

All public pools shall be operated and maintained by a qualified person, other than a lifeguard on duty, and said person shall be on duty at all times when the public pool is open for use by the public. The operator shall demonstrate to the satisfaction of the health officer that he is competent to conduct the operation of the public pool in accordance with the provisions of this chapter. (1978 Code, § 8-1111)

13-612. Lifeguard required.

A certified lifeguard be provided at all public pools, and he shall be on duty at all times when said pool is being used by the public. Each life guard shall show and have on file at the pool premises a current certificate or documentary evidence of qualification; provided, that, exceptions may be made for type D and E pools by the health officer if swimming is done under adult supervision. (1978 Code, § 8-1112)

13-613. Records required to be kept for each pool.

Operators of all public pools shall keep a daily record of at least tests for free chlorine residual or residual of any approved. Sanitizing agent that may be used, pH, and backwash frequency. This information and such additional information as may be required by the health officer shall be recorded on a form and with such frequency as prescribed by the health officer. (1978 Code, § 8-1113)

13-614. Test kits required. Test kits of the type and range as described in § 32 of the "Minimum Standards" shall be provided by the owner or sponsoring agency of each public pool and shall be kept at each public pool for the operator's use. (1978 Code, § 8-1114)

13-615. Vacuum cleaners required. Facilities shall be installed for the operation of a vacuum cleaner and that vacuum cleaning equipment which meets the criteria of § 29 of the "Minimum Standards" shall be provided at all public pools. (1978 Code, § 8-1115)

13-616. Walls and bottoms to be kept clean and in good repair. Walls and bottoms of all public pools shall be kept clean at all times. Frequency of vacuuming and scrubbing shall be such as to fulfill the above requirement. Pool walls and bottoms shall be maintained in a state of good repair at all times. (1978 Code, § 8-1116)

13-617. Filters required. Filters shall be operated continuously to provide 3 to 4 daily turnovers in filtered water in all public pools. (1978 Code, § 8-1117)

13-618. Equipment for chlorination, etc., required. Equipment for chlorination, hypochlorination, and other chemical treatment meeting the criteria of the "Minimum Standards" shall be provided at all public pools. Said equipment shall be operated in a manner to maintain a water quality as described in § 34 of the "Minimum Standards" at all times in public pools when they are being used by the public. (1978 Code, § 8-1118)

13-619. Overflow gutters to be kept clean and open. Overflow gutters shall be kept clean and overflow outlets open at all times. (1978 Code, § 8-1119)

13-620. Proper water level to be maintained. The water level in all public pools shall be maintained at the proper operating level at all times. (1978 Code, § 8-1120)

13-621. Patrons to take showers and be free from apparent infection, etc. All persons shall be required to take showers before entering any public pool. Any person having any apparent skin disease, sore or inflamed eyes, cough, cold, nasal or ear discharge, wearing bandages, or having any communicable disease shall be excluded from public pools except on presentation of a current written permit signed by a physician. (1978 Code, § 8-1121)

13-622. Showers, toilets, etc., to be kept clean and in good repair.

Walls and floors in shower, toilet, and dressing rooms shall be kept clean and in a state of good repair at all times. (1978 Code, § 8-1122)

13-623. Plumbing facilities to be properly constructed and maintained. All plumbing facilities shall be of approved construction and design and shall be kept clean and in good repair at all times. (1978 Code, § 8-1123)

13-624. Drinking fountains to be properly constructed and maintained. All drinking fountains shall be of approved construction and design and shall be kept clean and sanitary at all times. (1978 Code, § 8-1124)

13-625. Drinking water to be potable etc. All drinking water shall be safe, potable, adequate, and under pressure, and otherwise meet the approval of the health officer. (1978 Code, § 8-1125)

13-626. Waste containers shall be provided in bathhouses. Waste containers provided in bathhouse facilities shall be of fire resistant construction. Covered containers shall be provided at or near each commode in women's toilet facilities. (1978 Code, § 8-1126)

13-627. First aid and medical facilities to be provided. First aid supplies meeting the approval of the health officer shall be provided at all public pools when said pools are in use. Arrangements should be made with a local physician for prompt medical aid in the event of an emergency. (1978 Code, § 8-1127)

13-628. Violations. Any person who shall violate any of the provisions of this chapter or who shall fail or refuse to comply with any notice issued by the health officer with reference to the enforcement of the provisions of this chapter shall be guilty of a misdemeanor. (1978 Code, § 8-1128)

CHAPTER 7

REMOVAL OF VEGETATION AND DEBRIS FROM CERTAIN LOTS

SECTION

13-701. Definition.

13-702. Notice.

13-703. Collection of costs.

13-704. When owner is carrier engaged in the transportation of property or is a utility.

13-705. Hearing.

13-706. Exceptions.

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13-701. Definition. "Municipality," as used in this section, is the City of Dyersburg. (1978 Code, § 8-1201)

13-702. Notice. If it is determined by the municipality's department of public works 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 director of public works 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 section 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. (1978 Code, § 8-1202)

13-703. Collection of costs. If the person fails or refuses to remedy the condition within ten (10) days after receiving the notice, the director of public works 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 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 such 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. Upon the filing of the notice with the office of the register of deeds of the county in which the property lies, the costs shall 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. (1978 Code, § 8-1203)

13-704. When owner is carrier engaged in the transportation of property or is a utility. 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-day period of the first sentence of § 13-703 shall be twenty (20) days, excluding Saturdays, Sundays and legal holidays. (1978 Code, § 8-1204)

13-705. Hearing. The municipality shall provide for a hearing upon request of the person aggrieved by the determination made pursuant to § 13-702 above. A request for a hearing shall be made within ten (10) days allowing the receipt of the notice issued pursuant to § 13-702 above. Failure to make the request within this time shall without exception constitute a waiver of the right to a hearing.

Any person aggrieved by an order of the board, under the provisions of this section may seek judicial review of the order or act. The time period established in § 13-703 above shall be stayed during the pendency of a hearing. (1978 Code, § 8-1205)

13-706. Exceptions. The provisions of this section do not apply to any parcel or property upon which an owner-occupied residence or a privately owned cemetery is located. (1978 Code, § 8-1206)

13-707. Other provisions. The provisions of this section are in addition and supplemental to and not in substitution for, similar authority in any municipality's charter or other applicable law.

In the event a privately owned cemetery would otherwise meet the requirements of this section, and if a Boy Scout Troop or other organization were to remedy the conditions existing on such property, the municipality shall be

prohibited from filing a lien against such property for a value of the work performed by such organization. Such organization shall be immune from any legal action for damages, and no cause of action for civil or criminal liability may be brought by the owner of record of the cemetery or descendants of those buried in the cemetery against such organization, so long as reasonable care is taken by such organization not to violate Tennessee Code Annotated, §§ 46-2-105, 46-3-108, or any other provision of law, rule or regulation. (1978 Code, § 8-1207)