

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. JUNKYARDS.
3. DISPOSAL OF WRECKED, JUNKED, OR ABANDONED VEHICLES.
4. SUBSTANDARD BUILDINGS – VACATION, REMOVAL, DEMOLITION AND REPAIR.
5. NUISANCES.

CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Health officer.
- 13-102. Smoke, soot, cinders, etc.
- 13-103. Stagnant water.
- 13-104. Weeds.
- 13-105. Dead animals.
- 13-106. Health and sanitation nuisances.
- 13-107 – 13-108. [Deleted.]

13-101. Health officer. The "health officer" of the City of Kingston shall be such municipal, county, state, or privately contracted officer as the city council shall appoint or designate to administer and enforce health and sanitation regulations within the city. (1975 code, sec. 8-605, as replaced by Ord. #3-9-9-4, Oct. 2003)

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, or safety of the public or so as to cause or have a tendency to cause injury or damage to persons, property or business. (1975 code, sec. 8-606, as replaced by Ord. #3-9-9-4, Oct. 2003)

¹Municipal code references

Animal control: title 10.

Littering streets, etc.: section 16-107.

Parking lot paving requirements: title 16, chapter 3.

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

Wastewater treatment: title 18, chapter 2.

13-103. 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 effectively prevent the breeding of mosquitoes and/or the creation of a health nuisance. (1975 code, sec. 8-607, as replaced by Ord. #3-9-9-4, Oct. 2003)

13-104. Weeds. Every owner or tenant of property shall periodically cut the grass or other vegetation commonly recognized as weeds on his property, whether vacant or occupied, and it shall be unlawful for any person to fail to comply with an order by the health officer to cut such vegetation when it has reached a height of over eight (8) inches. Nothing in this section, however, shall be construed to regulate the growth or height of vegetation existing within a well maintained vegetable garden, flower bed, or other similar landscaping. (as amended by Ord. #01-6-26, July 2001, and replaced by Ord. #3-9-9-4, Oct. 2003)

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. (1975 code, sec. 8-608, as replaced by Ord. #3-9-9-4, Oct. 2003)

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 dust and debris which could be blown onto neighboring properties, 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 in the vicinity. (1975 code, sec. 8-609, as replaced by Ord. #3-9-9-4, Oct. 2003)

13-107– 13-108. Deleted. These sections were deleted by Ord. #3-9-9-4, Oct. 2003.

CHAPTER 2

JUNKYARDS¹

SECTION

13-201. Junkyards.

13-202 – 13-213. [Deleted.]

13-201. Junkyards. All junkyards within the corporate limits of the City of Kingston 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 mosquitos 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 maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety. (as replaced by Ord. #3-9-9-4, Oct. 2003)

13-202 – 13-213. [Deleted.] These sections were deleted by Ord. #3-9-9-4, Oct. 2003.

¹Municipal code reference

Building, utility and housing codes: title 12.

Refuse and trash disposal: title 17.

Slum clearance: title 13, chapter 2.

CHAPTER 3

DISPOSAL OF WRECKED, JUNKED, OR ABANDONED VEHICLES

SECTION

- 13-301. Definitions.
- 13-302. Wrecked, junked, or abandoned vehicles prohibited.
- 13-303. Exceptions.
- 13-304. Procedure for removal from private property.
- 13-305. Notice.
- 13-306. Hearing.
- 13-307. Removal.
- 13-308. Storage of vehicles.
- 13-309. Expense of disposal charged to owner.
- 13-310. Penalty.
- 13-311. Delegation of authority.

13-301. Definitions. For the purpose of the interpretation and application of this chapter, the following words and phrases shall have the indicated meanings:

(1) "Person" shall mean any natural person, or any firm, partnership, association, corporation or other organization of any kind and description.

(2) "Private property" shall include all property that is not public property, regardless of how the property is zoned or used.

(3) "Traveled portion of any public street or highway" shall mean the width of the street from curb to curb, or where there are no curbs, the entire width of the paved portion of the street, or where the street is unpaved, the entire width of the street in which vehicles ordinarily use for travel.

(4) "Vehicle" shall mean any machine propelled by power other than human power, designed to travel along the ground by the use of wheels, treads, self-laying tracks, runners, slides or skids, including but not limited to automobiles, trucks, motorcycles, motor scooters, go-carts, campers, tractors, trailers, tractor-trailers, buggies, wagons, and earth-moving equipment, and any part of the same.

(5) "Junked vehicle" shall mean a vehicle of any age that is damaged or defective in any one or combination of any of the following ways that either makes the vehicle immediately inoperable, or would prohibit the vehicle from being operated in a reasonably safe manner upon the public streets and highways under its own power if self-propelled, or while being towed or pushed, if not self-propelled:

- (a) Flat tires, missing tires, missing wheels, or missing or partially or totally disassembled tires and wheels;

(b) Missing or partially or totally disassembled essential part or parts of the vehicle's drive train, including, but not limited to, engine, transmission, transaxle, drive shaft, differential, or axle;

(c) Extensive exterior body damage or missing or partially or totally disassembled essential body parts, including, but not limited to, fenders, doors, engine hood, bumper or bumpers, windshield, or windows;

(d) Missing or partially or totally disassembled essential interior parts, including, but not limited to, driver's seat, steering wheel, instrument panel, clutch, brake, gear shift lever;

(e) Missing or partially or totally disassembled parts essential to the starting or running of the vehicle under its own power, including, but not limited to, starter, generator or alternator, battery, distributor, gas tank, carburetor or fuel injection system, spark plugs, or radiator;

(f) Interior is a container for metal, glass, paper, rags or other cloth, wood, auto parts, machinery, waste or discarded materials in such quantity, quality and arrangement that a driver cannot be properly seated in the vehicle;

(g) Lying on the ground (upside down, on its side, or at other extreme angle), sitting on block or suspended in the air by any other method;

(h) General environment in which the vehicle sits, including, but not limited to, vegetation that has grown up around, in or through the vehicle, the collection of pools of water in the vehicle, and the accumulation of other garbage or debris around the vehicle. (as replaced by Ord. #3-9-9-4, Oct. 2003)

13-302. Wrecked, junked, or abandoned vehicles prohibited. It shall be unlawful and a civil offense for any person:

(1) To park and or in any other manner place and leave unattended or abandoned on the traveled portion of any public street or highway a junk vehicle for any period of time, even if the owner or operator of the vehicle did not intend to permanently desert or forsake the vehicle.

(2) To park or in any other manner place and leave unattended on the untraveled portion of any street or highway, or upon any other public property, a junk vehicle for more than forty-eight (48) continuous hours, even if the owner or operator of the vehicle did not intend to permanently desert or forsake the vehicle.

(3) To park, store, keep, maintain on private property a junk vehicle for a period of longer than fifteen (15) days unless it is in connection with a purpose or business enterprise lawfully situated and licensed. All such wrecked, junked, or abandoned vehicles are hereby declared to be public nuisances. (as replaced by Ord. #3-9-9-4, Oct. 2003)

13-303. Exceptions. (1) It shall be permissible for a person to park, store, keep and maintain a junked vehicle on private property under the following conditions:

(a) The junk vehicle is completely enclosed within a building where neither the vehicle nor any part of it is visible from the street or from any other abutting property. However, this exception shall not exempt the owner or person in possession of the property from any zoning, building, housing, property maintenance, and other regulations governing the building in which such vehicle is enclosed.

(b) The junk vehicle is parked or stored on property lawfully zoned for business engaged in wrecking, junking or repairing vehicles. However, this exception shall not exempt the owner or operator of any such business from any other zoning, building, fencing, property maintenance and other regulations governing business engaged in wrecking, junking or repairing vehicles.

(c) No person shall park, store, keep and maintain on private property a junk vehicle for any period of time if it poses an immediate threat to the health and safety of citizens of the city. (as replaced by Ord. #3-9-9-4, Oct. 2003)

13-304. Procedure for removal from private property. The owner of any such vehicle or the owner of the private property on which the same is located shall be responsible for its removal upon appropriate notice and the opportunity to be heard. Prior to commencing the hearing procedure set out in this chapter, notices shall be sent to the owner or resident of the property upon which the said vehicle is located stating that the condition of said vehicle has caused a violation of this chapter and that unless this violation is corrected within twenty-four (24) hours, procedures will be commenced to affect the removal of the vehicle. Such twenty-four (24) hour notice, or one similar thereto, shall also be provided the vehicle owner and any lien holders to the extent that their names and addresses may be reasonably ascertained after the city has first been apprized of such violation. If in the opinion of the chief of police, fire chief, health officer or their designees, an emergency situation exists, the vehicle may be immediately removed by the city. (as replaced by Ord. #3-9-9-4, Oct. 2003)

13-305. Notice. If the twenty-four (24) hour preliminary notice does not accomplish the correction of the violation, the procedure hereinafter set out shall be invoked. A notice shall be directed to the owner of the vehicle and any lien holders, if known, and the owner of the premises where same is located at least two (2) days before the time for compliance therewith. It shall be sufficient service of notice if it is posted in a conspicuous place upon the premises affected and a copy is mailed to such owners and lien holders at their last known address, place of residence, or place of business. (as replaced by Ord. #3-9-9-4, Oct. 2003)

13-306. Hearing. Within two (2) days after the mailing or other service of said notice, the persons to whom the notices are directed, or their duly authorized agents, may file a written request for a hearing before the City Council of the City of Kingston. The hearing shall be held as soon as practicable after the filing of the request therefor and the persons to whom the notices are directed shall be advised of the time and place of said hearing at least five (5) days in advance thereof. At any such hearing the city and the persons to whom the notices have been directed may introduce such witnesses and evidence as is deemed necessary and proper by the city council. (as replaced by Ord. #3-9-9-4, Oct. 2003)

13-307. Removal. If the violation described in the notice has not been remedied within five (5) days of the mailing or service thereof, or in the event that a notice requesting a hearing is timely filed and the existence of the violation is affirmed by the city council after hearing, pursuant to the police power to do all things whatsoever necessary for promoting or maintaining the general welfare of the city or its inhabitants, said vehicle shall be removed and taken into possession by the City of Kingston. Any tow trucks or vehicles used for such removal, other than city vehicles, shall be covered by insurance in the form and extent of which shall be approved by the city council. (as replaced by Ord. #3-9-9-4, Oct. 2003)

13-308. Storage of vehicles. If the vehicle owner pays the city for all expenses involved in the removal and storage of same within ten (10) days of such removal, and indicates in writing that such vehicle will not be taken to a location where it will be in violation of § 13-201 of this title, possession shall be relinquished to such owner. If possession is not thus relinquished to the owner, the mayor shall sell any such vehicles after publication of notice thereof ten (10) days prior to the sale in a newspaper of general circulation in the city. (as replaced by Ord. #3-9-9-4, Oct. 2003)

13-309. Expense of disposal charged to owner. All costs and expenses incurred by the City of Kingston in carrying out the provisions of this chapter shall be and constitute a charge and lien against:

- (1) The owner of the vehicle;
- (2) The owner of the real property when it is determined that the vehicle belongs to said owner; and
- (3) The vehicle, until paid with interest to secure at the rate of six percent (6%) annually. (as added by Ord. #3-9-9-4, Oct. 2003)

13-310. Penalty. Any person violating any provision of this chapter shall be fined in accordance with state statute. (as added by Ord. #3-9-9-4, Oct. 2003)

13-311. Delegation of authority. The city manager is hereby authorized to designate the agency or department to implement the provisions of this chapter. (as added by Ord. #3-9-9-4, Oct. 2003)

CHAPTER 4

SUBSTANDARD BUILDINGS - VACATION, REMOVAL,
DEMOLITION AND REPAIR

SECTION

- 13-401. Purpose and scope.
- 13-402. Dangerous buildings defined.
- 13-403. Dangerous buildings declared public nuisances.
- 13-404. Duties of the health officer.
- 13-405. Duties of the Kingston City Council.
- 13-406. Duties of the city attorney.
- 13-407. Duties of the fire department.
- 13-408. Emergency cases.
- 13-409. When owner is absent from city.
- 13-410. Standards to be applied by the health officer.
- 13-411. Violation; penalties.
- 13-412. Administrative liability.

13-401. Purpose and scope. The purpose and scope of this chapter are to provide for the vacation, removal, repair, or demolition of any dangerous building or structure in the City of Kingston which is or threatens to be a public nuisance, is dangerous to the health, safety, or general welfare of the people of the City of Kingston, or which constitutes a fire menace, and to provide for the assessment of the costs of such vacation, removal, repair, or demolition as a municipal lien against such premises, and to provide for the recovery of such costs in an action at law. (as added by Ord. #3-9-9-4, Oct. 2003)

13-402. Dangerous buildings defined. Any building or structure of any kind which has any one or combination of the following defects shall be deemed a dangerous building within the context of this chapter:

(1) Those whose interior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.

(2) Those which, exclusive of the foundation, show thirty-three percent (33%) or more of damage or deterioration of the supporting member or members, or fifty percent (50%) 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 be dangerous to life, safety, or the general health and welfare of the occupants or the people of the City of Kingston.

(5) Those which have become or are so dilapidated, decayed, unsafe, unsanitary 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, safety, or general welfare of human beings who live or may live therein.

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

(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, unsanitary, or dangerous to the health, safety, or general welfare of the people of Kingston.

(10) Those buildings existing in violation of any provision of the building code of the City of Kingston, or any provision of the fire prevention code. (as added by Ord. #3-9-9-4, Oct. 2003)

13-403. Dangerous buildings declared public nuisances. All dangerous buildings, as defined in § 13-402, are hereby declared to be public nuisances and shall be vacated, removed, repaired or demolished as provided in this chapter. (as added by Ord. #3-9-9-4, Oct. 2003)

13-404. Duties of the health officer. The health officer shall:

(1) Inspect, or cause to be inspected, all public buildings, schools, halls, churches, theaters, hotels, tenements, commercial, manufacturing or loft buildings for which reasonable suspicion exists that a violation of this chapter may exist. The purpose of such inspection shall be to determine whether any conditions actually exist which render such places a dangerous building as defined in § 13-402 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 by the fire or police departments of the city, or by the county sheriff's department, as probably existing in violation of the terms of this chapter.

(4) 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 Register of Deeds of Roane County, of any building found by him to be a dangerous building as defined in this chapter, that:

(a) The owner must vacate, 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 Roane County Register of Deeds 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 thirty (30) days, as may be necessary to do, or have done, the work or act required by the notice provided for herein.

(d) Set forth in the notice, a description of the building or structure deemed to be 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 thirty (30) days, as is reasonable.

(e) Report to the Kingston City Council with the notice provided in this subsection.

(f) Appear at all hearings conducted by the Kingston City Council and testify as to the condition of dangerous buildings.

(g) Place a notice on all dangerous buildings reading as follows: "THIS BUILDING HAS BEEN FOUND TO BE A DANGEROUS BUILDING BY THE KINGSTON HEALTH OFFICER. THIS NOTICE IS TO REMAIN ON THIS BUILDING UNTIL IT IS REPAIRED, VACATED, OR DEMOLISHED IN ACCORDANCE WITH THE NOTICE WHICH HAS BEEN GIVEN TO 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 ROANE COUNTY REGISTER OF DEEDS. IT IS UNLAWFUL TO REMOVE THIS NOTICE UNTIL SUCH NOTICE IS COMPLIED WITH." (as added by Ord. #3-9-9-4, Oct. 2003)

13-405. Duties of the Kingston City Council. The city council shall:

(1) Upon receipt of a report of the health officer as provided for in this chapter, give 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 Roane County Register of Deeds to appear before the city council on the date and time specified in the notice to show cause why the building should not be repaired, vacated, or demolished in accordance with the statement of particulars set forth in the health officer's notice as provided in this chapter.

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

(3) Make written findings of fact from the testimony offered pursuant to subsection (2) above as to whether or not the building in question is a dangerous building as defined in this chapter.

(4) Issue an order based upon the findings of fact made pursuant to subsection (3) above 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 Roane County Register of Deeds, to repair, vacate, or demolish any building found to be a dangerous building as defined by the chapter.

(5) If the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as shown by the land records of the Roane County Register of Deeds fails to comply with the order provided in subsection (4) above within ten (10) days, the city council shall cause such building or structure to be repaired, vacated, or demolished as the facts may warrant, under the standards hereinbefore provided for in § 13-402 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, safety, or general welfare of the people of Kingston, the city council may 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 in subsection (4) above. (as added by Ord. #3-9-9-4, Oct. 2003)

13-406. Duties of the city attorney. The Kingston City Attorney shall:

(1) Prosecute all persons failing to comply with the terms of notices provided in § 13-404 of this chapter.

(2) Appear at all hearings before the city council in regard to dangerous buildings.

(3) Bring suit to collect all municipal liens, assessments, or costs incurred by the city council in repairing or causing to be vacated or demolished dangerous buildings.

(4) Take such other legal action as is necessary to carry out the terms and provisions of this chapter. (as added by Ord. #3-9-9-4, Oct. 2003)

13-407. Duties of the fire department. The fire chief shall make a report in writing to the health officer of all buildings or structures which are, or may be, or are suspected of being dangerous buildings as defined in this chapter. Such reports must be delivered to the health officer within twenty-four (24)

hours of the discovery of such buildings or structure by the fire chief. (as added by Ord. #3-9-9-4, Oct. 2003)

13-408. 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 health officer shall report the facts to the city council and the city council shall cause the immediate repair, vacation, or demolition of such dangerous building. The costs of such emergency repairs, vacation, or demolition of such dangerous building shall be collected in the same manner as provided in § 13-405(5) of this chapter. (as added by Ord. #3-9-9-4, Oct. 2003)

13-409. When owner is absent from city. In cases, except emergency cases, where the owner, occupant, lessee, or mortgagee is absent from the City of Kingston, all notices or orders provided for herein shall be sent by registered mail to the owner, occupant, mortgagee, lessee and all other persons having an interest in said building as shown on the land records of the Roane County Register of Deeds 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 mailed and posting shall be deemed adequate service. (as added by Ord. #3-9-9-4, Oct. 2003)

13-410. Standards to be applied by the health officer and the city council. The following standards shall be followed in substance by the health officer and the city council in order the vacation, removal, repair, or demolition of any structure or building:

(1) If the dangerous building can reasonably be repaired so that it will not 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, safety, or general welfare of its occupants, it shall be ordered to be vacated.

(3) In any case where a dangerous building in fifty percent (50%) 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 city or statute of the State of Tennessee, it shall be demolished. (as added by Ord. #3-9-9-4, Oct. 2003)

13-411. Violation; penalties. The owner of any dangerous building or structure who shall fail to comply with any notice or order to vacate, remove, repair, or demolish said building or structure given by any person authorized by

this chapter to issue such notice or order shall be guilty of a misdemeanor and upon conviction shall be punished as provided by city code or state statute.

The occupant or lessee in possession of said dangerous building who fails to comply with any notice to vacate or who fails to repair said structure or building in accordance with notice given under the provisions of this chapter shall be guilty of a misdemeanor and upon conviction shall be punished as provided by city code or state statute. (as added by Ord. #3-9-9-4, Oct. 2003)

13-412. Administrative liability. No officer, agent, or employee of the City of Kingston 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 chapter. Any suit brought against any officer, agent, or employee of the City of Kingston as a result of any act required or permitted in the discharge of his duties under this chapter shall be defended by the city attorney until the final determination of the proceedings therein. (as added by Ord. #3-9-9-4, Oct. 2003)

CHAPTER 5

NUISANCES

SECTION

13-501. Declaration of nuisances.

13-502. Duty of maintenance of private property.

13-503. Notification.

13-504. Hearing.

13-505. Corrective action.

13-506. Storage of personal property.

13-507. Payment of costs.

13-508. Judicial review.

13-509. Penalty for failure of owner to abate such nuisance.

13-501. Declaration of nuisances. The accumulation of debris, rubbish, trash, cans, bottles, containers, papers, furniture, lumber, stoves, refrigerators, freezers, appliances, equipment and other personal property of any kind, or parts thereof, which are no longer reasonably usable for the purposes for which it was manufactured on any lot, tract or parcel of land or in, under or upon any open structure within the corporate limits of the City of Kingston constitutes a threat or menace to life, property, public health or public welfare, encourages the infestation of rats and other harmful animals, and/or creates a fire hazard and is hereby specifically prohibited and declared to be a public nuisance. (as added by Ord. #5-4-12-1, May 2005)

13-502. Duty of maintenance of private property. No person owning, leasing, occupying or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such premises in a manner causing substantial diminution in the value of the other property in the neighborhood in which such premises are located. (as added by Ord. #5-4-12-1, May 2005)

13-503. Notification. Whenever any public nuisance, as defined by this chapter, exists on lands within the corporate limits of the City of Kingston, the city manager, or his designee, shall notify the owner of record of said lands and direct them to abate or remove the same. Said notification shall:

- (1) Be in writing;
- (2) Specify the nature of the public nuisance and give its location;
- (3) Specify the corrective measures required; and,
- (4) Require compliance within thirty (30) days from the date of the notification.

The notification shall be served upon the owner or owners of the premises where the nuisance is located by serving them personally or by sending said

notice by certified mail, return receipt requested, to their address as shown on the current tax roll of the City of Kingston. (as added by Ord. #5-4-12-1, May 2005)

13-504. Hearing. Within thirty (30) days after the mailing or other service of said notice, the persons to whom the notices are directed, or their duly authorized agents, may file a written request for a hearing before the City Council of the City of Kingston. The hearing shall be held as soon as practicable after the filing of the request therefor and the persons to whom the notices are directed shall be advised of the time and place of said hearing at least five (5) days in advance thereof. At any such hearing, the city and the persons to whom the notices have been directed may introduce such witnesses and evidence as is deemed necessary and proper by the city council. (as added by Ord. #5-4-12-1, May 2005)

13-505. Corrective action. If the violation described in the notice has not been remedied by the owner or occupant within thirty (30) days of the mailing or service thereof, or in the event that a notice requesting a hearing is timely filed and the existence of the violation is affirmed by the city council after hearing, pursuant to the police power to do all things whatsoever necessary for promoting or maintaining the general welfare of the city or its inhabitants, the following procedures will be commenced to affect the corrective measures and the removal of the offending items by the City of Kingston. The codes enforcement officer, or his duly authorized representative, may enter onto such premises and take the corrective action specified in the notice so that the nuisance identified by said letter is removed or abated. (as added by Ord. #5-4-12-1, May 2005)

13-506. Storage of personal property. Personal property not dangerous to the public health or safety shall be stored by the city. All debris, rubbish, trash, cans, bottles, containers, papers and dangerous material shall be disposed of at the time of removal. If the owner wishes to reclaim the personal property and pays the city for all expenses involved in the removal and storage of any personal property within ten (10) days of such removal and indicates in writing that such items will not be taken to a location where it will be in violation of this chapter, possession shall be relinquished to such owner. If possession is not thus relinquished to the owner, the city manager shall sell any such items after publication of notice thereof of ten (10) days prior to the sale in a newspaper of general circulation in the city. (as added by Ord. #5-4-12-1, May 2005)

13-507. Payment of costs. Upon the completion of the corrective action carried out by the codes enforcement officer as authorized herein, the actual costs of such action, the cost of any transportation of property, the cost of storage, plus a fee of fifteen percent (15%) for administrative cost, shall be billed

to the owner or owners of said property by the City of Kingston. If said bill is not paid in full within sixty (60) days after its date of mailing, a ten percent (10%) penalty shall be added and said costs and penalties shall be placed on the tax rolls of the City of Kingston as lien upon said property and collected in the same manner as other city taxes are collected. (as added by Ord. #5-4-12-1, May 2005)

13-508. Judicial review. Any person aggrieved by an order or act of a public officer or of the city council under this chapter may seek judicial review of the order or act. The time period established above shall be stayed during the pendency of judicial review. (as added by Ord. #5-4-12-1, May 2005)

13-509. Penalty for failure of owner to abate such nuisance. If said owners allow said nuisance to exist or fail to abate said nuisance, they, and each of them, upon conviction thereof, shall be fined not more than fifty dollars (\$50.00) for each offense and a separate offense shall be deemed committed on each day during or on which such nuisance is permitted to exist. (as added by Ord. #5-4-12-1, May 2005)