

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

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CHAPTER 1

MISCELLANEOUS

SECTION

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13-101. Health officer. The "health officer" of the Town of Pegram is the municipal, county, state, or privately contracted officer as the mayor shall appoint or designate to administer and enforce health and sanitation regulations within the town. (as added by Ord. #2008-60, Jan. 2009)

13-102. Overgrown and dirty lots. (1) It is unlawful for any owner of record of real property to create, maintain, or permit to be maintained on such property the growth of trees, vines, grass, underbrush and/or the accumulations of debris, trash, litter, garbage, filth or to allow the accumulation or creation of debris which could be blown onto neighboring properties, 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 flies, rodents, vermin and other

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

harmful animals on the premises such that the same is a menace to the public health or an annoyance of people residing in the vicinity. In addition to the foregoing, the following actions or inactions by any person within the Town of Pegram hereby are declared to be unlawful and nuisances:

(a) For any person to permit or suffer weeds, trees and/or other vegetation to grow or to allow trash to accumulate which is injurious to or likely to imperil the health, safety and welfare of the residents of the Town of Pegram and the general public;

(b) For any person to permit or suffer any substance, animal or thing to accumulate on his property, which substance is or is likely to become a public nuisance, or which is likely to imperil the life, health or safety of any persons, or which, through the giving off of odors or noises is or is likely to become offensive or injurious to the comfort or safety of the residents and the general public;

(c) For any person to permit the residence or any other buildings or structures on his property to become so dilapidated, or neglected in appearance, as to become offensive or injurious to the senses, comfort, or safety of the residents and the general public.

Such nuisance may be abated and the cost of the abatement shall be assessed against the owner of the property as stipulated and in the manner prescribed in § 13-102(3).

(2) The health officer is directed to make regular inspections of all property within the Town of Pegram to determine if a violation of subsection (1) exists. In the event he finds any violation, he shall cause notice to be forwarded, by registered or certified mail, return receipt requested, to the last known address of all owners of such property as are shown on the tax books of the town, advising the owners of the existence of the condition that is in violation of subsection (1) hereof, and further advising that unless compliance is effected within fifteen (15) calendar days from the date of mailing such notice, the Town of Pegram will cause the cutting and/or removal to be accomplished, and the expense thereof charged to the property and the owners thereof as shown by said tax books. In addition to the aforesaid, the notice shall state that the owner(s) of the property is entitled to a hearing, and shall, at a minimum, contain the following additional information:

(a) A brief statement of this section, which shall contain the consequences of failing to remedy the noted condition;

(b) The person, office, address and telephone number of the department or person giving notice;

(c) A cost estimate for remedying the noted condition, which shall be in conformity with the standards of cost in the community; and

(d) A place wherein the notified party may return a copy of the notice, indicating the desire for a hearing.

(3) In the event the property owner of record fails or refuses to remedy the noted condition within the prescribed time, the health officer shall

immediately cause the condition to be remedied or removed and the cost thereof shall be assessed against the owner of the property. The health officer shall then notify the owners of the property of the amount of such expense, by registered or certified mail, return receipt requested, and shall further notify such owners that the reimbursement of such expense is required within thirty (30) days from the date of such notice. All owners of property shall be liable, jointly and severally, for the expense of the remedy and/or removal accomplished by the town on their property, and the property itself shall be subject to suit or lien for reimbursement of such expenses at the conclusion of the thirty (30) day period.

(4) Upon the filing of the notice with the office of the Register of Deeds in Cheatham County, the costs shall be a lien on the property in favor of the town, second only to liens of the state, county and town for taxes, any lien of the town 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 placed on the tax rolls of the town as a lien and shall be added to property tax bills for collection at the same time and in the same manner as property taxes are collected and, if the said taxes remain unpaid, subsequently as delinquent property taxes are collected with the same penalty(ies) and interest as delinquent property taxes. In the event such expenses are not reimbursed by December 31 of the year in which they were incurred, or after the thirty (30) day period has expired, whichever is later, then the health officer shall notify the town attorney of all such amounts so expended, and the town attorney is authorized and directed to institute suits in the name of the Town of Pegram to recover all sums expended by the town pursuant to the provisions of this section, as well as all costs incurred in connection with collecting the unpaid expenses, including, but not limited to, interest, attorney fees and court costs.

(5) The owner of record who is aggrieved by the determination and order of the health officer may appeal the determination and order to the board of mayor and aldermen. The appeal shall be filed with the town recorder pursuant to subsection (2). Failure to timely appeal shall, without exception, constitute a waiver of the right to a hearing. Any person aggrieved by an order or act of the board of mayor and aldermen under this section may seek judicial review of the order or act. The fifteen (15) day period prescribed in subsection (2) is stayed during the pendency of a hearing.

(6) The provisions of this section are in addition and supplemental to, and not in substitution for, any other provision in the municipal charter, this municipal code of ordinances or other applicable law which permits the town to proceed against an owner, tenant or occupant of property. (1990 Code, § 8-103, modified, as amended by Ord. #2007-52, Aug. 2007, and replaced and renumbered by Ord. #2008-60, Jan. 2009)

13-103. 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. (1990 Code, § 8-101, as renumbered by Ord. #2008-60, Jan. 2009)

13-104. Stagnant water. It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property without treating it so as effectively to prevent the breeding of mosquitoes. (1990 Code, § 8-102, as renumbered by Ord. #2008-60, Jan. 2009)

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 town recorder and dispose of such animal in such manner as the town recorder shall direct. (1990 Code, § 8-104, as renumbered by Ord. #2008-60, Jan. 2009)

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. (1990 Code, § 8-105, as renumbered by Ord. #2008-60, Jan. 2009)

13-107. Throwing, dumping or depositing litter. A person shall not throw, dump, deposit or cause to be thrown, dumped or deposited litter, which includes garbage, refuse, rubbish and all other waste materials, on property owned by another person without the permission of the owner or occupant of such property or on any town street or road, upon town parks or recreation areas, or upon any other town property within the corporate limits, except for property designated for that use. (as renumbered by Ord. #2008-60, Jan. 2009)

13-108. 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 to cut such vegetation when it has reached a height of over one (1) foot. (as renumbered by Ord. #2008-60, Jan. 2009)

CHAPTER 2

DANGEROUS AND UNSAFE BUILDINGS

SECTION

- 13-201. Dangerous and unsafe buildings defined.
- 13-202. Dangerous and unsafe buildings declared nuisance.
- 13-203. Standards for repair, vacation or demolition.
- 13-204. Duties of health officer.
- 13-205. Occupancy of unsafe buildings; notice of prohibited occupancy.
- 13-206. Duties of board of mayor and aldermen.
- 13-207. Duties of town attorney.
- 13-208. Duties of fire department.
- 13-209. Emergency cases; imminent danger.
- 13-210. Owner absent from town.
- 13-211. Administrative liability.
- 13-212. Violations; penalty for disregarding notices or orders.
- 13-213. Expenses to be a lien on property.

13-201. Dangerous and unsafe buildings defined. All buildings or structures that have any or all of the following defects shall be deemed dangerous buildings:

(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 of 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 that 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 town.

(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, safety, or general welfare of those living within.

(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 inadequate 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 having parts attached in such a way that the part(s) may fall or otherwise detach and injure members of the public or damage property.

(9) Those which because of their condition are unsafe, unsanitary, or dangerous to the health, safety or general welfare of the townspeople of Pegram.

(10) Those buildings existing in violation of any provision of the building code of this town, or any provision of the fire prevention code, or other ordinances of the town. (as added by Ord. #2008-60, Jan. 2009)

13-202. Dangerous and unsafe buildings declared nuisance. All dangerous buildings, as defined in this chapter, are hereby declared to be public nuisances and shall be vacated, removed, repaired, rehabilitated or demolished as provided in this chapter. (as added by Ord. #2008-60, Jan. 2009)

13-203. Standards for repair, vacation or demolition. The following standards shall be followed in substance by the health officer, building inspector and/or the board of mayor and aldermen in ordering repair, vacation or demolition:

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

(2) If the dangerous building is in such condition as to make it dangerous to the health, safety, or general welfare of its occupants, it shall be ordered to be vacated and secured against further entry until such time as it is determined that said building is to be repaired or demolished pursuant to the provisions of § 13-206.

(3) In any case where a dangerous building is fifty percent (50%) damaged or destroyed, 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 other ordinance of the town or statute of the state, it shall be demolished. (as added by Ord. #2008-60, Jan. 2009)

13-204. Duties of health officer. The health officer, or his designee, shall:

(1) At reasonable intervals and/or when in his opinion he considers it reasonably necessary, inspect or cause to be inspected all public buildings, schools, halls, churches, theaters, hotels, tenements, commercial, manufacturing, or loft buildings for the purpose of determining whether any

conditions exist which render such places dangerous buildings within the terms of § 13-201.

(2) Inspect any building, wall or structure about which complaints are reported pursuant to town policy by any person to the effect that a building, wall or structure is or may exist in violation of the terms of this chapter.

(3) Inspect any building, wall or structure reported by the town's fire department or Cheatham County Sheriff's Department or town building inspector, or otherwise known to or believed by him, 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 Cheatham County Register of Deeds and any building found by him to be a dangerous building within the standards 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 person(s) having an interest in said building as shown by the land records of the Cheatham 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 is given such reasonable time, not exceeding sixty (60) days, as may be necessary to do, or have done, the work or act required by the notice provided for herein.

(5) Set forth, in the notification provided for in subsection (4) above, a description of the building or structure deemed unsafe, a statement of 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 sixty (60) days, as is reasonable.

(6) Report to the Town of Pegram Board of Mayor and Aldermen any noncompliance with the notification provided for in subsections (4) and (5) above.

(7) Appear at all hearings conducted by or at the direction of the Pegram Board of Mayor and Aldermen and testify as to the condition of dangerous buildings.

(8) Place a notice on all dangerous buildings, reading as follows:

"THIS BUILDING HAS BEEN FOUND TO BE A DANGEROUS AND UNSAFE BUILDING BY THE HEALTH INSPECTOR FOR THE TOWN OF PEGRAM, TENNESSEE. THIS NOTICE IS TO REMAIN ON THIS BUILDING UNTIL IT IS REPAIRED,

VACATED OR DEMOLISHED IN ACCORDANCE WITH THE NOTIFICATION PROVIDED 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 RECORDS IN THE TAX ASSESSOR'S OFFICE AND/OR BY THE LAND RECORDS OF THE CHEATHAM COUNTY REGISTER OF DEEDS. IT IS UNLAWFUL TO REMOVE THIS NOTICE UNTIL SUCH NOTICE IS COMPLIED WITH."

(as added by Ord. #2008-60, Jan. 2009)

13-205. Occupancy of unsafe buildings; notice of prohibited occupancy. If necessary, such notice shall also require the building or structure or portion thereof to be vacated forthwith and not re-occupied until the specific repairs and improvements have been completed and a valid certificate of occupancy has been issued. Such notice shall remain posted until the required repairs are made or until demolition is completed. It shall be unlawful for any person, firm, or corporation, their agents or representatives, to remove such notice without written permission of the health officer, or for any person to enter such building or structure except for the purpose of making the required repairs of or demolishing same. (as added by Ord. #2008-60, Jan. 2009)

13-206. Duties of board of mayor and aldermen. The Board of Mayor and Aldermen of the Town of Pegasus 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 Cheatham County Register of Deeds and/or the tax records in the tax assessor's office to appear before the board of mayor and aldermen on the date and time specified in the notice to show cause why the building or structure reported to be a dangerous building should not be repaired, vacated or demolished in accordance with the statement of particulars set forth in the 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 the building or structure as shown by the land records of the Cheatham County Register of Deeds or the tax records of the tax assessor's office 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 within the terms of 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 such building or structure as shown

by the land records of the Cheatham County Register of Deeds and/or the tax records in the tax assessor's office to repair, vacate or demolish any building or structure found to be a dangerous building within the terms of this chapter and provided that any person so notified shall have the opportunity of either vacating or repairing such dangerous building, or any person having an interest in such building may demolish said dangerous building at his own risk to prevent the acquiring of a lien against the land upon which said dangerous building stands.

(5) If the owner, occupant, mortgagee, or lessee fails to comply with the order provided for in subsection (4) above within the time period designated by the board of mayor and aldermen, not to exceed sixty (60) days, the board of mayor and aldermen shall cause such building or structure to be repaired, vacated or demolished as the facts may warrant, under the standards provided for in § 13-203, and may with the assistance of the town 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 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 this town, the board of mayor and aldermen shall notify the town attorney to take legal action to force the owner to make all necessary repairs or demolish the building or structure.

(6) Report to the town attorney the names of all persons not complying with the order provided for in subsection (4) above. (as added by Ord. #2008-60, Jan. 2009)

13-207. Duties of town attorney. The town attorney shall:

(1) Prosecute all persons failing to comply with the terms of the notices provided for herein in §§ 13-204(4) and (5) and 13-205 and/or the order provided for in § 13-206(4).

(2) Appear at all hearings before the board of mayor and aldermen in regard to dangerous buildings, when requested to do so.

(3) Bring suit to collect all municipal liens, assessments, or costs incurred by the board of mayor and aldermen 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. #2008-60, Jan. 2009)

13-208. Duties of 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 written reports must be delivered to the health officer or the mayor within twenty-four (24) hours of, or on the next business day following, discovery by the

fire chief. In the event a weekend or holiday next follows discovery of the dangerous building, the fire chief may make an initial oral report to the health officer or the mayor and then file his written report on the next business day following discovery. (as added by Ord. #2008-60, Jan. 2009)

13-209. Emergency cases; imminent danger. In cases where it reasonably appears that there is immediate danger to the life, health or safety of any person unless a dangerous building as defined herein is immediately repaired, vacated or demolished, the health officer shall have the right to cause the immediate repair, rehabilitation, removal, vacation or demolition of such dangerous building. For the purpose of immediately causing such building, structure or portion thereof to be made safe or removed, the health officer may enter such building, structure or premises upon which the imminent danger is located, or abutting land or structures, at once, with such assistance and at such cost(s) as he may deem necessary. The health officer may vacate adjacent buildings and/or structures and protect the public by appropriate barricades or other such means as may be necessary, and for this purpose may close a public or private street, alley or means of access. The costs of such emergency repair, vacation or demolition of such dangerous building, as well as any necessary vacation of adjacent properties, shall be collected in the manner provided in § 13-206. The decision of the health officer shall be final in cases of emergency, without notice to the owner, which in the health officer's opinion involve such imminent danger to human life, health or safety. (as added by Ord. #2008-60, Jan. 2009)

13-210. Owner absent from town. In cases, other than emergencies as defined in § 13-209, where the owner, occupant, lessee, or mortgagee is absent from the Town of Pegram, all notices or orders provided for herein shall be sent by registered mail to the owner, occupant, lessee or mortgagee and all other persons having an interest in said building as shown in the Cheatham County land records of the register of deeds and/or in the tax assessor's office, to the last known address of each and a copy of such notice shall be posted conspicuously on the dangerous building to which it relates. Such mailing and posting shall be deemed adequate service. Alternatively, the notices and orders provided for herein may be served on such parties in the same manner as a summons is served in the courts of general jurisdiction. (as added by Ord. #2008-60, Jan. 2009)

13-211. Administrative liability. No officer, agent or employee of the town 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 town as a result of any act required or permitted in the discharge of his duties under this chapter shall be defended by the town

attorney until the final determination of the proceeding. (as added by Ord. #2008-60, Jan. 2009)

13-212. Violations; penalty for disregarding notices or orders.

(1) Any owner of any dangerous building who shall fail to comply with any notice or order to repair, vacate or demolish such building when such notice or order is given by any person authorized by this chapter to give such notice or order shall be guilty of a misdemeanor and upon conviction thereof shall be fined as provided by municipal code or state statute.

(2) Any occupant or lessee in possession of a dangerous building who fails to comply with any notice to vacate or who fails to repair such building or structure in accordance with any notice given under the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be fined as provided by municipal code or state statute.

(3) Any person removing the notices provided for in §§ 13-204 and/or 13-205 shall be guilty of a misdemeanor and upon conviction thereof shall be fined as provided by municipal code or state statute.

(4) Each day that a violation of any provision of this chapter continues shall constitute a separate offense and an additional violation. Any fine imposed as a result hereof is intended to be remedial in nature for the purpose of deterrence and to protect the public health, safety and welfare of the residents of Pegasus. (as added by Ord. #2008-60, Jan. 2009)

13-213. Expenses to be a lien on property. Any and all expenses incurred under the requirements of this chapter shall be charged to the owner of the premises involved as shown by the books of the tax assessor's office and/or in the Cheatham County Register of Deed's office and shall be a lien against the real property upon which such costs were incurred, until paid. (as added by Ord. #2008-60, Jan. 2009)

CHAPTER 3

JUNKYARDS

SECTION

- 13-301. Definitions.
- 13-302. Junkyard screening.
- 13-303. Screening methods.
- 13-304. Requirements for effective screening.
- 13-305. Maintenance of screens.
- 13-306. Utilization of highway right-of-way.
- 13-307. Non-conforming junkyards.
- 13-308. Permits and fees.

13-301. Definitions. (1) "Junk" shall mean old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles, trucks, vehicles of all kinds, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

(2) "Junkyard" shall mean an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. This definition includes scrap metal processors, used auto parts yards, yards providing temporary storage of automobile bodies or parts awaiting disposal as a normal part of the business operation when the business will continually have like materials located on the premises, garbage dumps, sanitary landfills, and recycling centers. All junk stored or kept in such yards shall be so kept that it will not catch and hold water in which mosquitoes may breed and so that it will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared, or propagated. 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.

(3) "Recycling center" means an establishment, place of business, facility or building which is maintained, operated, or used for the storing, keeping, buying, or selling of newspaper or used food or beverage containers or plastic containers for the purpose of converting such items into a usable product.

(4) "Person" means any individual, firm, agency, company, association, partnership, business trust, joint stock company, body politic, or corporation.

(5) "Screening" means the use of plantings, fencing, natural objects, and other appropriate means which screen any deposit of junk so that the junk is not visible from the highways and streets of the town. (1990 Code, § 8-501, modified, as amended and renumbered by Ord. #2008-60, Jan. 2009)

13-302. Junkyard screening. Every junkyard shall be screened or otherwise removed from view by its owner or operator in such a manner as to

bring the junkyard into compliance with this chapter. (1990 Code, § 8-502, as renumbered by Ord. #2008-60, Jan. 2009)

13-303. Screening methods. The following methods and materials for screening are given for consideration only:

(1) Landscape planting. The planting of trees, shrubs, etc., of sufficient size and density to provide a year-round effective screen. Plants of the evergreen variety are recommended.

(2) Earth grading. The construction of earth mounds which are graded, shaped, and planted to a natural appearance.

(3) Architectural barriers. The utilization of:

(a) Panel fences made of metal, plastic, fiberglass, or plywood.

(b) Wood fences of vertical or horizontal boards using durable woods such as western cedar or redwood or others treated with a preservative.

(c) Walls of masonry, including plain or ornamented concrete block, brick, stone, or other suitable materials.

(4) Natural objects. Naturally occurring rock outcrops, woods, earth mounds, etc., may be utilized for screening or used in conjunction with fences, plantings, or other appropriate objects to form an effective screen. (1990 Code, § 8-503, as renumbered by Ord. #2008-60, Jan. 2009)

13-304. Requirements for effective screening. Screening may be accomplished using natural objects, earth mounds, landscape plantings, fences, or other appropriate materials used singly or in combination as approved by the town. The effect of the completed screening must be the concealment of the junkyard from view on a year-round basis.

(1) Screens which provide a "see-through" effect when viewed from a moving vehicle shall not be acceptable.

(2) Open entrances through which junk materials are visible from the main traveled way shall not be permitted except where entrance gates, capable of concealing the junk materials when closed, have been installed. Entrance gates must remain closed from sundown to sunrise.

(3) Screening shall be located on private property and not on any part of the highway right-of-way.

(4) At no time after the screen is established shall junk be stacked or placed high enough to be visible above the screen nor shall junk be placed outside of the screened area.

(5) 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. (1990 Code, § 8-504, modified, as renumbered by Ord. #2008-60, Jan. 2009)

13-305. Maintenance of screens. The owner or operator of the junkyard shall be responsible for maintaining the screen in good repair to insure the continuous concealment of the junkyard. Damaged or dilapidated screens, including dead or diseased plantings, which permit a view of the junk within shall render the junkyard visible and shall be in violation of this code and shall be replaced as required by the town.

If not replaced within sixty (60) days the town shall replace said screening and shall require payment upon demand. Failure to pay in full shall result in the fee plus interest to be assessed to the property and shall be combined with the subsequent taxation of the property by the town. (1990 Code, § 8-505, as renumbered by Ord. #2008-60, Jan. 2009)

13-306. Utilization of highway right-of-way. The utilization of highway right-of-way for operating or maintaining any portion of a junkyard is prohibited; this shall include temporary use for the storage of junk pending disposition. (1990 Code, § 8-506, as renumbered by Ord. #2008-60, Jan. 2009)

13-307. Non-conforming junkyards. Those junkyards within the town and lawfully in existence prior to the enactment of this code, which do not conform with the provisions of the code shall be considered as "non-conforming." Such junkyards may be subject to the following conditions, any violation of which shall terminate the non-conforming status:

- (1) The junkyard must continue to be lawfully maintained.
- (2) There must be existing property rights in the junk or junkyard.
- (3) Abandoned junkyards shall no longer be lawful.
- (4) The location of the junkyard may not be changed for any reason.

If the location is changed, the junkyard shall be treated as a new establishment at a new location and shall conform to the laws of the town.

(5) The junkyard may not be extended or enlarged. (1990 Code, § 8-507, as renumbered by Ord. #2008-60, Jan. 2009)

13-308. Permits and fees. It shall be unlawful for any junkyard located within the town to operate without a "Junkyard Control Permit" issued by the town.

(1) Permits shall be valid for the fiscal year for which issued and shall be subject to renewal each year. The town's fiscal year begins on July 1 and ends on June 30 the year next following.

(2) Each application for an original or renewal permit shall be accompanied by a fee of fifty dollars (\$50.00) which is not subject to either proration or refund.

(3) All applications for an original or renewal permit shall be made on a form prescribed by the town.

(4) Permits shall be issued only to those junkyards that are in compliance with these rules.

(5) A permit is valid only while held by the permittee and for the location for which it is issued. (1990 Code, § 8-508, as renumbered by Ord. #2008-60, Jan. 2009)

CHAPTER 4

**ABANDONED, WRECKED, DISMANTLED OR
INOPERATIVE VEHICLES¹**

SECTION

- 13-401. Definitions.
- 13-402. Storing, parking or leaving dismantled or other such motor vehicle prohibited: and declared nuisance: exceptions.
- 13-403. Notice to remove.
- 13-404. Responsibility for removal.
- 13-405. Hearing.
- 13-406. Removal of motor vehicle from property.
- 13-407. Notice of removal.
- 13-408. Disposition of vehicles.
- 13-409. Storage of vehicles.
- 13-410. Redemption of impounded vehicle.
- 13-411. Penalty.
- 13-412. [Deleted.]
- 13-413. [Deleted.]
- 13-414. [Deleted.]

13-401. Definitions. For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- (1) "Town" is the Town of Pegram.
- (2) "Mayor" is the Mayor of the Town of Pegram.
- (3) "Motor vehicle" is any vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to automobiles, buses, motor-bikes, motorcycles, motorscooters, trucks, tractors, riding lawn movers, go-carts, golf carts, campers and trailers.
- (4) "Junked motor vehicle" is any motor vehicle, as defined by § 13-401(3), which does not have lawfully affixed thereto an unexpired license plate or the condition of which is wrecked, dismantled, partially dismantled,

¹Municipal code reference

Motor vehicles and traffic: title 15.

State law reference

Tennessee Code Annotated, § 55-16-101, et seq.

inoperative, abandoned or discarded, or constitutes a public nuisance and/or affecting the health and safety of the community as a whole.

(5) "Person" shall mean any person, firm, partnership, association, corporation, company or organization of any kind.

(6) "Private property" shall mean any real property within the town which is privately owned and which is not public property as defined in this subsection.

(7) "Public property" shall mean any street or highway which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel, and shall also mean any other publicly owned property or facility.

(8) Failure to have lawfully affixed thereto an unexpired license plate as required in the State of Tennessee shall constitute a rebuttable presumption of a junked motor vehicle. (1990 Code, § 8-601, modified, as renumbered by Ord. #2008-60, Jan. 2009)

13-402. Storing, parking or leaving dismantled or other such motor vehicle prohibited: and declared nuisance: exceptions. No person shall park, store, leave, or permit the parking, storing, or leaving of any motor vehicle of any kind which is in an abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled condition whether attended or not, upon any public or private property within the town for a period of time in excess of seventy-two (72) hours. The presence of an abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled vehicle or parts thereof, on private or public property is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this chapter. This section shall not apply to any vehicle enclosed within a building on private property or to any vehicle held in connection with a business enterprise, lawfully licensed by the town and properly operated in the appropriate business zone, pursuant to the zoning laws of the town, or to any motor vehicle in operable condition specifically adopted or designed for operation on drag strips or raceways, or any vehicle retained by the owner for antique collection purposes operable and licensed. (1990 Code, § 8-602, as renumbered by Ord. #2008-60, Jan. 2009)

13-403. Notice to remove. (1) Prior to commencing the hearing procedure set out in this chapter, notices shall be provided to the owner or resident of the property upon which the said vehicle is located stating that the condition of the vehicle has caused a violation of this chapter and that unless this violation is corrected within twenty-four (24) hours, procedures will commence to effect the removal of the vehicle and all costs associated with said removal, as well as attorney fees and court costs if applicable, will be levied against the owner or occupant of the property. Such twenty-four (24) hour notice or one similar thereto shall also be provided to the vehicle owner and any lien holders to the extent that their name(s) and address(es) may be reasonably

ascertained after the town has first been apprised of such violation. If in the opinion of the fire chief, health officer, mayor or their designees, that an emergency exists, the vehicle may be removed immediately.

(2) 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 second 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 five (5) days before the time for compliance therewith. It shall constitute sufficient notice if a copy of same is posted in a conspicuous place upon the premises affected and a copy is mailed to such owner(s) and lien holder(s) at their last known address, place of residence or place of business. (1990 Code, § 8-603, as replaced and renumbered by Ord. #2008-60, Jan. 2009)

13-404. Responsibility for removal. Upon proper notice and opportunity to be heard, the owner of the abandoned, wrecked, dismantled, or inoperative vehicle and the owner or occupant of the private property on which the same is located, either or all of them, shall be responsible for its removal. In the event of removal and disposition by the town, the owner or occupant of the private property where same is located, shall be liable for the expenses incurred. (1990 Code, § 8-604, as renumbered by Ord. #2008-60, Jan. 2009)

13-405. Hearing. Within five (5) 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 Municipal Judge of the Town of Pegram, or its designee, for the purpose of defending the town's charges. 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, and the town and person(s) to whom the notice(s) have been directed may introduce such witnesses and evidence as either party deems necessary. (1990 Code, § 8-605, as replaced and renumbered by Ord. #2008-60, Jan. 2009)

13-406. Removal of motor vehicle from property. If the violation described in the notice has not been remedied within five (5) days of the mailing or service of the second notice, or in the event that a notice requesting a hearing is timely filed, a hearing is had and the existence of the violation is affirmed by the municipal judge, the mayor or his designee shall have the right to take possession of the junked motor vehicle and remove it from the premises. It shall be unlawful for any person to interfere with, hinder or refuse to allow the town designee to enter upon private property for the purpose of removing a vehicle under the provisions of this chapter. (1990 Code, § 8-606, as replaced and renumbered by Ord. #2008-60, Jan. 2009)

13-407. Notice of removal. Within forty-eight (48) hours of the removal of such vehicle, the mayor shall give notice to the registered owner of the

vehicle, if known, and also to the owner or occupant of the private property from which the vehicle was removed, that said vehicle, or vehicles, has been impounded and stored for violation of this chapter. The notice shall give the location of where the vehicle or vehicles, is stored, and the costs incurred by the town for removal. (1990 Code, § 8-610, as renumbered by Ord. #2008-60, Jan. 2009)

13-408. Disposition of vehicles. Upon removing a vehicle, the mayor shall sell the abandoned motor vehicle at a public auction on or after ten (10) days after its removal. The purchaser of the motor vehicle shall take title to the motor vehicle free and clear of all liens and claims of ownership, shall receive a sales receipt from the mayor and upon presentation of such sales receipt shall be entitled to receive a certificate of title from the Department of Revenue for the State of Tennessee. The proceeds of the sale of an abandoned motor vehicle shall be used for payment of the expenses of the auction, the cost of towing, preserving, and storing the abandoned motor vehicle, and all notice and publication costs, together with any other costs associated with the process. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or any entitled lienholder for period of sixty (60) days and if not claimed, then shall be deposited in the general fund of the town. Should the sale of any vehicle for any reason be invalid, the town's liability shall be limited to the return of the purchase price. (1990 Code, § 8-611, as renumbered by Ord. #2008-60, Jan. 2009)

13-409. Storage of vehicles. The town, through its agents, employees and servants, may utilize municipal property for the storage of impounded vehicles, and in such event shall be entitled to storage costs not to exceed ten dollars (\$10.00) per day, or a daily rate charged by a commercial storage facility, for enforcement as set forth herein. (as renumbered by Ord. #2008-60, Jan. 2009)

13-410. Redemption of impounded vehicle. The owner of any vehicle seized under the provisions of this chapter may redeem such vehicle at any time after its removal but prior to the sale or destruction thereof upon proof of ownership and payment to the Town of Pegram of any and all expenses incurred by the Town of Pegram in connection with the enforcement of this chapter as determined by the mayor or his designee. (1990 Code, § 8-612, as renumbered by Ord. #2008-60, Jan. 2009)

13-411. Penalty. Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction shall be subject to punishment in accordance with the general penalty provisions of this code of ordinances. Each act in violation of the provisions hereof and/or each day that an act is allowed to continue in violation of the provisions hereof is deemed a

separate offense and an additional violation. Any fine imposed as a result hereof is intended to be remedial in nature for the purpose of deterrence and to protect the public health, safety and welfare of the residents of Pegram. (1990 Code, § 8-613, modified, as amended and renumbered by Ord. #2008-60, Jan. 2009)

13-412. [Deleted.] (1990 Code, § 8-607, as deleted by Ord. #2008-60, Jan. 2009)

13-413. [Deleted.] (1990 Code, § 8-608, as deleted by Ord. #2008-60, Jan. 2009)

13-414. [Deleted.] (1990 Code, § 8-609, as deleted by Ord. #2008-60, Jan. 2009)

CHAPTER 5

SLUM CLEARANCE

SECTION

- 13-501. Findings of board.
- 13-502. Definitions.
- 13-503. "Public officer" designated; powers.
- 13-504. Initiation of proceedings; hearings.
- 13-505. Orders to owners of unfit structures.
- 13-506. When public officer may repair, etc.
- 13-507. When public officer may remove or demolish.
- 13-508. Lien for expenses; sale of salvage materials; other powers not limited.
- 13-509. Basis for a finding of unfitness.
- 13-510. Service of complaints or orders.
- 13-511. Enjoining enforcement of orders.
- 13-512. Additional powers of public officer.
- 13-513. Powers conferred are supplemental.
- 13-514. Structures unfit for human habitation deemed unlawful.

13-501. Findings of board. Pursuant to Tennessee Code Annotated, § 13-21-101, et seq., the board of mayor and aldermen finds that there exists in the town 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 town. (Ord. #1997-1, March 1997, as renumbered by Ord. #2008-60, Jan. 2009)

13-502. Definitions. (1) "Dwelling" means any building or structure, or part thereof, used and occupied for human occupation or use or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

(2) "Municipality" shall mean the Town of Pegram, Tennessee, and the areas encompassed within existing town limits or as hereafter annexed.

(3) "Governing body" shall mean the board of mayor and aldermen charged with governing the town.

(4) "Public officer" shall mean the officer or officers who are authorized by this chapter to exercise the powers prescribed herein and pursuant to Tennessee Code Annotated, § 13-21-101, et seq.

(5) "Public authority" shall mean any housing authority or any officer who is in charge of any department or branch of the government of the town or state relating to health, fire, building regulations, or other activities concerning structures in the town.

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

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

(8) "Structures" shall mean any dwelling or place of public accommodation or vacant building or structure suitable as a dwelling or place of public accommodation. (Ord. #1997-1, March 1997, as renumbered by Ord. #2008-60, Jan. 2009)

13-503. "Public officer" designated; powers. There is hereby designated and appointed a "public officer," to be the building inspector of the town, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the building inspector. (Ord. #1997-1, March 1997, as renumbered by Ord. #2008-60, Jan. 2009)

13-504. 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 town 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 his 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 his 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. (Ord. #1997-1, March 1997, as renumbered by Ord. #2008-60, Jan. 2009)

13-505. 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 occupancy or use, he shall state in writing his findings 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, during the time specified in the order, to repair, alter, or improve such structure to render

it fit for human occupancy or use or to vacate and close the structure for human occupancy 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. (Ord. #1997-1, March 1997, as renumbered by Ord. #2008-60, Jan. 2009)

13-506. 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 occupancy or use; the use or occupation of this building for human occupancy or use is prohibited and unlawful." (Ord. #1997-1, March 1997, as renumbered by Ord. #2008-60, Jan. 2009)

13-507. 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. (Ord. #1997-1, March 1997, as renumbered by Ord. #2008-60, Jan. 2009)

13-508. 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 shall be assessed against the owner of the property, and shall upon the filing of the notice with the office of the register of deeds of Cheatham County, 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. 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 action for debt against more than one 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 action shall not be considered by the court as a misjoinder of parties. If the structure is removed or demolished by the public officer, he 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 Cheatham 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 provided, however, that nothing in this section shall be construed to impair or limit in any way the power of the Town of Pegram to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (Ord. #1997-1, March 1997, as renumbered by Ord. #2008-60, Jan. 2009)

13-509. 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 he finds 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 Town of Pegram; 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; and uncleanness. (Ord. #1997-1, March 1997, as renumbered by Ord. #2008-60, Jan. 2009)

13-510. 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 person is 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 town. In addition, a copy of such complaint or order shall be posted in a conspicuous place on the 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 Cheatham County Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (Ord. #1997-1, March 1997, as renumbered by Ord. #2008-60, Jan. 2009)

13-511. Enjoining enforcement of orders. Any person affected by an order issued by the public officer served pursuant to this chapter may file a suit 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 suit 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. (Ord. #1997-1, March 1997, as renumbered by Ord. #2008-60, Jan. 2009)

13-512. 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 town 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 he deems necessary to carry out the purposes of this chapter; and

(5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate. (Ord. #1997-1, March 1997, as renumbered by Ord. #2008-60, Jan. 2009)

13-513. Powers conferred are supplemental. This chapter shall not be construed to abrogate or impair the powers of the town 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. (Ord. #1997-1, March 1997, as renumbered by Ord. #2008-60, Jan. 2009)

13-514. 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 town 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 town. (Ord. #1997-1, March 1997, modified, as renumbered by Ord. #2008-60, Jan. 2009)

CHAPTER 6

PENALTIES

SECTION

13-601. Penalties.

13-601. Penalties. Any violation of any provision of this title shall be punishable by a fine not to exceed fifty dollars (\$50.00), or not to exceed the maximum amount which the legislature of the State of Tennessee may hereafter establish. This section shall not apply to fines that are remedial in nature. (as renumbered by Ord. #2008-60, Jan. 2009)