

ORDINANCE 22-16

**AN ORDINANCE AMENDING THE MUNICIPAL CODE TITLE 13, PROPERTY MAINTENANCE REGULATIONS, CHAPTERS 1 AND 3, AS WELL AS ESTABLISHING CHAPTER 4 ENFORCEMENT.**

**WHEREAS**, the Board of Mayor and Aldermen wishes to amend the Municipal Code Title 13 Property Maintenance Regulations Chapters 1 and 3;

**WHEREAS**, the Board of Mayor and Aldermen wishes to establish Chapter 4 Enforcement in Title 13 Property Maintenance Regulations;

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Mayor and Aldermen that the Municipal Code Title 13 is amended as indicated below.

**\*Amends are made in bold, italics, and underlined text.**

TITLE 13

**PROPERTY MAINTENANCE REGULATIONS**

**CHAPTER**

1. MISCELLANEOUS.
2. JUNKYARDS.
3. ABANDONED AND DISCARDED VEHICLES.
4. **ENFORCEMENT**

**CHAPTER 1**

**MISCELLANEOUS**

**SECTION**

- 13-101. Health officer.
- 13-102. Smoke, soot, cinders, etc.
- 13-103. Stagnant water.
- 13-104. Overgrown and dirty lots.
- 13-105. Dead animals.
- 13-106. Health and sanitation nuisances.
- 13-107. House trailers.
- 13-108. Weeds and grass.

**13-101. Health officer.** The "health officer" shall be such city, county, or state officer as the board of mayor and aldermen shall appoint or designate to administer and enforce health and sanitation regulations within the city. (1979 Code, § 8-101)

**13-102. Smoke, soot, cinders, etc.** It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust, or gases as to be detrimental to or to endanger the health, comfort, and safety of the public or so as to cause or have a tendency to cause injury or damage to property or business. (1979 Code, § 8-105)

**13-103. Stagnant water.** It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property without treating it so as effectively to prevent the breeding of mosquitoes. (1979 Code, § 8-106)

**13-104. Overgrown and dirty lots.** (1) Prohibition. Pursuant to the authority granted to municipalities under Tennessee Code Annotated, § 6-54-113, it ~~It~~ shall be 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, or garbage or any combination of the preceding elements so as to endanger the health, safety, or welfare of other citizens or to encourage the infestation of rats and other harmful animals.

~~(2) Designation of public officer or department.~~ The mayor or administrator shall designate an appropriate department or person to enforce the provisions of this section.

~~(3) Notice to property owner.~~ It shall be the duty of the department or person so designated to enforce this section to serve notice upon the owner of record in violation of subsection (1) above, a notice in plain language to remedy the condition within ten (10) days (or twenty (20) days if the owner of record is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials), excluding Saturdays, Sundays, and legal holidays. The notice shall be sent by registered or certified United States Mail, addressed to the last known address of the owner of record. When an attempt at notification by United States mail fails or no valid last known address exists for the owner of record, the municipality may publish the notice in a newspaper of general circulation in the county where the property sits for no less than two (2) consecutive issues or personally deliver the notice to the owner of record. For purposes of this section, such publication shall constitute receipt of notice effective on the date of the second publication of the notice and personal delivery shall constitute receipt of notice immediately upon delivery. The notice shall state that the owner of the property is entitled to a hearing, and shall, at the minimum, contain the following additional information:

(a) A brief statement that the owner is in violation of § 13-104 of the municipal code, which has been enacted under the authority of Tennessee Code Annotated, § 6-54-113, and that the property of such owner may be cleaned up at the expense of the owner and a lien placed against the property to secure the cost of the clean-up;

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

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

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

~~(4) Clean up property owner's expense.~~ If the property owner of record fails or refuses to remedy the condition within ten (10) days after receiving the notice (twenty (20) days if the owner is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials), the department or person designated by the city administrator to enforce the provisions of this section shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards, and the cost thereof shall be assessed against the owner of the property. Upon the filing of the notice with the office of the register of deeds in Sumner or Robertson County, the costs shall be a lien on the property in favor of the municipality, second only to liens of the state, county, and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These cost shall be placed on the tax rolls of the municipality as a lien and shall be added to property tax bills to be collected 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.

~~(a) When the owner of an owner-occupied residential property fails or refuses to remedy the condition within ten (10) days after receiving the notice, the appropriate department or person shall~~



immediately cause the condition to be remedied or removed at a cost in accordance with reasonable standards in the community, with these costs to be assessed against the owner of the property. Subdivision (4) above shall apply to the collection of costs against the owner of an owner-occupied residential property, except that the municipality shall wait until cumulative charges for remediation equal or exceed five hundred dollars (\$500.00) before filing the notice with the register of deeds and the charges becoming a lien on the property. After this threshold has been met and the lien attaches, charges for costs for which the lien attached are collectible as provided in subdivision (4) above for these charges.

~~(5) Appeal. The owner of record who is aggrieved by the determination and order of the public officer may appeal the determination and order to the city administrator. The appeal shall be filed with the city recorder within ten (10) days following the receipt of the notice issued pursuant to subsection (3) above. The failure to appeal within the time shall, without exception, constitute a waiver of the right to a hearing.~~

~~(6) Judicial review. Any person aggrieved by an order or act of the city administrator under subsection (4) above may seek judicial review of the order or act. The time period established in subsection (3) above shall be stayed during the pendency of judicial review.~~

~~(7) Supplemental nature of this section. 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 city to proceed against an owner, tenant or occupant of property who has created, maintained, or permitted to be maintained on such property the growth of trees, vines, grass, weeds, underbrush and/or the accumulation of the debris, trash, litter, or garbage or any combination of the preceding elements, under its charter, any other provisions of this municipal code of ordinances or any other applicable law.~~

~~(8)(2) General requirements. Weeds and other similar regulated vegetation which has attained the height of twelve (12) inches or more shall be presumed to be detrimental to the public health and therefore a public nuisance. Such vegetation shall be controlled on property as set forth below:~~

- ~~(a) The entire area of any lot, parcel or tract containing two (2) acres or less.~~
- ~~(b) The entire area of any right-of-way between any lot, parcel or tract and the pavement of a public street. No weeds or other growth shall be permitted on corner lots which may cause a reduction in traffic visibility at intersections.~~
- ~~(c) Within twenty-five (25) feet on any building on any lot, parcel, or tract containing more than two (2) acres.~~
- ~~(d) Within twenty-five (25) feet of an adjacent property line at the request of the owner, regardless of acreage.~~
- ~~(e) Two (2) or more contiguous lots shall be treated as one (1) lot by this section.
  - ~~(i) Nothing in this chapter shall preclude the use of a parcel for agricultural purposes such as gardens, compost piles, orchards, vineyards, silage, or specific domesticated plants, which normally tend to exceed twelve (12) inches. In addition, nothing herein shall preclude the use of a parcel as a natural wooded area or the maintenance of natural screening provided that the health, safety, and welfare not be impaired.~~
  - ~~(ii) Nothing in this section shall prevent the open storage of items of inventory within a fenced area of any commercial or industrial activity such as lumber in a lumberyard, unless otherwise limited; nor shall this section prevent the open storage of building materials on an active construction site. Firewood stacked in an orderly manner shall not be considered a violation of this chapter provided it does not constitute a fire or health hazard.~~
  - ~~(iii) All enforcement actions with respect to § 13-104 shall commence upon receipt of a written signed complaint. All complaints should be appropriately documented, including photographic evidence of violation, and reflect the specific nature and location of the complaint.~~~~

**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. (1979 Code, § 8-108)

**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. (1979 Code, § 8-109)

**13-107. House trailers.** It shall be unlawful for any person to park, locate, or occupy any house trailer or portable building unless it complies with all plumbing, electrical, sanitary, and building provisions applicable to stationary structures and the proposed location conforms to the zoning provisions of the city and unless a permit therefor shall have been first duly issued by the building official, as provided for in the building code. (1979 Code, § 8-104)

**13-108. Weeds and grass.** Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property, and it shall be unlawful for any person to fail to comply with an order by the representative chosen by the mayor or administrator to cut such vegetation when it has reached a height of twelve (12) inches. (as added by Ord. #02-26, Oct. 2002)

### CHAPTER 3

#### ABANDONED AND DISCARDED VEHICLES

##### SECTION

13-301. Definitions.

13-302. Abandoning prohibited.

13-303. Leaving nonoperating junked vehicle on street prohibited.

13-304. Location or presence of inoperative, or abandoned vehicles, or unlicensed vehicles within city deemed public nuisance; exceptions.

~~13-305. Notice to property owner.~~

**13-301. Definitions.** The following definitions shall apply in the interpretation and enforcement of this chapter.

(1) "Abandoned vehicle" shall mean any vehicle or part thereof which is left unattended on public or private property for more than thirty (30) days, or a vehicle that has remained illegally on public property for a period of more than forty-eight (48) hours, or a vehicle that has remained on private property without the consent of the owner or person in control of the property for more than forty-eight (48) hours.

(2) Inoperable or inoperative as applied to vehicles, shall mean any vehicle that is not roadworthy if designed to be driven on public streets; or any vehicle that cannot be moved under its own power if designed to be moved under its own power, or a vehicle designed to be towed or hauled that is not safe and roadworthy for a towing or hauling, or vehicle parts that are not assembled so as to comprise a complete vehicle. Conditions that would render a vehicle not roadworthy would include damage or disrepair of such that it cannot be moved, steered, and stopped as designed, or a condition of the vehicle such that it cannot be operated in compliance with applicable traffic laws. Vehicle damage that is of a purely aesthetic nature would not, apart from other conditions, constitute an inoperable vehicle.

(3) "Property" shall mean any property within the city which is not a street highway or public right-of-way.

(4) "Vehicle" shall mean a machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners or slides and transport person or property or pull machinery, and shall include, without limitation, automobiles, trucks, trailers, motorcycles, tractors, and wagons.



(5) Unlicensed, as applied to vehicles, shall mean a vehicle with expired license plates or a vehicle without other lawfully required registration that is currently valid. (As added by Ord. #00-20, Sept. 2000, and amended by Ord. #02-25, Oct. 2002)

**13-302. Abandoning prohibited.** No person shall abandon any vehicle within the city, and no person shall leave any vehicle at any place within the city, for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned. (As added by Ord. #00-20, Sept. 2000)

**13-303. Leaving nonoperating junked vehicle on street prohibited.** No person shall leave any partially dismantled, nonoperating, wrecked, or junked vehicle on any street, alley or highway within the city, or on any public right-of-way. (As added by Ord. #00-20, Sept. 2000)

**13-304. Location or presence of inoperative, or abandoned vehicles, or unlicensed vehicles within city deemed public nuisance; exceptions.** The location or presence of any inoperable, or abandoned, or unlicensed vehicles on any lot, tract, parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, within the City of White House shall be deemed a public nuisance and it shall be unlawful for any person or persons to cause or maintain such public nuisance by wrecking, dismantling, rendering inoperable, abandoning their vehicle or vehicles on the property of another or to suffer, permit or allow the same to be placed, located, maintained or exist upon their own real property; provided that this section shall not apply to sub- sections (1), (2), (3).

(1) A vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property;

(2) A vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or other business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise;

(3) A vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the city or other governmental authority. (As added by Ord. #00-20, Sept. 2000, and amended by Ord. #01-12, June 2001, and Ord. #02-25, Oct. 2002)

**13-305. Notice to property owner.** It shall be the duty of the department or person so designated to enforce this section to serve notice upon the owner of record in violation of § 13-303, a notice in plain language to remedy the condition within thirty (30) days excluding Saturdays, Sundays, and legal holidays. The notice shall be sent by registered or certified United States Mail, addressed to the last known address of the owner of record. (as added by Ord. #02-25, Oct. 2002)

#### **CHAPTER 4**

#### **ENFORCEMENT**

##### **SECTION**

**13-401. Designation of public officer or department.**

**13-402. Notice to property owner.**

**13-403. Issuance of Citation.**

**13-404. Failure to appear.**

**13-405. Failure to comply.**

**13-401. Designation of public officer or department. The mayor or administrator shall designate an appropriate department or person to enforce the provisions of this section.**

13-402. Notice to property owner. It shall be the duty of the department or person so designated to enforce this section to serve notice upon the owner of record in violation of Title 13, a notice in plain language to remedy the condition within five (5) days excluding Saturdays, Sundays, and legal holidays. The notice shall state the date of violation, the violation to be remedied and the date the violation must be remedied. The notice shall include a copy of Chapter 4, Enforcement. The notice shall be sent by registered or certified United States Mail, addressed to the last known address of the owner of record. When an attempt at notification by United States mail fails or no valid last known address exists for the owner of record, the municipality may publish the notice in a newspaper of general circulation in the county where the property sits for no less than two (2) consecutive issues or personally deliver the notice to the owner of record. For purposes of this section, such publication shall constitute receipt of notice effective on the date of the second publication of the notice and personal delivery shall constitute receipt of notice immediately upon delivery.

13-403. Issuance of Citation. The designated public officer or department shall issue a citation to appear before the judge of the White House Municipal Court upon failure to remedy the property maintenance regulation within the required time in section 13-402.

13-404. Failure to appear. If the cited property owner fails to appear before the White House Municipal Court at the time, date, and location as indicated on the citation the judge may cause fine and other sanctions as allowed by law.

13-405. Failure to comply. If the property owner does not remedy the violation as required in the notice of violation, fails to appear per 13-404, or fails to comply with a court order the city may take action to remedy the violation at the expense of the owner. These costs shall be placed on the tax rolls of the municipality as a lien and shall be added to property tax bills to be collected 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.

This ordinance shall become effective upon its final reading and adoption by the Board of Mayor and Aldermen, and publication, the public welfare requiring it.

First Reading:	November 17, 2022	PASSED
Second Reading:	December 15, 2022	PASSED

  
Farris H. Bibb, Jr., Mayor

ATTEST:

  
Derek Watson, City Recorder