

CHAPTER 8

JUNK, WEEDS, MISCELLANEOUS NUISANCES

SECTION

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8-801. Intent. It is the intent of this chapter to prohibit the accumulation of grass, weeds, motor vehicles, dead trees, abandoned or inoperable appliances, pools of water, trash, debris or other scrap or salvage material which shall threaten or endanger the public health, safety or welfare so as to constitute a nuisance. The owner, occupant, tenant, or agent or designee of any owner or occupant of said premises where the violations occur shall be jointly and severally liable for any violations of said chapter and shall jointly and severally be liable for the penalty provisions provided under the terms and conditions of 8-806, 8-807, and 8-808 (Ord. #812, 11/05/92).

8-802. Definitions.

A. Grass: Any of numerous plants of the family graminea measured to be a minimum of one foot in height, measuring from the base of the plant at ground surface level.

B. Weeds: Any of a various commonly or abundantly growing plants measured to be a minimal of one foot in height, measuring from the base of the plant at ground surface level.

C. Dead tree: Any tree which is dead and located closer than a distance equal to or less than its own height plus ten feet from the nearest adjoining property line.

D. Motor vehicle: Any automobile or any another motor vehicle manufactured for transportation which is incapable of being self-propelled upon the public streets or which does not meet the requirements for operation on the public streets, including current licenses and registration; also, if the vehicle is not functional within thirty (30) days of notice provided hereinbelow and registered within thirty (30) days of the notice provided hereinbelow, it will be considered a motor vehicle subject to the terms of this chapter.

E. Abandoned or inoperable appliance: Any manufactured appliance not functional and not presently used for its manufactured purpose.

F. Pools of water: Any accumulation of water or other liquid which is allowed to accumulate and remain upon any premises which shall become stagnant and foul.

G. Maintenance of nuisance: Any act of any person or group with the City whereby the health or life of any person may be endangered, injured or impaired, or any disease may, directly or indirectly, be caused by the act, or because of the act any property may be endangered, injured or damaged, is hereby declared to be a nuisance and is unlawful.

8-803. Prohibited Acts. The following acts shall be prohibited:

A. Grass and Weeds. No owner of any lot, place or area within the City, or the agent of such owner, shall permit any developed lot, place or area, on any undeveloped lot, place or area within one hundred fifty (150) feet of any street, residential, or commercial property, any weeds or grass of height in excess of twelve inches.

B. Dead tree. Any dead tree as defined in 8-802 shall be prohibited within the corporate limits of the City of Paris.

C. Motor vehicle. It shall be unlawful to have on any premise any vehicle as defined hereinabove. Provided, however, this chapter is not applicable to temporary storage of such defined vehicles when such storage is incidental to a related commercial business in a zone allowing such business under the provisions of Title 11 of the Paris Municipal Code. Provided, further, that such temporary storage is limited to no more than five such vehicles at any one time. If any additional temporary storage of such vehicles is done, said shall only be allowed in an enclosed facility meeting the following screening requirements: 1) a fence a minimum of 6' high 2) sight obscuring; 3) meets all other requirements of Title 11 of the Paris Municipal Code.

D. Storage of Abandoned Appliances. Storage of any abandoned appliance as provided in 8-802 is prohibited. Provided, however, this chapter is not applicable to the temporary storage of such abandoned appliances when such storage is incidental to a related business in a zone allowing such business under the provisions of Title 11 of the Paris Municipal Code. Provided, further, that such storage shall be in an enclosed facility meeting the screening requirements and meet all other requirements of Title 11 of the Paris Municipal Code.

E. Acts of Nuisance. Acts of nuisance shall include but are not expressly restricted to:

(1) The owner, occupant, or agent of any owner or occupant of lots, parcels or areas within the City permitting the premises to become unsanitary or a fire menace by allowing any offensive or unsafe matter to grow, accumulate, or otherwise occupy and remain upon such premises.

(2) The owner, occupant, or agent of any owner or occupant of lots, parcels, or areas within the City permitting pools of water to accumulate and remain upon the premises.

(3) The owner, occupant, or agent of any owner or occupant of lots, parcels or areas within the City in a residential area allowing any prohibited item as defined in 8-802 to accumulate and remain upon the premises as a possible harborage for rats, snakes, or other vermin.

F. Dilapidated buildings. It shall be unlawful for any person owning or controlling real property within the corporate limits to maintain or permit to exist on such property any building or structure which is in a dilapidated or unsafe condition (Ord. #218, 08/03/70, Ord. #755, 06/06/91).

G. 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 or gases, as to be detrimental to or to endanger the health, comfort, and safety of the public or so as to cause, to have a tendency to cause injury or damage to property or business (Ord. #755, 06/06/91).

H. 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 from flies, rodents, pigeons, or other vermin or fowl on or about the premises such as to constitute a threat to the public health, safety, or welfare of persons or property on or about the premises (Ord. #755, 06/06/91).

8-804. Enforcement. The Building Inspector and/or Health Officer is hereby authorized and empowered to investigate and order the correction of any violations of the terms and conditions of this ordinance (Ord. #755, 06/06/91).

8-805. Notice to correct violations. Upon the failure of any owner to cut, trim, remove, screen, or otherwise abate any of the prohibited acts cited in 8-803 of any of the defined conditions, it shall be the duty of the Building Inspector to serve a notice mailed by certified mail to the last known address of the person or persons having ownership, possession, or control over the offending premises, or such notice may be served personally to the owner of the property, or may be posted on the property on which the violation exists. Said notice shall set forth those requirements for bringing said property within the terms and conditions of this ordinance and shall state that said corrective action shall be taken within seven (7) days from the receipt of said notice or posting (Ord. #720, 10/05/89).

8-806. Action in the event of noncompliance.

A. Upon the failure of any owner of lots or property which is in violation of the terms and conditions of this ordinance to correct said violations within seven (7) days from notice thereof, the Building Inspector and/or Health Officer is authorized and directed to correct such violations as specified in this ordinance and a statement of the costs thereof shall be prepared and filed by the City Recorder for collection. The cost to said owner shall be billed at a designated hourly rate to be determined by the City Manager based upon the hourly cost of personnel and equipment used in said removal, or any actual cost for such private services which were contracted for by the City, but in no case shall said charge be less than Fifty Dollars (\$50.00). The costs and expenses incurred by the City under the provisions of this section shall be billed to the owner of said property. If said charges have not been paid by such owner within thirty (30) days after the date of billing, then the provisions of 8-807 shall apply (Ord. #755, 06/06/91, Ord. #812, 11/05/92, Ord. #893, 04/04/96).

B. In the event that any property owner which has been given a notice to correct violations as specified in 8-806 allows the same condition to reoccur, or another condition to reoccur, or another condition prohibited by the provisions of 8-801, et. seq., to occur within seventy-two (72) hours of any corrected violation, then the building inspector and/or health officer is authorized and directed to correct such violations and a statement of the costs thereof shall be prepared and filed with the finance director for collection under the same terms and conditions as specified in A. above. Prior to taking the remedial actions specified in this section, the building inspector shall serve personally to the person or persons either having ownership, possession, or control over the offending premises, or any adult resident of the offending premises or any employee of the business operated on such offending premises, a notice of the violation and those requirements for bringing said property within the terms and conditions of the provisions of 8-801, et. seq. Such notice shall provide that the violation shall be corrected within twenty-four (24) hours from the date of said notice (Ord. #893, 04/04/96).

8-807. Collection of unpaid costs. Where the full amount due the City is not paid by such owner within thirty (30) days after billing for the work required under the provision of this ordinance, then in that case, the Building Inspector shall cause to be recorded in the Register's Office of Henry County, Tennessee, a sworn statement showing the costs and expenses incurred by the City or the costs and expenses incurred on behalf of the City, for the

work, the date on which said work was done, and the property on which said work was done. The recordation of such sworn statement shall constitute a lien and privilege on the property, and shall remain in full force and effect for the amount due, plus court costs, attorney's fees, and any other costs of collection, until final payment has been made; said costs and expenses shall be collected in the manner fixed by law for the collection of taxes and, further, shall be subject to a delinquent penalty of eighteen percent (18%) per annum in the event same is not paid in full on or before the tax bill on said property is due and payable; sworn statements recorded in accordance with the provisions hereof shall be prima facie with the evidence that all legal formalities and been complied with and that the work has been done properly and satisfactorily, and shall be full notice to every person concerned that the amount of this statement, plus delinquent penalty and other costs and expenses, constitute a charge against the property designated or described in the statement, and that the same is due and collectible as provided by law. When placed in the hands of the City Attorney for collection, thirty-three percent (33%) of the unpaid charges for such costs incurred by the City shall be added to the principal and interest for the attorney's services in making such collections and retained by him (Ord. #658, 03/05/87).

8-808. Violations – Misdemeanors – Penalties. Any violation of any section of this chapter upon conviction shall be punished by a fine of not less than or more than fifty dollars (\$50.00), and such fine and costs shall not be forgiven, deferred, suspended, or waived by the City Judge. Such assessment of fines and costs shall be deemed to be in addition to the cost and expenditures charged the property owner and assessed against the property in the event of non-payment as provided in 8-106 and 8-107. After the notice periods provided in 8-805 and 8-806 have expired, where applicable, each day such violation is allowed to continue to exist shall be considered an individual violation and shall constitute a separate misdemeanor offense under this section. The City Manager, or his designated representative, may, if multiple violations occur pursuant to the provisions of 8-806, authorize the filing of a separate warrant in city court for each day such violations are allowed to continue to exist and, upon conviction, any violation of any such section of this chapter shall be punished by a fine for each said violation of not less than nor more than fifty dollars (\$50.00), and such fine, together with the costs of the cause, shall not be forgiven, deferred, suspended, or waived by the City Judge (Ord. #812, 11/05/92, Ord. #893, 04/04/96).