

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. JUNKYARDS.
3. SLUM CLEARANCE.
4. DISPLAY OF GOODS.
5. OPEN STORAGE OF REFUSE, JUNK, ABANDONED MOTOR VEHICLES AND RUBBISH.

CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Health officer.
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- 13-103. Stagnant water.
- 13-104. Weeds.
- 13-105. Dead animals.
- 13-106. Health and sanitation nuisances.
- 13-107. House trailers.

13-101. Health officer. The "health officer" shall be such municipal, county, or state officer as the city manager shall appoint or designate to administer and enforce health and sanitation regulations within the municipality. (1985 Code, § 8-401)

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. (1985 Code, § 8-405)

13-103. Stagnant water. It shall be unlawful for any person to knowingly allow any pool of stagnant water to accumulate and stand on his property without treating it so as to effectively prevent the breeding of mosquitoes. (1985 Code, § 8-406)

¹Municipal code references

Animal control: title 10.

Littering streets, etc.: § 16-107.

Toilet facilities in beer places: § 8-211(10).

13-104. 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 by the city manager or chief of police to cut such vegetation when it has reached a height of over one (1) foot.

In the event the owner or tenant fails within ten (10) days to comply with the order of the city manager or the chief of police, the City of Lewisburg may go upon the premises and cut the grass or other vegetation and charge the owner or tenant for the expense of cutting. (1985 Code, § 8-407)

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. (1985 Code, § 8-408)

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. (1985 Code, § 8-409)

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 municipality and unless a permit therefor shall have been first duly issued by the building official, as provided for in the building code. (1985 Code, § 8-404)

CHAPTER 2**JUNKYARDS****SECTION**

13-201. Junkyards.

13-201. Junkyards.¹ All junkyards within the corporate limits shall be operated and maintained subject to the following regulations:

(1) All junk stored or kept in such yards shall be so kept that it will not catch and hold water in which 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.

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

(3) Such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety. (1985 Code, § 8-410)

¹State law reference

The provisions of this section were taken substantially from the Bristol ordinance upheld by the Tennessee Court of Appeals as being a reasonable and valid exercise of the police power in the case of Hagaman v. Slaughter, 49 Tenn. App. 338, 354 S.W.2d 818 (1961).

CHAPTER 3

SLUM CLEARANCE¹

SECTION

- 13-301. Findings of board.
- 13-302. Definitions.
- 13-303. "Public officer" designated; powers.
- 13-304. Initiation of proceedings; hearings.
- 13-305. Orders to owners of unfit structures.
- 13-306. When public officer may repair, etc.
- 13-307. When public officer may remove or demolish.
- 13-308. Lien for expenses; sale of salvage materials; other powers not limited.
- 13-309. Basis for a finding of unfitness.
- 13-310. Service of complaints or orders.
- 13-311. Enjoining enforcement of orders.
- 13-312. Additional powers of public officer.
- 13-313. Powers conferred are supplemental.
- 13-314. Structures unfit for human habitation deemed unlawful.

13-301. Findings of board. Pursuant to Tennessee Code Annotated, § 13-21-101, *et seq.*, the city council finds that there exists in the city 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 city. (1985 Code, § 4-601, modified)

13-302. 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) "Governing body" shall mean the city council charged with governing the city.

(3) "Municipality" shall mean the City of Lewisburg, Tennessee, and the areas encompassed within existing city limits or as hereafter annexed.

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

¹State law reference

Tennessee Code Annotated, title 13, chapter 21.

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

(6) "Place of public accommodation" means any building or structure in which goods are supplied or services performed, or in which the trade of the general public is solicited.

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

(8) "Public officer" means any officer or officers of a municipality or the executive director or other chief executive officer of any commission or authority established by such municipality or jointly with any other municipality who is authorized by this chapter to exercise the power prescribed herein and pursuant to Tennessee Code Annotated, § 13-21-101, et seq.

(9) "Structure" means any dwelling or place of public accommodation or vacant building or structure suitable as a dwelling or place of public accommodation. (1985 Code, § 4-601, modified)

13-303. "Public officer" designated; powers. There is hereby designated and appointed a "public officer," to be the city manager of the city, or the person appointed and designated by the city manager, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the city manager. (1985 Code, § 4-602, modified)

13-304. 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 city 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. (1985 Code, § 4-601, modified)

13-305. 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 occupation

or use, he shall state in writing his finding 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, within the time specified in the order, to repair, alter, or improve such structure to render it fit for human occupation or use or to vacate and close the structure for human occupation 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. (1985 Code, § 4-601, modified)

13-306. 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 occupation or use. The use or occupation of this building for human occupation or use is prohibited and unlawful." (1985 Code, § 4-601, modified)

13-307. 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. (1985 Code, § 4-601, modified)

13-308. 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 Marshall 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 (1) 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 (1) 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 Marshall 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 to the person found to be entitled thereto by final order or decree of such court. Nothing in this section shall be construed to impair or limit in any way the power of the City of Lewisburg to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (1985 Code, § 4-601, modified)

13-309. 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 City of Lewisburg. 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; or uncleanness. (1985 Code, § 4-601, modified)

13-310. 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 persons are 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 city. In addition, a copy of such complaint or order shall be posted in a conspicuous place on 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 Marshall County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (1985 Code, § 4-601, modified)

13-311. Enjoining enforcement of orders. Any person affected by an order issued by the public officer served pursuant to this chapter may file a bill 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 bill 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. (1985 Code, § 4-601, modified)

13-312. 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 city 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. (1985 Code, § 4-601, modified)

13-313. Powers conferred are supplemental. This chapter shall not be construed to abrogate or impair the powers of the city 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. (1985 Code, § 4-601, modified)

13-314. 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 city 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 city.

Violations of this section shall subject the offender to a penalty of up to five hundred dollars (\$500) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (1985 Code, § 4-603, modified)

CHAPTER 4

DISPLAY OF GOODS

SECTION

- 13-401. Definitions.
- 13-402. Duty to maintain property.
- 13-403. Declaration of public nuisance.
- 13-404. Exemptions.
- 13-405. Location of personal property to be sold.
- 13-406. Inside storage.
- 13-407. License/permit.
- 13-408. Nuisances.
- 13-409. Intent and purpose.
- 13-410. Penalty and notice.

13-401. Definitions. For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings herein given:

- (1) "City" shall mean the City of Lewisburg, Tennessee;
- (2) "Corridors" shall mean East and West Commerce Streets, Cornersville Road, and Verona Road (2nd Avenue and Nashville Highway) extended to the municipal boundaries and all of Ellington Parkway (By-Pass), but specifically excluded is that area designated as the Downtown Area as described in Ordinance No. 98-02;
- (3) "Junk" shall mean discarded, broken, or disabled material or goods, including but not limited to, furniture, appliances, tools, machinery, vehicles, vehicle parts, tires and accessories, or other items that are not in functioning order;
- (4) "Junk yards" shall mean business regulated by § 13-201 of the municipal code;
- (5) "Municipal boundaries" shall mean the limits of the City of Lewisburg, Tennessee as they now exist or as they may hereinafter change;
- (6) "Municipal code" shall mean Municipal Code of the City of Lewisburg, Tennessee;
- (7) "Owner" shall mean any person owning property and shall also mean any lessee, tenant or other person having control or possession of the property and/or personal property;
- (8) "Person" shall mean a person, partnership, corporation or any business entity;
- (9) "Personal property" shall mean all personal property customarily used or kept inside buildings, including but not limited to, office and household furniture, appliances, and equipment, recreational and fitness apparatus and equipment, clothes, etc.;

(10) "Premises" shall mean realty, whether improved or vacant, contiguous to the right-of-way of a corridor;

(11) "Property" shall mean land and any building or structures located thereon.

(12) "Signs" shall mean signs as provided for in Ordinance No. 98-02. (as added by Ord. #00-02, § 1, April 2000)

13-402. Duty to maintain property. No owner shall maintain or allow to be maintained on such premises any of the following conditions visible from any public street:

(1) Personal property. (as added by Ord. #00-02, § 2, April 2000)

13-403. Declaration of public nuisance. Any property found to be maintained or kept in violation of this chapter shall be declared to be a public nuisance and shall be abated by rehabilitation, removal, demolition or repair. (as added by Ord. #00-02, § 3, April 2000)

13-404. Exemptions. Nothing in § 13-402 of this chapter shall be applicable to automotive dealers licenses by the State of Tennessee, and retailers of new merchandise or farm equipment, and yard sales conducted pursuant to Ordinance 99-09. (as added by Ord. #00-02, § 4, April 2000)

13-405. Location of personal property to be sold. (1) All personal property for sale shall be displayed within the building setback lines as prescribed by the city's zoning ordinance No. 90-4.

(2) No personal property shall be placed on any sidewalk adjacent to any premises. (as added by Ord. #00-02, § 5, April 2000)

13-406. Inside storage. All personal property shall be placed inside a building from sunset to sunrise. (as added by Ord. #00-02, § 6, April 2000)

13-407. License/permit. No person shall sell or attempt to sell personal property from any premises without obtaining the applicable license or permit from the city. (as added by Ord. #00-02, § 7, April 2000)

13-408. Nuisances. No person shall maintain or keep any nuisance on any premises, nor shall any person keep or maintain a premises in a manner causing substantial diminution in the value or other property in the neighborhood in which the premises is located. (as added by Ord. #00-02, § 8, April 2000)

13-409. Intent and purpose. It is the express purpose of this chapter to provide for and promote the health, safety, and welfare of the general public, and not to create or otherwise establish or designate a particular class or group

of persons who will or should be specially protected, harmed, benefitted or damaged by the terms of this chapter.

It is the special intent of this chapter to place the obligation of complying with its requirements upon persons owning, renting, leasing or possessing the property and no term used in this chapter is intended to impose any duty upon the city, its officers and employees, for whom enforcement or implementation of this chapter shall be discretionary and not mandatory;

Nothing in this chapter is intended to be, nor shall be, construed to create or form the basis for any liability on the city, its officers and employees or agents, for any injury or damage resulting from the failure of a person to comply with this chapter, or by reason of any action or inaction by the city related in any manner to the enforcement of this chapter by its officers, employees or agents. (as added by Ord. #00-02, § 9, April 2000)

13-410. Penalty and notice. Any person found guilty of violating any provision of this chapter is subject to a penalty of not more than \$500.00 and each day of violation shall be considered a separate violation subject to such penalty.

In addition to the penalty provided for in this section, the city may serve written notice ("Notice") that any violation of this chapter shall be abated.

(1) Notice shall be certified return receipt requested or by personal service by a person authorized by law to serve subpoenas.

(2) The notice to abate shall specify the street address, tax parcel number, the nature or the condition to be abated, name(s) of owner(s) and person(s) in possession, if other than owner(s), the time within which the condition shall be abated and the manner of abatement.

(3) If the abating action required has not been fully performed within the time specified in the notice, such failure to abate shall be made known to the city council, which by resolution direct that the specified work of abatement be performed at city's expense by city employees or private contractors, and the cost thereof be placed in the tax rolls as a special assessment and lien on the property described in the notice and collected as an ad valorem tax. (as added by Ord. #00-02, § 10, April 2000)

CHAPTER 5

OPEN STORAGE OF REFUSE, JUNK, ABANDONED MOTOR VEHICLES AND RUBBISH

SECTION

- 13-501. Prohibition.
- 13-502. Definitions.
- 13-503. Exceptions.
- 13-504. Notice to remove.
- 13-505. Consent of notice.
- 13-506. Failure to comply with notice.
- 13-507. Penalties
- 13-508. Procedure for enforcement of chapter.

13-501. Prohibition. It shall be unlawful for the owner and/or occupant of any residential or commercial building, structure, or property within the city limits of the City of Lewisburg to utilize or permit the utilization of the premises of such property for the open display, storage, stacking, piling or scattering of any refuse, junk, abandoned motor vehicles or rubbish. It shall be the duty or responsibility of every such property owner and/or occupant to keep the premises clean and remove all refuse, junk, abandoned motor vehicles or rubbish from the premises. (as added by Ord. #04-07, Oct. 2004)

13-502. Definitions. (1) An abandoned motor vehicle is one which does not have lawfully affixed thereto any unexpired license plate or plates and is in the state of disrepair, wrecked, dismantled, partially dismantled, discarded and is incapable of being moved under it's own power.

(2) Motor vehicle is any vehicle which is designed to be self-propelled and to travel along the ground, and shall include but not be limited to automobiles, buses, motor bikes, motorcycles, motor scooters, all terrain vehicles (ATV's), trucks, tractors, gocarts, campers and trailers.

(3) Refuse, junk, and rubbish shall include, but not be limited to, abandoned motor vehicles or parts thereof, machinery or parts thereof, appliances or parts thereof, glass, building materials, building rubbish, old rope, rags, paper, bottles, iron or other base metals, all articles discarded or no longer used as a manufactured article composed of any one or more of the materials mentioned herein, or any residential or commercial refuse, byproduct, waste or remains. (as added by Ord. #04-07, Oct. 2004)

13-503. Exceptions. This chapter shall not apply to the display of new or used vehicles by a car dealership or to the temporary storage of vehicles being repaired by a body shop or repair garage. This chapter shall not apply to any motor vehicle retained by the owner for antique collection purposes and licenced

by the State of Tennessee as such a vehicle. This chapter shall also not apply to the orderly stacking of lumber and materials at lumber yards or building supply businesses or to the temporary storage of building supplies on the site of commercial or residential building projects. No exceptions shall invite plundering, or endanger the health and safety of others, or create a fire hazard, or materially depreciate the value of the real property of others. (as added by Ord. #04-07, Oct. 2004)

13-504. Notice to remove. Whenever a violation of this chapter shall come to the attention of the Codes Enforcement Officer for the City of Lewisburg, or his/her designee, he/she shall serve a notice in writing to remove the violation upon the occupant and owner of the property where the violation exists. It shall constitute sufficient notice when a copy of same is posted in a conspicuous place upon the property alleged to be in violation of this chapter and duplicate copies are sent by registered mail to the occupant and owner of the property at his/their last known address. (as added by Ord. #04-07, Oct. 2004)

13-505. Consent of notice. The notice shall fully describe the alleged violation of this chapter and shall allow the occupant and/or owner of the property thirty (30) days to remove the violation from the premises prior to any further action by the codes enforcement officer. (as added by Ord. #04-07, Oct. 2004)

13-506. Failure to comply with notice. Any person failing to comply with the notice to remove within thirty (30) days shall be cited into the Municipal Court for the City of Lewisburg at its next regular convening. (as added by Ord. #04-07, Oct. 2004)

13-507. Penalties. Violation of this chapter shall upon conviction, result in an imposition of a fine up to \$500.00 for each offense, plus the imposition of costs. Each separate day such violation is continued after the conviction shall constitute a separate offense. After a conviction for violation of this chapter becomes final, the City of Lewisburg may, at its discretion, choose to enter upon the offending premises and remove the refuse, junk, abandoned motor vehicles or rubbish. In that event, the occupant and/or owner shall be jointly liable to the City of Lewisburg for all reasonable costs associated with the removal of the refuse, junk, abandoned motor vehicles or rubbish. (as added by Ord. #04-07, Oct. 2004)

13-508. Procedure for enforcement of chapter. (1) Notice shall be sent by the codes enforcement officer or his/her designee to the owner and occupant of the premises.

(2) If the violation persists beyond the 10 day limit announced in the notice, then citations to city court should be issued and served on the owner and occupant.

(3) A hearing will be held in city court to determine whether a violation of the ordinance exists.

(4) If a violation is found, then the court, pursuant to Tennessee Code Annotated, § 6-54-308, can penalize the violator up to \$500.00 plus court costs. This is a continuing offense and the penalty can be increased per day for as long as the violation continues. The violator has 10 days to appeal.

(5) After the 10 day time period for appeal has passed, pursuant to Tennessee Code Annotated, § 6-54-303, in all municipal court where the judge has entered a judgement for fines and costs, and the same remain unpaid for 30 days thereafter, the court is authorized by and through it's clerk to issue execution. Execution may be had on the bank accounts of the violators. This option will probably not be effective after the first withdrawal however, and does not ensure that the property will be cleaned. The clerk can also issue garnishment of the violator's wages and levy of execution on the violator's personal and real property.

(6) After the judgement is final, the city can enter the premises and clean the place. The owner and/or occupant can be charged with the clean up costs. This will require a second citation to city court to determine the reasonableness of the costs and obtain a judgement for those costs. This will also involve the risk of civil action against the city if the violator claims that the refuse, junk, abandoned motor vehicles and rubbish were his personal treasures and not junk at all. Careful oversight and documentation should be kept if this option is pursued.

(7) After the judgement is final, if the city does not wish to undertake the clean up and attempt to recover the costs, the violator may be held in contempt for failing to abide by the order of the municipal court. Pursuant to Tennessee Code Annotated, § 29-9-103, the fine for contempt of a municipal court is \$10.00. The municipal court has the power not only to fine, but also to jail violators for contempt. According to Tennessee Code Annotated, § 29-9-104, if the contempt consists in an omission to perform an act which it is yet in the power of the person to perform, he may be imprisoned until he performs it. (as added by Ord. #04-07, Oct. 2004)