

## TITLE 13

### PROPERTY MAINTENANCE REGULATIONS<sup>1</sup>

#### **CHAPTER**

1. MISCELLANEOUS.
2. MOVING BUILDINGS.
3. SUB-STANDARD BUILDINGS OR STRUCTURES.

#### **CHAPTER 1**

##### MISCELLANEOUS

#### **SECTION**

- 13-101. Health officer.
- 13-102. Stagnant water.
- 13-103. Weeds.
- 13-104. Overgrown and dirty lots.
- 13-105. Dead animals.
- 13-106. Health and sanitation nuisances.
- 13-107. Violations and penalty.

**13-101. Health officer.** The "health officer" shall be such municipal, county, or state officer as the governing body shall appoint or designate to administer and enforce health and sanitation regulations within the municipality. (1993 Code, § 8-401)

**13-102. Stagnant water.** It shall be unlawful for any person to knowingly allow any pool of stagnant water to accumulate and stand on his property. (1993 Code, § 8-406)

**13-103. 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. (1993 Code, § 8-407)

<sup>1</sup>Municipal code references

Animal control: title 10.

Air pollution control: appendix 2.

Littering streets, etc.: § 16-107.

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

**13-104. Overgrown and dirty lots.<sup>1</sup>** (1) Prohibition. Pursuant to the authority granted to municipalities under Tennessee Code Annotated, § 6-54-113, 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) Limitation on application. The provisions of this section shall not apply to any parcel of property upon which an owner-occupied residence is located.

(3) Designation of public officer or department. The board of mayor and aldermen shall designate an appropriate department or person to enforce the provisions of this section.

(4) Notice to property owner. It shall be the duty of the department or person designated by the city manager 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. 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 East Ridge 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.

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<sup>1</sup>Municipal code reference

Section 13-103 applies to cases where the city wishes to prosecute the offender in city court. Section 13-104 can be used when the city seeks to clean up the lot at the owner's expense and place a lien against the property for the cost of the clean-up but not to prosecute the owner in city court.

(5) Clean-up at 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 board of mayor and aldermen 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 Hamilton 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 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.

(6) 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 board of mayor and aldermen. 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 this time shall, without exception, constitute a waiver of the right to a hearing.

(7) Judicial review. Any person aggrieved by an order or act of the board of mayor and aldermen under subsection (5) above may seek judicial review of the order or act. The time period established in subsection (4) above shall be stayed during the pendency of judicial review.

(8) 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.

**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. (1993 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. (1993 Code, § 8-409)

**13-107. Violations and penalty.** Violations of this chapter shall be punishable under the general penalty provision of this code. (1993 Code, § 8-412, modified)

## CHAPTER 2

### MOVING BUILDINGS

#### SECTION

- 13-201. Permit required.
- 13-202. Council to determine conditions of the move.
- 13-203. Bond required.

**13-201. Permit required.** A house moving permit shall be required before the relocation of a previously constructed building. Application for such permit shall be made to the city council and said council shall conduct a full and open hearing prior to issuance. The city council shall conduct an investigation into the impact of the proposed move and if it is determined that the move would constitute a significant and detrimental effect on the neighborhood in which the structure is to be moved the council shall refuse to issue such permit.

**13-202. Council to determine conditions of the move.** If the proposed move is found not to be detrimental to the existing neighborhood the council is empowered to impose such conditions it may deem appropriate including, but not limited to, a set time schedule for the completion of the work, set back requirements and times at which the move may take place.

**13-203. Bond required.** Parties that are granted a permit shall post a performance bond with the town of a form and type sufficient to guarantee the completion of the project within six (6) months, said bond not to be less than the appraised value of the structure.

## CHAPTER 3

### SUB-STANDARD BUILDINGS OR STRUCTURES

#### **SECTION**

- 13-301. Definition of terms.
- 13-302. Unlawful to rent certain buildings, etc.
- 13-303. Housing commission created.
- 13-304. Structural standard-defects enumerated.
- 13-305. Occupancy standards.
- 13-306. Rooming house standards.
- 13-307. Unfit structures declared public nuisances--repair or demolition.
- 13-308. Powers and duties of inspector.
- 13-309. Authority of commission.
- 13-310. Emergency demolition or repairs.
- 13-311. Mailing of notices.
- 13-312. Reports by police, fire and health employees.
- 13-313. Appeals from orders of the commission.
- 13-314. Certain insanitary practices prohibited.
- 13-315. Powers of inspector supplementary--applicability of article.
- 13-316. Penalties for violations.

**13-301. Definition of terms.** The following terms whenever used or referred to in this chapter shall have the following respective meanings, unless a different meaning clearly appears from the context:

- (1) "City," shall mean the City of East Ridge.
- (2) "Board," shall mean the City Council of the City of East Ridge.
- (3) "Inspector," shall mean the Housing Inspector of the City of East Ridge.
- (4) "Commission," shall mean the Housing Commission of the City of East Ridge elected to direct the inspector, and to hear and determine questions of fact, and to issue orders based upon facts determined after a hearing.
- (5) "Owner," shall mean the holder of a fee simple title and every trustee or mortgagee of record.
- (6) "Parties in interest," shall mean all individuals, associations and corporations who have an interest of record to a dwelling or building or who are in possession thereof.
- (7) "Dwelling," shall mean any building or structure or part thereof used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.
- (8) "Dwelling unit," shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking or eating.

(9) "Rooming house," shall mean any dwelling or that part of any dwelling containing one or more rooming units, in which space is let by the owner or occupant to three or more persons who are not husband or wife, son or daughter, mother or father, sister or brother, of the occupant.

(10) "Rooming unit," shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

(11) "Building," shall mean any structure or part thereof not a dwelling as above defined.

(12) "Structural alterations," shall mean any change, except for repair or replacement, in the supporting members of a building, such as bearing walls, columns, beams or girders.

(13) "Public record," shall mean deeds, deeds of trust, and other instruments of record in the Register's Office of Hamilton County, Tennessee.

(14) "Occupant," shall mean any person over eight (8) years of age living, sleeping, cooking, or eating in, or having actual possession of, a dwelling unit or rooming unit. (1993 Code, § 8-601, modified)

**13-302. Unlawful to rent certain building, etc.** It shall be unlawful for any owner or party in interest of a dwelling or of a building to rent or offer for rent any dwelling or building or rooming unit which is unfit for human habitation due to dilapidation, defects increasing the hazard of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, and due to other conditions rendering such dwelling or building or rooming unit unsafe or insanitary or dangerous or detrimental to the health, safety or morals otherwise inimical to the welfare of the residents of the city. (1993 Code, § 8-602)

**13-303. Housing commission created.** There is hereby created and established a housing commission, to consist of five (5) residents of the city, to be appointed by the city council. The initial members of the board shall have staggered terms with two (2) having terms of one (1) year, two having terms of two (2) years and one having a term of three (3) years. The board members shall draw lots to determine their terms at the first meeting of the newly appointed board. Thereafter, as their terms expire, new members of the board shall be appointed for three (3) year terms. Said commission shall direct the inspector in the enforcement of the provisions of this chapter, and perform such other duties as are imposed upon them as hereinafter provided. Said members shall serve without compensation. Three (3) members shall constitute a quorum for the transaction of business. They shall meet in the assembly room at the city hall or at other convenient places of such times as may be necessary. Meetings may be called by the chairman or by two (2) members upon giving notice to all members. At the initial meeting for each year of the board's existence, the board shall nominate and elect a chairman and shall nominate and elect a secretary.

They shall keep a record of their proceedings and shall transmit copies of said record to the city council on a monthly basis. (1993 Code, § 8-603, modified)

**13-304. Structural standard-defects enumerated.** All dwellings or buildings, which have any or all of the following defects shall be deemed unfit for human habitation or dangerous buildings:

(1) Those whose walls or other vertical members list, lean or buckle to such an extent that a plumb line suspended from the top edge of such member shall fall outside of a distance of its base equal to one-third (1/3) the thickness of such member.

(2) Those which, exclusive of the foundation, have support member or members which have deteriorated to such an extent as to be unable to safely support the applied loads, or which have forty percent (40%) damage or deterioration of the non-supporting enclosing or outside walls or covering.

(3) Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.

(4) Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals, or the general health and welfare of the occupants or the people of the city.

(5) Those which have parts thereof which are so attached that they may fall and injure persons or property.

(6) Those which do not have an unobstructed means of egress leading to an open space at ground level.

(7) Those which do not have the window area for each habitable room equal to at least ten percent (10%) of the total floor area of such room.

(8) Those which do not have ventilation provided by openable doors or windows equal to 4.5 percent of total floor area of each room, except where there is supplied some other device affording adequate ventilation, and approved by the inspector.

(9) Those which do not have screens to effectively cover all openable windows and doors provided under (8) of this section. These screens must have mesh with a maximum gauge of 14 x 18 and removable frames.

(10) Those having habitable rooms with a ceiling height less than seven (7) feet throughout one-half of the area of such room. Any portion of a room having a ceiling height less than five (5) feet high shall not be considered in computing the total floor area for such room.

(11) Those which do not have an installed kitchen sink in each dwelling unit properly connected to the hot and cold potable water supply pipes and the sewer system.

(12) Those which do not have an installed tub or shower and lavatory properly connected with a hot and cold water supply pipes and sewer system. This tub or shower and lavatory may be shared by two (2) dwelling units if:

(a) It is enclosed in a separate room affording privacy to the occupant;

(b) The habitable area of such dwelling unit shall not exceed more than two hundred (200) square feet of floor area.

(c) The fixtures are placed in a room used solely for toilet purposes and accessible without passing through the other dwelling unit or outside the dwelling.

(d) Those which do not have a flush type water closet located in a room affording privacy and properly connected to the water supply pipes and sewer system. This water closet may be shared by two (2) dwelling units if items (a), (b) and (c) of this section are complied with.

(13) Those which do not have installed electric lighting facilities consisting of at least two (2) separate wall type convenience outlets, or one (1) ceiling type fixture and one (1) wall type outlet for every habitable room, to be installed in accordance with the electrical code of the City of East Ridge.

(14) Those which, where heat is not furnished from a central heating plant, do not have fire-proof chimney flues so that heating equipment capable of adequately and safely heating habitable rooms can be operated. Heating equipment, whether installed by owner or occupant, must be properly vented and maintained in good order and repair.

(15) Those dwellings or buildings or rooming houses existing in violations of any provisions of the building code, health, plumbing, or other code sections or ordinances of the city. (1993 Code, § 8-604)

**13-305. Occupancy standards.** The number of persons occupying any dwelling unit shall be limited by the following requirements:

(1) Every sleeping room shall have at least seventy (70) square feet of floor space for the first occupant thereof and not less than thirty (30) square feet of floor space for each additional occupant.

(2) The total of all habitable rooms in a dwelling unit shall be such as to provide at least one hundred and fifty (150) square feet of floor space for the first occupant thereof and at least (50) additional square feet of floor space for each additional occupant thereof. Floor space shall be calculated in relation to ceiling heights as specified in § 13-304(10). (1993 Code, § 8-605)

**13-306. Rooming house standards.** No person shall operate a rooming house or shall let to another for occupancy any room unless such rooming house or room complies with the following requirements:

(1) Every rooming house and room shall be in compliance with the minimum standards set forth in § 13-304 (1), (2), (3), (4), (5), (7), (8) (9), (10), (14), (16), and § 13-305 (1).

(2) Every rooming house shall be equipped with at least one flush water closet, one lavatory and one tub or shower for each ten persons or fraction thereof within the rooming house, including members of the family if they are

to share the use of the facilities. In rooming houses in which rooms are let only to males, flush urinals may be substituted for not more than one-half of the required number of water closets. All such facilities shall be properly connected to the water supply and sewer system.

(3) Every flush water closet, flush urinal, lavatory, tub or shower required above shall be located within the rooming house in a room, or rooms, which:

- (a) Affords privacy;
- (b) Is accessible by a common hall without going outside of the rooming house;
- (c) Is accessible from a common hall without going through sleeping quarters of others;
- (d) Is not more than one story removed from the room of an occupant intended to share the facilities. (1993 Code, § 8-606)

**13-307. Unfit structures declared public nuisances--repair or demolition.** All dwellings or rooming houses unfit for human habitation and all dangerous buildings within the terms of § 13-304 of this chapter are hereby declared to be public nuisances, and shall be repaired or demolished and debris removed from site as hereinbefore and hereinafter provided. The following criteria shall be used by the housing inspector and the housing commissions in ordering repair or demolition:

(1) If the dwelling or rooming house unfit for human habitation or dangerous building can reasonably be repaired so that it will no longer exist in violation of the terms of this chapter, or other chapters of this code, it shall be ordered repaired.

(2) In any case where a dwelling or rooming house unfit for human habitation or a dangerous building is fifty percent (50%) damaged, or decayed, or deteriorated, it shall be demolished, and in all cases where a dwelling or a building or a rooming house 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 dwelling or a dangerous building or rooming house is a fire hazard--existing or erected in violation of the provisions of this chapter or any other chapter of this code or statute of the State of Tennessee--it shall be demolished. (1993 Code, § 8-607)

**13-308. Powers and duties of inspector.** The inspector shall:

(1) Have the right, upon showing proper identification, to enter, examine and survey at any reasonable time all dwellings, dwelling units, rooming houses or rooming units located within the city. The occupant of every dwelling, dwelling unit, rooming house or rooming unit, or the person in charge thereof, shall give the inspector free access to such dwelling, dwelling unit, rooming house or rooming unit, and its premises at all reasonable times for the purpose of such inspection, examination, and survey.

(2) Inspect any dwelling, building, rooming house, wall or structure about which complaints are filed by any person to the effect that a dwelling, building, rooming house, wall or structure is or may be existing in violation of this chapter.

(3) Inspect any dwelling, building, rooming house, wall or structure reported (as hereinafter provided for) by the fire or police department or department of health as probably existing in violation of the provisions of this chapter.

(4) Notify (in writing) the owner, occupant, lessee, mortgagee, agents, and all other persons having an interest in said dwelling, building, or rooming house, as shown by the public records, of any dwelling, building or rooming house found by him to be a dwelling unfit for human habitation or a dangerous building within the standards set forth in § 13-304 of this chapter, that:

(a) The owner must repair or demolish said dwelling, rooming house or building in accordance with the terms of the notice and this chapter;

(b) The occupant or lessee must vacate said dwelling, rooming house or building, or must have it repaired in accordance with the notice and remain in possession;

(c) The mortgagee, agent or other person having an interest in said dwelling, rooming house or building as shown by the public records, may, at his own risk, repair or demolish said dwelling, rooming house or building or have such work or act done; provided, that any person notified under this subsection to repair or demolish any dwelling, rooming house or building shall commence within a reasonable time, not exceeding thirty (30) days, and complete such work within a reasonable length of time as may be necessary to do, or have done, as required by the notice provided herein. The above time limits may be extended at the discretion of the housing commission.

(5) Set forth in the notice provided for in sub-section (4) of this section a description of the dwelling or building or rooming house deemed unsafe, a statement of the particulars which make the dwelling or rooming house unfit for human habitation or the building a dangerous building, and an order requiring the same to be put in such condition as to comply with the terms of this chapter.

(6) Report to the housing commissioners any noncompliance with the notice provided for in sub-sections (d) and (e) of this section.

(7) Appear at all hearings conducted by the housing commissioners and testify as to the condition of the dwellings or rooming houses unfit for human habitation and dangerous buildings.

(8) Place a notice on all dwellings or rooming houses unfit for human habitation and all dangerous buildings as follows:

"THIS BUILDING HAS BEEN FOUND TO BE UNFIT FOR HUMAN HABITATION AND A DANGEROUS BUILDING BY THE INSPECTOR.  
THIS NOTICE IS TO REMAIN ON THIS BUILDING UNTIL IT IS

REPAIRED OR DEMOLISHED IN ACCORDANCE WITH THE NOTICE WHICH HAS BEEN GIVEN THE OWNER, OCCUPANT, LESSEE, MORTGAGEE OR AGENT OF THIS BUILDING. IT IS UNLAWFUL TO REMOVE THIS NOTICE UNTIL SUCH NOTICE IS COMPLIED WITH. (1993 Code, § 8-608)

**13-309. Authority of commission.** The housing commission shall:

(1) Upon receipt of a report of the inspector, as provided in § 13-308(4) hereof, give written notice to the owner, occupant, mortgagee, lessee, agent, and all other persons having an interest in said dwelling or building, as shown by the public records, ordering them to appear before them on the date specified in the notice to show cause why the dwelling or building reported to be unfit for human habitation or a dangerous building should not be repaired or demolished in accordance with the statement of particulars set forth in the inspector's notice provided for herein in § 13-308(5). If a person notified fails to appear in person or through a representative, the commissioners shall hear testimony and notify such person of its decision. The commissioners, through their chairman or vice-chairman, shall have authority to issue subpoenas for witnesses and administer oaths. Any person duly served with a subpoena failing to appear shall be guilty of a misdemeanor, and punishable as such.

(2) Hold a hearing and hear such testimony as the inspector or the owner, occupant, mortgagee, lessee, or any other person having an interest in said building as shown by the public records, shall offer relative to the dwelling or rooming house being unfit for human habitation or dangerous building.

(3) Make written findings of fact from the testimony offered pursuant to sub-section (2) hereof as to whether or not the dwelling or rooming house is unfit for human habitation or the building in question is a dangerous building within the terms and provisions of § 13-304 hereof.

(4) Issue an order, based upon the findings of fact made pursuant to sub-section (3) of this section, commanding the owner, occupant, mortgagee, lessee, agent, and all other persons having an interest in said dwelling, rooming house or building, as shown by the public records, to repair or demolish any dwelling or rooming house found to be unfit for human habitation or any building found to be a dangerous building within the terms and provisions of this chapter, and provided that any person so notified shall have the privilege of either repairing dwelling, rooming house or building, or may demolish said dwelling or rooming house or building at his own risk to prevent the acquiring of a lien by the city against the land upon which said dwelling or rooming house or building stands, as provided in sub-section (5) hereof.

(5) If the owner, occupant, mortgagee, lessee or agent fails to comply with the order provided for in sub-section (4) hereof within ten (10) days, the housing commission shall cause such dwelling or rooming house or building to be repaired or demolished, as the facts may warrant, under the criteria hereinbefore provided for in § 13-308 of this chapter, and shall, with the

assistance of the city attorney, cause the cost of such repair or demolition to be charged against the land on which the building existed as a municipal lien, which lien shall be superior to all liens except liens for state, county and municipal taxes and municipal specific assessment, or to be recovered in a suit at law against the owner.

(6) Report to the city attorney the names of all persons not complying with the order provided for in sub-section (4) of this section.

(7) In addition to the powers granted above the housing commission shall also have the ability, at the option of inspector for the City of East Ridge, to send notices to those property owners and occupants that are violating any other section of this chapter.

(a) The housing commission members shall call attention to the inspector any properties in the City of East Ridge that appear to be violating the provisions of this chapter.

(b) The inspector shall notify the owner/occupant that they shall appear before the housing commission to address the violation.

(c) The housing commission shall hear proof and if they determine that a violation has occurred allow the owner/occupant a reasonable time in which to remedy any violations of this chapter.

(d) The housing commission shall monitor the progress of the owner/occupant in correcting the violation.

(e) Any owner/occupant that fails to remedy the violation within the time allowed by the commission shall be cited to the Municipal Court of the City of East Ridge by the inspector for said violation.

(f) At no time shall any member of the housing commission approach any owner/occupant directly regarding the condition of their property until such time as they are in a duly convened meeting of the commission and the property owner has been cited to appear before such board.

(g) Nothing in this subsection shall be construed to limit the inspectors ability to deal with violations of this chapter as provided elsewhere in this chapter. (1993 Code, § 8-609, as amended by Ord. #747, May 2003)

**13-310. Emergency demolition or repairs.** In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless a dwelling, or rooming house, unfit for human habitation or a dangerous building, as defined in this chapter, is immediately repaired or demolished the inspector shall place a condemnation sign in the form prescribed by § 13-308(8) hereof upon said building and shall immediately report such facts to the housing commissioners, and the housing commissioners shall cause the immediate repair or demolition of such dwelling or rooming house or building, the cost of such emergency repair or emergency demolition of such dwelling or

rooming house or building shall be a lien upon the land, and be collected in the same manner as provided in § 13-309(5) of this chapter. (1993 Code, § 8-610)

**13-311. Mailing of notices.** In cases, except emergency cases, where the owner, occupant, lessee or mortgagee is absent from the city, all notices or orders provided for herein shall be sent by registered mail to the owner, occupant, mortgagee, lessee, and all other persons having an interest in said dwelling or rooming house or building as shown by the public records, to the last known address of each, and a copy of such notice shall be posted in a conspicuous place on the dwelling or rooming house or building to which it relates. (1993 Code, § 8-611)

**13-312. Reports by police, fire and health employees.** All employees of the police department, fire department, and health department of the city shall make a report in writing to the inspector of all dwellings or rooming houses or buildings which are, may be, or are probably unfit for human habitation or dangerous buildings within the provisions of this chapter. Such reports must be delivered to the inspector within twenty-four (24) hours of the discovery of such dwellings or rooming houses or buildings by the employees of said departments. (1993 Code, § 8-612)

**13-313. Appeals from orders of the commission.** The inspector, owner, occupant, mortgagee, lessee, and all other persons having an interest in any dwelling or rooming house or building as shown by the public records, may appeal from any final order of the housing commissioners to the city council by petition filed with the city manager within ten (10) days after the filing of the final order. Provided, that in the event no petition is filed with the city manager within ten (10) days, the order of the housing commissioners shall become final. In event of an appeal the city council shall hear the matter de novo. (1993 Code, § 8-613)

**13-314. Certain insanitary practices prohibited.** It shall be the duty of the inhabitant of any dwelling or rooming house or occupant of any building to keep that portion of the property which he occupies or over which he has exclusive control clean and free from any accumulation of dirt, filth, rubbish, garbage, or similar matter, and free from rodent or vermin infestation. All yards, lawns, and courts shall be similarly kept clear and free from rodent infestation. If the occupant shall fail to keep his portion of the property clean, the inspector shall send a written notice to the occupant to abate such nuisance within the time specified in said notice. Failure of occupant to comply with such notice shall be deemed a violation of this chapter, and upon conviction the occupant shall be subject to the penalties herein provided.

It shall be unlawful for any person willfully or maliciously to deposit any material in any toilet or bath tub or sink, or other plumbing fixture, which may

result in the obstruction of any sanitary sewer. This liability on the part of the occupant shall not relieve the owner of the responsibility of cleaning any resultant chokage, but shall subject the occupant to the penalties of this chapter upon proper proof of such willful or malicious act.

It shall be the duty of the owner to keep all dwellings and buildings painted at reasonable intervals, and no dwelling or building shall be allowed to become badly in need of paint.

No dwelling or building shall hereafter be constructed, or structurally altered without providing an enclosed foundation, and such foundation shall be of masonry construction. (1993 Code, § 8-614)

**13-315. Powers of inspector supplementary--applicability of article.** The powers conferred upon the inspector by the provisions of this chapter shall be in addition and supplemental to the powers conferred upon the inspector by any other ordinance or code provision. Nothing in this chapter shall be construed to impair or limit, in any way, the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise. The measures and procedures herein provided do not supersede, and this chapter does not repeal any other measures or procedures which are provided by the city code for the elimination, repair or correction of the conditions referred to in this chapter, but the measures and procedures herein provided for shall be in addition to all other powers and authority of the city or inspector. (1993 Code, § 8-615)

**13-316. Penalties for violations.** Any person, firm, or corporation, whether owner, occupant, lessee or mortgagee, violating or failing to comply with the provisions of this chapter or any notice or order issued pursuant to its provisions shall be deemed guilty of a misdemeanor, punishable in accordance with the general penalty clause in this code. (1993 Code, § 8-616)