

1 ORDINANCE NO. 576

BE IT ORDAINED BY THE CITY OF CLINTON AS FOLLOWS:

Section 1. Section 13-104 of the Clinton Municipal Code is deleted in its entirety and is replaced with the following new Section 13-104, which is attached, and incorporated by reference, and made a part of this ordinance, as if fully set out herein.

Section 2. It shall be unlawful for any owner of record of real property to violate this ordinance. Violators of this ordinance shall be subject to the remedies prescribed by subsections (4) and (5) of this ordinance.

Section 3. This ordinance shall take effect from and after its final passage, the public welfare requiring it.

Passed first reading this 31<sup>st</sup> day of January , 2011.

Passed second reading this 28<sup>th</sup> day of February, 2011.

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Mayor

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Recorder

13-104. Overgrown and dirty lots.

- (1) Prohibition. Pursuant to the authority conferred upon municipalities by Tenn. Code Ann. § 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 or the accumulation 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 responsible for enforcement. The provisions of this section shall be enforced by the Building Official for the City of Clinton.
- (3) Notice to property owner. It shall be the duty of the Building Official to serve notice upon the owner of record in violation of this section to remedy the condition immediately. The notice shall state in plain language that the owner of record must 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 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 this section and that the property of such owner may be cleaned-up by the City 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 the 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;
- (d) A place wherein the notified party may return a copy of the notice indicating the desire for a hearing.

(4) Clean-up at property owner's expense.

- (a) If the property owner of record fails or refuses to remedy the condition within ten (10) days after receiving the notice (or 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), then the Building Official may immediately cause the condition to be remedied or removed at a cost that shall be in conformity with reasonable standards prevailing in the City, and the cost shall be assessed against the owner of the property. Upon the filing of the notice with the office of the Register of Deeds in Anderson County, the cost shall be a lien on the property in favor of the City, second only to liens of the State, County, and City for taxes, any lien of the City 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 City as a lien and shall be added to the property tax bills to be collected at the same time in the same manner as property taxes are collected. If the owner fails to pay the cost, they may be collected at the same time and same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as the delinquent property taxes.
- (b) The provisions of subsection (a) above, shall apply to all real property, including owner-occupied residential property. However, in the case of owner-occupied residential property, the Building Official 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 the cost for which the lien attached are collectable as provided herein.

(5) Action for debt. In the addition to the other remedies provided herein, the City may collect the cost assessed against the property owner or owners through an action for debt filed in any court of competent jurisdiction. The City may bring one (1) action for debt against more than one (1) or all owners of the properties against whom such cost 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.

(6) Appeal. The owner of record who is aggrieved by the determination and order of the Building Official may appeal the determination and order to the city council. The appeal shall be filed with the City Recorder within ten (10) days following the receipt of the notice issued by the Building Official. 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 city council under section (5) above may seek judicial review of the order or act. The time period established in (4) above shall be stayed during the pendency of the 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 the property who has created, maintained, or permitted to be maintained on such property the growth of grass, weeds, underbrush and/or the elements, under its charter, any other provisions of this municipal code of ordinances or any other applicable law.