

ORDINANCE 20-012

AN ORDINANCE AMENDING TITLE 13, CHAPTER 1, OF THE KINGSTON SPRINGS MUNICIPAL CODE

WHEREAS, the Town of Kingston Springs Board of Commissioners has previously adopted certain Property Maintenance Regulations as codified under Title 13, Chapter 1 of the Town of Kingston Springs Municipal Code; and

WHEREAS, the Town of Kingston Springs Board of Commissioners desires to amend such Chapter to provide clarify enforcement provisions thereof.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF KINGSTON SPRINGS, TENNESSEE, THAT:

1. Title 13, Chapter 1, Section 105 (3) of the Town of Kingston Springs Municipal Code shall be deleted in its entirety and the following substituted in lieu thereof:

13-105 (3) Notice to property owner. It shall be the duty of the building inspector or other official as appointed by the City Manager to enforce this section to serve notice upon the owner of record in violation of (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 certified United States Mail, return receipt requested, 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 Town 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 this section, 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.

2. Title 13, Chapter 1, Section 105 of the Town of Kingston Springs Municipal Code shall be amended to include the following new subsection:

“(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 Town 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.

3. Title 13, Chapter 1, of the Town of Kingston Springs Municipal Code shall be amended to include the following new sections:

13-107. Enforcement. (a) Whenever the building inspector, codes enforcer, or City Manager determines that there has been a violation of Sections 101-104 and 106 of

this Title or has grounds to believe that a violation has occurred, notice of same shall be given to the owner and to the occupant of the property to remedy the prohibited condition. Such notice shall:

- (1) Be in writing.
- (2) Include a description of the real estate sufficient for identification.
- (3) Include a statement of the violation or violations and why the notice is being issued.
- (4) Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this Section of the Code.
- (5) Inform the property owner or owner's authorized agent of the right to appeal the findings of the issuing officer to the municipal judge.

Such notice shall be deemed to be properly served if a copy thereof is delivered personally; sent by certified or first-class mail addressed to the last known address of the intended recipient; or if the notice is returned showing that the letter was not delivered, a by posting a copy of the notice in a conspicuous place in or about the structure affected by such notice.

(b) In the event that the owner or occupant of the property shall fail or refuse to remedy the violation within the time prescribed within the aforesaid notice, then the building inspector, codes enforcer, or City Manager may, in his or her discretion, issue a citation for same to municipal court or to a hearing before the administrative hearing officer pursuant to Tennessee Code Annotated, § 6-54-1001, et seq. as adopted locally in the Town of Kingston Springs Municipal Code, or may institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation.

13-108. Violations. Any person, firm, corporation, tenant, occupant or agent who shall violate a provision of Sections 101-104 and 106 of this Title or fail to comply therewith or with any of the requirements thereof or cause such action to be taken in violation of the provisions of Sections 101-104 and 106 of this Title shall be shall be prosecuted and may be penalized pursuant to the general penalty clause of the Town of Kingston Springs Municipal Code of Ordinances. Each day that violation continues after due notice has been served shall be deemed a separate offense regardless of whether an additional notice, order, or citation has been issued. Additionally, violators may in the discretion of the Town be subject to fines and penalties to be imposed by the Administrative Hearing Officer pursuant to T.C.A. §6-54-1001 et seq. as adopted locally in the Town of Kingston Springs Municipal Code or may be subject to injunctive remedies in state or federal court as appropriate.

This Ordinance shall take effect the later of the date that is 15 days after its passage or upon publication of this Ordinance or its caption, the public welfare demanding it.

Passed First Reading: October 15, 2020

Public Hearing: NA

Passed Second Reading: Nov. 19, 2020

Tony Gross
Tony Gross, Mayor

Attest:
Jamie Dupré
Jamie Dupré, Town Recorder

Approved as to Form and Legality:
Martha Brooke Perry
Martha Brooke Perry, Town Attorney