

ORDINANCE 20-013

AN ORDINANCE AMENDING TITLE 17, CHAPTER 2, OF THE KINGSTON SPRINGS MUNICIPAL CODE

WHEREAS, the Town of Kingston Springs Board of Commissioners has previously adopted certain regulations regarding Refuse and Trash Disposal as codified under Title 17, Chapter 2 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 regarding the enforcement provisions thereof.

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

1. Title 17, Chapter 2, Section 209 of the Town of Kingston Springs Municipal Code shall be deleted in its entirety and the following substituted in lieu thereof:

17-209. Violations. Any person, firm, corporation, tenant, occupant or agent who shall violate a provision of Chapter 2 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 Chapter 2 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.

2. Title 17, Chapter 2 of the Town of Kingston Springs Municipal Code shall be amended to include the following new Section:

17-210. Enforcement. (a) Whenever the building inspector, codes enforcer, or City Manager determines that there has been a violation of Sections 202-206 of this Chapter 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.

(c) Without limitation of any other remedy available to the Town in law or equity, any violations of Sections 207 and 208 of this Chapter may be subject to immediate issuance of 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. Such citation may be issued by any official or other officer authorized to issue same.

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 A. Gross III
Tony Gross, Mayor

Attest:
Jamie Dupré
Jamie Dupré, Town Recorder

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