

ORDINANCE 22-003

AN ORDINANCE AMENDING TITLE 12, CHAPTER 3, AND TITLE 13, CHAPTER 1 OF THE KINGSTON SPRINGS MUNICIPAL CODE

WHEREAS, by Ordinance 18-005, the Town of Kingston Springs Board of Commissioners adopted the 2015 International Property Maintenance Code, among other items, codifying such 2015 International Property Maintenance Code under Title 12, Chapter 3 of the Town of Kingston Springs Municipal Code; and

WHEREAS, said Chapter was later amended to provide for certain local modifications to the said 2015 International Property Maintenance Code; and

WHEREAS, the Town of Kingston Springs Board of Commissioners desires to amend such Chapter to rename the said Chapter and to further provide for enforcement provisions related to said Chapter; and

WHEREAS, the Town of Kingston Springs Board of Commissioners has previously provided for certain ordinances as codified in Title 13, Chapter 1 related to certain health and safety and property maintenance concerns for properties with the Town and does desire to further provide for enforcement provisions related to said Chapter.

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

1. The title of Title 12, Chapter 3 of the Town of Kingston Springs Municipal Code shall be renamed to Property Maintenance Code for Existing Structures.
2. Title 12, Chapter 3 of the Town of Kingston Springs Municipal Code shall be amended to add Section 12-305 as follows:

12-305. Enforcement. (a) 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 of the violation of the provisions of this Chapter. Such notice of violation (NOV) shall:

- (1) Be in writing.
- (2) Include a description of the real estate sufficient for identification.
- (3) Include a statement in plain language of the violation or violations and why the notice is being issued.
- (4) Include a statement in plain language of the specific actions required to remedy the condition from which the violation arises.
- (4) Include a specified period of days, not to exceed sixty (60) days, 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) Include a description of the process and/or penalty the owner may incur should the conditions not be remedied.
- (6) Include the person, office, address, and telephone number of the department or

person giving the notice.

The NOV may, but is not required to, contain additional information such as the procedure for requesting a meeting with the building inspector or other official to discuss specific needs and have questions of the property owner answered if possible.

The NOV 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 NOV 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.

(b) In the event that the owner of the property shall fail or refuse to remedy the violation within the time prescribed within the aforesaid NOV, then the building inspector, codes enforcer, or City Manager may, in his or her discretion, issue a citation for same to municipal court, or may institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation. Such citation shall:

- (1) Be in writing.
- (2) Include a description of the real estate sufficient for identification.
- (3) Include a statement in plain language of the violation or violations for which the citation is being issued.
- (4) Include a statement as to whether the structure or property can be brought into compliance for a habitable structure.
- (5) Include court date, time, and location for the hearing in municipal court.
- (6) Include a statement of possible fees or fines that may be assessed by the municipal court if the recipient is found to have committed the violations specified in the citation, as well as the following statement: "Each day that violation continues after the recipient has been served with this citation shall be deemed a separate offense regardless of whether an additional notice, order, or citation has been issued."

(c) The requirements contained in this section shall not be applicable in emergency situations where imminent danger to life, limb, and property exists, and nothing herein shall be construed as limiting the authority of the building inspector, City Manager, public safety officers, public works officials, or other Town official to require immediate evacuation of a property or other actions necessary to abate such imminent danger.

3. Title 13, Chapter 1, Section 13-107 of the Town of Kingston Springs Municipal Code shall be amended by deleting the section in its entirety and replacing it with the following:

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 property sufficient for identification.
- (3) Include a statement in plain language of the violation or violations and why the notice is being issued.
- (4) Include a statement in plain language of the specific actions required to remedy the condition from which the violation arises.
- (4) Include a specified period of days, not to exceed sixty (60) days, 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) Include a description of the process and/or penalty the owner may incur should the conditions not be remedied.
- (6) Include the person, office, address, and telephone number of the department or person giving the notice.

The NOV may, but is not required to, contain additional information such as the procedure for requesting a meeting with the building inspector or other official to discuss specific needs and have questions of the property owner answered if possible.

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 may institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation. Such citation shall:

- (1) Be in writing.
- (2) Include a description of the real estate sufficient for identification.
- (3) Include a statement in plain language of the violation or violations for which the citation is being issued.
- (4) Include court date, time, and location for the hearing in municipal court.
- (5) Include a statement of possible fees or fines that may be assessed by the municipal court if the recipient is found to have committed the violations specified in the citation, as well as the following statement: "Each day that violation continues after the recipient has been served with this citation shall be deemed a separate offense regardless of whether an additional notice, order, or citation has been issued."

(c) The requirements contained in this section shall not be applicable in emergency situations where imminent danger to life, limb, and property exists, and nothing herein shall be construed as limiting the authority of the building inspector, City Manager, public safety officers, public works officials, or other Town official to require immediate evacuation of a property or other actions necessary to abate such imminent danger.

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: 2/17/2022

Public Hearing: NA

Passed Second Reading: 3/17/2022

Finn A. Gross III
Tony Gross, Mayor

Attest:

Jamie Dupré
Jamie Dupré, Town Recorder

Approved as to Form and Legality:

Martha Perry
Martha Brooke Perry, Town Attorney