

Ordinance #78

An Ordinance to add a new section to Title 8, Chapter 1 of the Ashland City Municipal Code.

Be It Ordained, by the Council of the Town of Ashland City, Tennessee that a new section to Title 8 Chapter 1 shall be added and adopted into the Ashland City Municipal Codes of Ashland City, Tennessee and this Section shall be numbered 8-112. This section shall read as follows:

Be It Ordained by the Council of the Town of Ashland City, Tennessee that a new section to Title 8, Chapter 1 shall be added and adopted into the Ashland City Municipal Codes of Ashland City, Tennessee and that this section shall be remembered 8-112. This section shall read as follows:

8-112 Overgrown and dirty lots (1) Nuisance declared It is declared to be a nuisance for any owner of record of real property to create, maintain, or permit to be maintained on such property the growth of trees, refuse, rubbish, abandoned or derelict automobiles, or other vehicles, junk, discarded equipment, furniture or materials, grass, bushes or leaves, and/or the accumulation of debris, trash, litter, or garbage or any combination of the preceding elements so as to endanger the health, safety, welfare of other citizens or to encourage the infestation of rats and other harmful animals. Such nuisance may be abated and the cost of the abatement shall be assessed against the owner of the property in the following manner:

(2) 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.

(3) Notice to property owner. It shall be the duty of the department or person designated by the board of mayor and aldermen to enforce this section to serve upon the owner of record in violation of subsection (1) above a notice in plain language to remedy the condition within (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 maintaining a nuisance in violation of Section 8-112 of the Ashland City Municipal Code, 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.

(5) Clean-up at property owners' 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. The cost shall be a lien upon the property in favor of the city and shall be paid by the property owner as a special assessment or tax which shall be placed upon the tax rolls of the City shall be collected in the same manner or property taxes are collected.

(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 public officer or of the board of mayor and aldermen under this section may seek judicial review of the order of act. The time period established in subsection (3) 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 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 debris, trash, litter, or garbage or any combination of the preceding elements.

Said Ordinance shall take effect twenty (20) days from and after its final passage the public welfare requiring it.

Passed 1st reading June 11, 1991

Passed 2nd reading 7.11.1991



Mayor



Attest