

ORDINANCE NO. 290

AN ORDINANCE TO AMEND TITLE 12, CHAPTER 6, SECTIONS 621 THROUGH 625 OF THE CODE OF ORDINANCES RELATING TO PROPERTY OTHER THAN OWNER OCCUPIED RESIDENCES; TO ESTABLISH A PENALTY FOR THE VIOLATION THEREOF; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED by the Board of Mayor and Aldermen as follows:

- SECTION I. That the Town of Mount Carmel Municipal Code, Title 12, *BUILDING, UTILITY, ETC, CODES* Chapter 6, *SUB STANDARD PROPERTIES*, Sections 12-621 through 12-625, are hereby deleted in their entirety; the remaining sections are hereby designated as "Part 1;" and, amending said Chapter 6 by adding a new "Part 2", which said part shall read as follows:

PART 2 PROPERTY OTHER THAN OWNER OCCUPIED RESIDENCES

Sec 12-650. BUILDING INSPECTORS DESIGNATED TO ACT.

The building inspector is hereby designated as the public officer of the Town of Mount Carmel who shall exercise the powers set out in this Part 2.

Sec 12-651. INSTITUTION OF ACTION AND NOTIFICATION.

Pursuant to *Tenn. Code Anno. 6-54-113*, if it is determined by the building inspector that any owner of record of real property has created, maintained, or permitted to be maintained on such property the growth of trees, vines, grass, underbrush and/or the accumulation of debris, trash, litter, or garbage or any combination of the proceeding elements so as to endanger the health, safety, or welfare of other citizens or to encourage the infestation of rats and other harmful animals, the building inspector shall provide notice to the owner of record to remedy the condition immediately. The notice shall be given by 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. The notice shall be written in plain language and shall also include but not be limited to the following elements:

1. A brief statement of this Part 2 which shall contain the consequences of failing to remedy the noted condition;
2. The person, office, address and telephone number of the department or person giving notice;
3. A cost estimate for remedying the noted condition which shall be in conformity with standards of cost in the Town; and

4. A place wherein the notified party may return a copy of the notice, indicating the desire for a hearing.

12-652. FAILURE OF OWNER TO COMPLY.

If the person fails or refuses to remedy the condition within ten (10) days after receiving the notice, the building inspector shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards and the cost thereof assessed against the owner of the property. Upon filing of the notice with the office of the register of deeds of the county in which the property lies, the costs shall be a lien upon the property in favor of the Town, second only to liens of the state, county and municipality for taxes, any lien of the municipality 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 costs shall be collected by the Town tax collector at the same time and in the same manner as Town property taxes collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes.

Provided, however, if the person who is the owner of record is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewerage, or other materials, the ten-day period of the first sentence of this section shall be twenty (20) days, excluding Saturdays, Sundays, and legal holidays.

12-653. RULES; HEARING; AND STAY OF ENFORCEMENT: HEARING; AND STAY OF ENFORCEMENT.

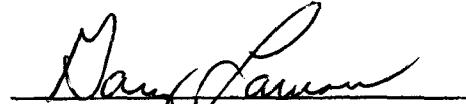
1. The board of mayor and aldermen may make rules and regulations necessary for the administration and enforcement of this Part 2. The building inspector shall provide for a hearing upon request of the person aggrieved by the determination made pursuant to section 12-651. A request for a hearing shall be made within ten (10) days following the receipt of the notice issued pursuant to section 12-651. Failure to make the request within this time shall without exception constitute a waiver of the right to a hearing.
2. Any person aggrieved by an order or act of the building inspector under provisions of this chapter may seek judicial review of the order or act. The time period established in section 12-652 shall be stayed during the pendency of a hearing.

12-654. LIMITATION.

The provisions of this Part 2 shall not apply to any parcel of property upon which an owner-occupied residence is located.

SECTION II. That the violation of any provision of this ordinance shall be punishable by a penalty of not more than fifty dollars (\$50.00) and costs for each separate violation.

SECTION III. That this ordinance shall take effect from and after its date of passage, as the law directs, the public welfare of the Town of Mount Carmel demanding it.


Gary W. Lawson, Mayor

ATTEST:


Nancy Carter, Recorder

Passed First Reading 1-25-05

Passed Second Reading 2-22-05

Published On _____

FIRST READING	AYES	NAYS	OTHER
Alderman Henry Bailey	✓		
Vice-Mayor Eugene Christian	✓		
Alderman Tresa Mawk	✓		
Alderman Thomas Wheeler	✓		
Alderman Carl Wolfe	✓		
Alderman Wanda Worley	✓		
Mayor Gary Lawson	✓		
TOTALS	7	0	0

PASSED FIRST READING 1-25-05

SECOND READING	AYES	NAYS	OTHER
Alderman Henry Bailey	✓		
Vice-Mayor Eugene Christian	✓		
Alderman Tresa Mawk	✓		
Alderman Thomas Wheeler	✓		
Alderman Carl Wolfe	✓		
Alderman Wanda Worley	✓		
Mayor Gary Lawson	✓		
TOTALS	7	0	0

PASSED SECOND READING 2-22-05

DATE PUBLISHED: <u>3-22-05</u>
NEWSPAPER: <u>Kingsport Times</u>

KINGSPORT TIMES-NEWS

PUBLICATION CERTIFICATE

Kingsport, TN April 4, 2005

This is to certify that the Legal Notice hereto attached was published in the Kingsport Times-News, a daily newspaper published in the City of Kingsport, County of Sullivan, State of Tennessee, beginning in the issue of 3-22-05, and appearing 1 consecutive weeks/times, as per order of _____

Town of Mount Carmel

Signed Karen C. Mulkey

THE following Ordinances were passed by the Mount Carmel Board of Mayor and Alderman on February 22, 2005: 1. Ordinance 289. Amends Title 15, Section 14-1501 through 14-1503 of the Code of Ordinances relating to zoning. 2. Ordinance 290. Amend Title 12, "Building, Utility, Etc. Codes," Chapter 6, "Substandard properties" Section 12-625, "Limitations" 3. Ordinance 291. Amend Title 8, Chapter 2, Sections 8-219(a) 2 and 8-219(b) of Ordinance relating to sale of beer, defining a bona fide business. If you have any questions, please call 357-7311. Thank you.

STATE OF TENNESSEE, SULLIVAN COUNTY, TO-WIT:

Personally appeared before me this 1st day of April 2005, Karen C. Mulkey of the Kingsport Times-News and in due form of law made oath that the foregoing statement was true to the best of my knowledge and belief.

William David Richards
NOTARY PUBLIC

My commission expires 6-26-07

