

ORDINANCE NO. 305

AN ORDINANCE TO ESTABLISH A PROCEDURE FOR THE CREATION OF A HOUSING AUTHORITY; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, it is deemed advisable and advantageous to the citizens of the Town of Mount Carmel, to create and establish a housing authority. Now therefore,

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

SECTION I. That the Town of Mount Carmel Municipal Code be amended by adding a new Title 2, Chapter 4, entitled CITY HOUSING AUTHORITIES, to read as follows:

Chapter 4

CITY HOUSING AUTHORITIES

Section

- 1-401. Petition for and creation of authority.
- 1-402. Hearing – Determination.
- 1-403. Verified application of commissioners – Contents.
- 1-404. Authority a public body corporate.
- 1-405. Boundaries of authority.

Sec. 4-101 Petition for creation of authority - Notice.

- 1. Any twenty-five (25) residents of the Town of Mount Carmel, and of the area within ten (10) miles from the territorial boundaries thereof, may file a petition with the Recorder setting forth that there is a need for an authority to function in the Town and the surrounding area.
- 2. Upon the filing of such a petition, the Recorder shall give notice of the time, place, and purposes of a public hearing at which the Board of Mayor and Aldermen will determine the need for an authority in the Town and the surrounding area.

- 3. Such notice shall be given at the Town's expense by publishing a notice, at least ten (10) days preceding the day on which the hearing is to be held, in a newspaper having a general circulation in the Town and the surrounding area, or, if there is no such newspaper, by posting such notice in at least three (3) public places within the Town, at least ten (10) days preceding the day on which the hearing is to be held.

Sec. 4-102 Hearing - Determination.

- 1. Upon the date fixed for the hearing held upon notice as provided in Sec. 4-101, an opportunity to be heard shall be granted to all residents and taxpayers of the Town and the surrounding area and to all other interested persons.

2. (1) After such a hearing, the Board of Mayor and Aldermen shall determine:

- a. Whether unsanitary or unsafe inhabited dwelling accommodations exist in the Town and the surrounding area; and/or
- b. Whether there is a lack of safe or sanitary dwelling accommodations in the Town and the surrounding area available for all the inhabitants of the Town of Mount Carmel or area. In determining whether dwelling accommodations are unsafe or unsanitary, the Board of Mayor and Aldermen shall take into consideration the following:
 - i. The physical condition and age of the building;
 - ii. The degree of overcrowding;
 - iii. The percentage of land coverage;
 - iv. The light and air available to the inhabitants of such dwelling accommodations;
 - v. The size and arrangement of the rooms;
 - vi. The sanitary facilities; and
 - vii. The extent to which conditions exist in such buildings which endanger life or property by fire or other causes.

(2) If it shall determine that either or both of the above enumerated conditions exist, the Board of Mayor and Aldermen shall adopt a resolution so finding (which need not go into any detail other than the mere finding) and shall cause notice of such determination to be given to the mayor who shall thereupon appoint, as hereinafter provided, five (5) commissioners to act as an authority.

Sec. 4-103 Verified application of commissioners - Contents.

1. The commissioners shall present to the secretary of state an application signed by them, which shall set forth (without any detail other than the mere recital):
 - a. That a notice has been given and public hearing has been held as aforementioned, that the Board of Mayor and Aldermen made the aforementioned determination after such hearing, and that the mayor has appointed them as commissioners;
 - b. The name and official residence of each of the commissioners, together with a certified copy of the appointment evidencing their right to office, the date and place of induction into and taking oath of office, and that they desire the housing authority to become a public body and a body corporate and politic under this chapter;
 - c. The term of office of each of the commissioners;
 - d. The name which is proposed for the corporation; and
 - e. The location of the principal office of the proposed corporation.
2. The application shall be subscribed and sworn to by each of the commissioners before an officer authorized by the laws of the state to take and certify oaths, who shall certify upon the application that such officer personally knows the commissioners and knows them to be the officers as asserted in the application, and that each subscribed and swore thereto in the officer's presence. The secretary of state shall examine the application and, if the secretary of state finds that the name proposed for the corporation is not identical with that of a person or of any other corporation of this state or so nearly similar as to lead to confusion and uncertainty, the secretary of state shall receive and file it, and shall record it in an

appropriate book of record in the secretary of state's office.

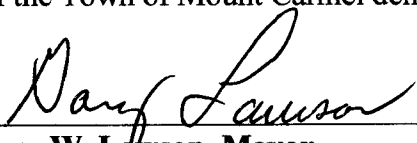
Sec. 4-104 Authority a public body corporate.

When the application has been made, filed and recorded, as herein provided, the authority shall constitute a public body corporate and politic under the name proposed in the application. The secretary of state shall make and issue to the commissioners a certificate of incorporation pursuant to this chapter, under the seal of the state, and shall record the same with the application.

Sec. 4-105 Boundaries of authority.

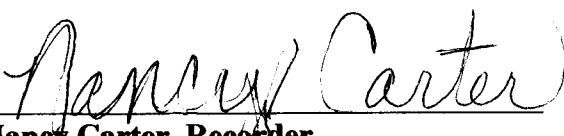
1. The boundaries of such authority shall include the Town and the area within ten (10) miles from the territorial boundaries of the Town, but in no event shall it include the whole or a part of any other Town nor any area included within the boundaries of another authority.
2. In case an area lies within ten (10) miles of the boundaries of more than one (1) Town, such area shall be deemed to be within the boundaries of the authority embracing such area which was first established, all priorities to be determined on the basis of the time of the issuance of the aforementioned certificates by the secretary of state.
3. After the creation of an authority, the subsequent existence within its territorial boundaries of more than one (1) Town shall in no way affect the territorial boundaries of such authority.

SECTION II. 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

9-27-05

Passed Second Reading

10-25-05

Published On

11-13-05

KINGSPORT TIMES-NEWS

PUBLICATION CERTIFICATE

Kingsport, TN December 2, 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 11-13-05, and appearing 1 consecutive weeks times, as per order of _____

Town of Mount Carmel

Signed Karen C. Mulkey

THE Following Ordinance was
passed by the Mt. Carmel
Board of Mayor and Aldermen
on October 25, 2005:
Ordinance 305. An Ordinance
to establish a City Housing
Authority

Pub. 1t: 11/13/05

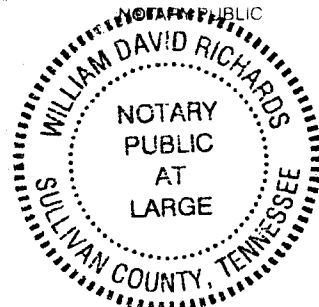
STATE OF TENNESSEE, SULLIVAN COUNTY, TO-WIT:

Personally appeared before me this 2nd day of December
20 05, 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

My commission expires

6-26-07



PETITION

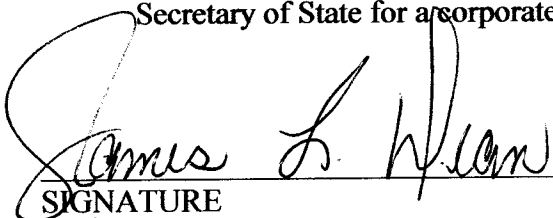
WE THE UNDERSIGNED, twenty-five (25) citizens of the Town of Mount Carmel, Tennessee, hereby file with the Recorder of Mount Carmel this petition setting forth that there is a need in Mount Carmel for a housing authority to function in Mount Carmel and in the surrounding area, and state as follows:

1. The undersigned citizens hereby request that pursuant to the filing of this petition, a Notice of public hearing to determine the need for a housing authority be published according to law; and
2. The undersigned citizens hereby request that pursuant to the filing of this petition, a public hearing be held regarding the creation of a housing authority in Mount Carmel; and
3. The undersigned citizens hereby request that pursuant to the filing of this petition, the Board, after said hearing and after deliberation, determine if there are unsanitary and unsafe inhabited dwelling accommodations in Mount Carmel, if there is a lack of safe or sanitary dwelling accommodations in Mount Carmel and blighted and deteriorating areas within Mount Carmel and the surrounding area which constitute a serious and growing menace, injurious to the public health, safety, morals and welfare of the residents of the community; and,
4. The undersigned citizens hereby request that pursuant to the filing of this petition, the Board adopt a resolution recording the Determination and serve notice upon the Mayor of Mount Carmel of the Determination, who thereupon shall appoint Commissioners to act as a housing, redevelopment and urban renewal authority for Mount Carmel under the name

"MOUNT CARMEL DEVELOPMENT AND HOUSING AUTHORITY;" and,

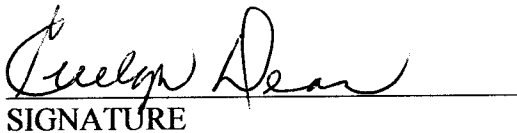
5. The undersigned citizens hereby request that pursuant to the filing of this petition, that the Authority become a public body corporate and politic of the State of Tennessee; and,
6. The undersigned citizens hereby request that pursuant to the filing of this petition, the Commissioners, appointed as authorized by Mount Carmel Municipal Code Title 2, Chapter 4, Section 1-403, and *Tenn. Code Ann. §13-20-403*, thereafter apply to the Tennessee

Secretary of State for a corporate charter.


SIGNATURE

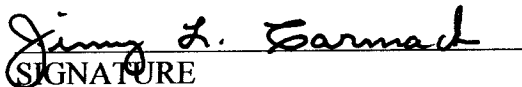
James L. DEAN
NAME (PRINTED)

1305 Glenmar Ave Mt. Carmel, TN
ADDRESS
37645


SIGNATURE

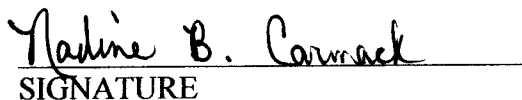
Evelyn L. Dean
NAME (PRINTED)

1305 Glenmar Ave, Mt. Carmel, TN
ADDRESS
37645


SIGNATURE

Jimmy L. Carmack
NAME (PRINTED)

902 JACKSON ST. MT. CARMEL, TN.
ADDRESS
37645


SIGNATURE

NADINE B. Carmack
NAME (PRINTED)

902 JACKSON St. Mt. Carmel, TN
ADDRESS
37645

BH Collins
SIGNATURE

BH Collins
NAME (PRINTED)

905 Jackson St
ADDRESS Mt. Carmel, IN 37645

Don Taylor
SIGNATURE

D.E. Taylor
NAME (PRINTED)

653 Redwood St
ADDRESS Mt. Carmel, Tenn.

Brenda Mullins
SIGNATURE

Brenda Mullins
NAME (PRINTED)

Mt. Carmel, Tenn. 37645
ADDRESS 1445 Independence Ave.

Don Carter
SIGNATURE

DONALD CARTER
NAME (PRINTED)

1446 Independence Ave.
ADDRESS Mt. Carmel, In 37645

Bertie Shaemaka
SIGNATURE

Bertie Shaemaka
NAME (PRINTED)

1515 Maple Hill Dr.
ADDRESS Mt. Carmel, In 37645

Shirley Williams
SIGNATURE

Shirley Williams
NAME (PRINTED)

416 Old Hickory Cir. Mt Carmel Tn. 37645
ADDRESS

Billy K. Williams
SIGNATURE

Billy K. Williams
NAME (PRINTED)

416 OLD HICKORY CIR. MTCARMELETN 37645
ADDRESS

Sernice Lawson
SIGNATURE

Sernice Lawson
NAME (PRINTED)

728 South Sherbrooke Cir
ADDRESS

Roy H. Martin
SIGNATURE

Roy H. MARTIN
NAME (PRINTED)

726 S. SHERBROOKE CR.
MT. CARMEL, TN 37645-4048
ADDRESS

Juanita C. Martin
SIGNATURE

Juanita C. Martin
NAME (PRINTED)

726 S. Sherbrooke Circle
Mt. Carmel, Tn. 37645-4048
ADDRESS

Allen B Lockhart
SIGNATURE

Allen B. Lockhart
NAME (PRINTED)

651 ~~MT~~ Redwood ST. MT. Carmel, TN 37645
ADDRESS

Jo Ann Lockhart
~~Jo Ann Lockhart~~
SIGNATURE

Jo ANN Lockhart
NAME (PRINTED)

651 Redwood ST. MT. Carmel TN 37645
ADDRESS

Johnny Howington
SIGNATURE

JOHNNY HOWINGTON
NAME (PRINTED)

644 REDWOOD, MT. CARMEL, TN 37645
ADDRESS

Sherry Howington
SIGNATURE

Sherry Howington
NAME (PRINTED)

644 Redwood Dr. Mt. Carmel, TN 37645
ADDRESS

William L. "Bill" Wall
SIGNATURE

WILLIAM L. "BILL" WALL
NAME (PRINTED)

1514 M^C CRAIGEN LN. MT. CARMEL, TN, 37645
ADDRESS


SIGNATURE
Anthony Lopez
NAME (PRINTED)

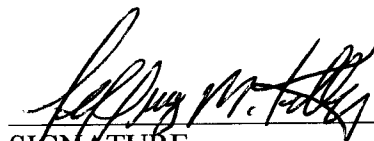
1511 McCracken Lane
ADDRESS


SIGNATURE
Cindy Lopez
NAME (PRINTED)

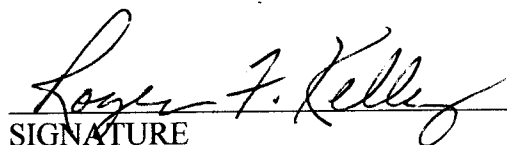
1571 McCracken Ln, Mt Carmel
ADDRESS 37045


SIGNATURE
Jason Lopez
NAME (PRINTED)

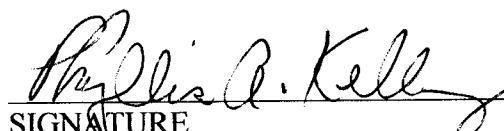
1511 McCracken Lane
ADDRESS


SIGNATURE
JEFFREY M KELLY
NAME (PRINTED)

1406 RUTHBROOKE DR MTCARMEZ TN
ADDRESS


SIGNATURE
ROGER F. KELLY
NAME (PRINTED)

805 BRENTWOOD DR.
ADDRESS


SIGNATURE
PHYLLIS A. KELLY
NAME (PRINTED)

805 BRENTWOOD DR.
ADDRESS