

RULES AND PROCEDURES FOR IMPLEMENTING 5-1-115

- 1. Upon receiving a complaint, the Commissioner(s) in that district will make a visit to the site.**
- 2. If a violation is determined to exist, he/she will notify the Building Commissioner.**
- 3. The property owner is notified of the violation. The notice shall include a cost estimate for clean up.**
- 4. The Sheriff's litter crew shall be the first choice for clean up which requires only labor.**
- 5. The Highway Department shall be the first choice to mow or clean up any debris which cannot be done manually.**
- 6. The Building Commissioner shall employ local contractor to correct any violation which cannot be corrected by the litter crew or the Highway Department.**
- 7. If a hearing is requested before the Public Services Committee, it shall be held within forty-five (45) days after receipt of the request.**

RESOLUTION No. _____

Sponsored by Commissioners Kenneth Melton, Larry Garner, John Keeble, Bob Kidd, David Graham, J. C. Franklin, and Virginia Morton

A RESOLUTION AUTHORIZING BLOUNT COUNTY TO EXERCISE THE AUTHORITY GRANTED IN SECTION 5-1-115 OF THE TENNESSEE CODE ANNOTATED.

WHEREAS, Blount County deems it appropriate to exercise the authority granted in section 5-1-115 of the Tennessee Code Annotated.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Blount County, Tennessee, meeting in regular session this 17th day of April 2001, as follows:

Section 1. Blount County shall exercise the authority granted in section 5-1-115 of the Tennessee Code Annotated, a copy of which is attached hereto and made a part of this resolution.

Section 2. The Blount County Building Commissioner shall be the appropriate person designated by this governing body to perform the duties and responsibilities set forth under subsections (b) and (c) of said section 5-1-115.

Section 3. The Public Services Committee of this governing body is empowered to make any rules and regulations necessary for the administration and enforcement of said section 5-1-115 and shall act as the hearing board for any hearings conducted under the provisions of subsection (d) of said section 5-1-115.

Section 4. This resolution shall take effect upon its adoption, the public welfare requiring it.
Adopted this 17th day of April 2001.

CERTIFICATION OF ACTION

ATTEST

Commission Chairman

County Clerk

Approved: _____

Vetoed: _____
County Executive

Date

5-1-115. Overgrown vegetation - Accumulating debris - Removal [Amendment contingent on county approval; see the compiler's notes].

(a) The authority in this section is permissive and not mandatory and may or may not be exercised by a county, as each county deems appropriate.

(b) If it is determined by the appropriate department or person, as designated by the governing body of a county, 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, garbage, or any combination of the preceding elements, or a vacant dilapidated building or structure, so as to endanger the health, safety or welfare of other citizens, or to encourage the infestation of rats and other harmful animals, the appropriate department or person 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 section 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 the standards of cost in the community; and

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

(c) (1) If the person fails or refuses to remedy the condition within ten (10) days after receiving the notice, the appropriate department or person 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. The cost shall be a lien upon the property in favor of the county. These costs shall be placed upon the tax rolls of the county as a lien upon the property and shall be collected in the same manner as the county's taxes are collected, when the county causes a notice thereof to be filed in the office of the register of deeds of the county in which the property lies, second only to liens of the state, county and municipality for taxes, any lien of the county 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. Such notice shall identify the owner of record of the real property, contain the property address, describe the property sufficiently to identify it and recite the amount of the obligation secured by the lien.

(2) 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 subdivision (c)(1) shall be twenty (20) days, excluding Saturdays, Sundays and legal holidays.

(d) (1) The county governing body or the appropriate department, or both, may make any rules and regulations necessary for the administration and enforcement of this section. The county shall provide for a hearing upon request of the person aggrieved by the determination made pursuant to subsection (b). A request for a hearing shall be made within ten (10) days following the receipt of the notice issued pursuant to subsection (b). 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 board, agency or commission under the provisions of this subsection may seek judicial review of the order or act. The time period established in subsection (c) shall be stayed during the pendency of a hearing.

(e) Except in any county having a population of

not less than	not more than
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5,800	6,100
31,500	31,800
40,200	40,500
77,800	78,000
92,200	92,500

according to the 1990 federal census or any subsequent census, the provisions of subsection (c) permitting a county to remedy such dangerous conditions shall not apply to any parcel of property upon which an owner-occupied residence is located.

(f) The provisions of this section are in addition and supplemental to, and not in substitution for, similar authority in any county's charter or other applicable law.

[Acts 1989, ch. 49, § 1; 1990, ch. 941, §§ 1, 2; 1992, ch. 997, § 1; 1994, ch. 894, §§ 1-3; 1996, ch. 613, § 1; 1999, ch. 53, § 1; 2000, ch. 791, § 1.]