

AN ORDINANCE OF THE BOARD  
OF MAYOR AND ALDERMEN OF THE  
TOWN OF LOUISVILLE, TENNESSEE,  
AUTHORIZING THE TOWN TO TAKE  
CORRECTIVE ACTION ON PROPERTY  
THAT IS ENDANGERING THE HEALTH,  
SAFETY AND WELFARE OF ITS CITIZENS

ORDINANCE NO. 2011- 3

FIRST READING

DATE PASSED: February 08, 2011

SECOND READING

DATE PASSED: April 12, 2011

PLANNING COMMISSION

RECOMMENDED ON: October 20, 2009

PUBLIC HEARING: March, 28, 2011

BE IT HEREBY ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF LOUISVILLE, TENNESSEE, AS FOLLOWS:

WHEREAS, The Board of Mayor and Alderman desire for the Town of Louisville to have the authority to take corrective action concerning property where a owner is creating, maintaining, or permit to be maintained on property within the Town of Louisville the growth of trees, vines, grass, underbrush and/or the accumulations of debris, trash, litter, or garbage or any combination of the preceding elements so as to endanger the health, safety, or welfare of other citizens or to encourage the infestation of rats and other harmful animals;

WHEREAS, such action is authorized by Tennessee Code Annotated, § 6-54-113;

WHEREAS, this ordinance was recommended for passage by the Louisville Planning Commission

THEREFORE, IT IS ORDAINED:

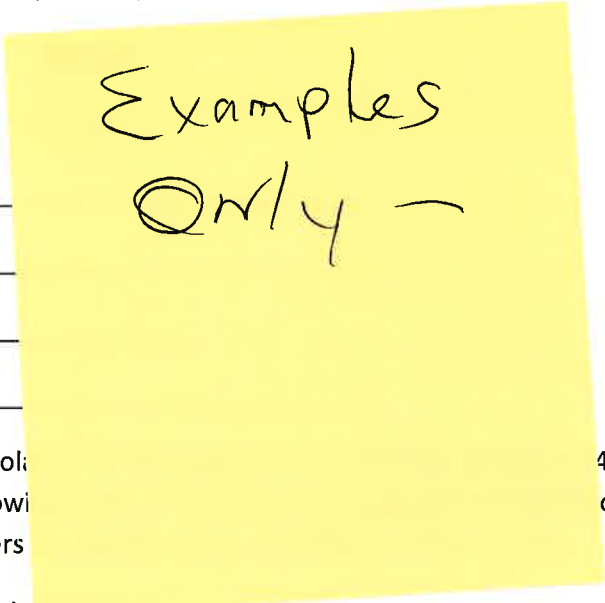
1. Prohibition. Pursuant to the authority granted to municipalities under Tennessee Code Annotated, § 6-54-113, it shall be unlawful for any owner of record of real property to create, maintain, or permit to be maintained on such property the growth of trees, vines, grass, underbrush and/or the accumulations of debris, trash, litter, or garbage or any combination of the preceding elements so as to endanger the health, safety, or welfare of other citizens or to encourage the infestation of rats and other harmful animals.
2. Designation of public officer or department. The Board of Mayor and Aldermen designate the Town of Louisville's Building Official as the person to enforce the

provisions of this ordinance.

3. Notice to property owner. It shall be the duty of the Town's Building Official to serve notice upon the owner of record in violation of subsection (1) above, a notice in plain language to remedy the condition within ten (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 in violation of Louisville Ordinance 2011-3, which has been enacted under the authority of Tennessee Code Annotated, § 6-54-113, 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 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.
4. Clean-up at property owner's 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 Town's Building Official shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards, and the costs thereof shall be assessed against the owner of the property. The Town may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The Town may bring one (1) action for debt against more than one (1) or all of the owners of properties against whom such costs have been assessed, and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a misjoinder of parties. Upon the filing of the notice with the office of the register of deeds in Blount County, the costs shall be a lien on the property in favor of the town, second only to liens of the state, county, and town 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 placed on the tax rolls of Blount County as a lien and shall be added to property tax bills to be collected at the same time and in the same manner as property taxes are 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.

TOWN OF LOUISVILLE

(Address)



To the attention of:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

The parcel of property located at \_\_\_\_\_

\_\_\_\_\_

Of which you are the owner of record, is in violation of Ordinance 4-113. This law prohibits a property owner from allowing the accumulation of trash or debris that endangers

4-113. on or the

The cost estimate for the city to remedy this situation is \$ \_\_\_\_\_.

You have 10 days after receiving this notice to clean up the lot. If the lot is not cleaned up within that time, the city will clean up the lot and charge the cost to the owner. These charges, if not paid, could result in a lawsuit to collect the charges, which will become a lien on the property.

You may return this notice to LOUISVILLE TOWN HALL during business hours 3623 Louisville Rd Louisville, TN 37777 or contact us at (865)681-1983 and request a hearing on this matter. You have the right to be represented by counsel.

If you no longer own the above property, please contact the Town of Louisville at (865) 681-1983.

\_\_\_\_\_

Date: \_\_\_\_\_

(Address)

(Telephone number)

TOWN OF LOUISVILLE, TENNESSEE

(Address)

**COMPLAINT**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Dear Mr. (Mrs.) \_\_\_\_\_

This is to inform you that the Town of Louisville has notified you of the condition of property owned by you and located at \_\_\_\_\_. The building is unfit for human habitation or use because it is dilapidated and injurious to the public health, safety, and welfare, any occupants of the structure, neighboring structures, or residents of the town. The condition of this property is in violation of Ordinance No. \_\_\_\_\_, an ordinance of the Town of Louisville. You have failed to take corrective action to remedy the deteriorated condition of the property.

The Town of Louisville has scheduled an administrative hearing on this matter for \_\_\_ (date) \_\_\_ (time) \_\_\_ (place) \_\_\_. The purpose of the hearing is for the town to present evidence as to the condition of the property, and for you to question witnesses testifying for the town and present any information that you feel is not being considered by the town. You have the right to be represented by an attorney at the hearing.

If the date and time is not convenient for you, or if you no longer own the above referenced property, please contact the Town at \_\_\_\_\_

and the hearing will be conducted at a date and time more convenient for you.

A result of the hearing may be that you as the property owner may be required to repair or demolish the property, or failing that, similar action may be taken by the city with costs charged to the owner.

\_\_\_\_\_

(Address)

(Telephone number)

Date: \_\_\_\_\_

[Note: TCA 13-21-103 requires that the hearing be held no fewer than 10 days nor more than 30 days after service of the complaint].

TOWN OF LOUISVILLE

**NOTICE**

To the attention of:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

It has come to the attention of the Town of LOUISVILLE that property you own  
at \_\_\_\_\_

may be in violation of Ordinance No. \_\_\_\_\_, and ordinance of the Town of Louisville that prohibits deteriorating or dilapidated structures. Accordingly, the town desires to conduct an inspection of the property. Please advise the town when the property can be available for inspection. You have the right to be present during any inspection.

You are advised that the town has the option of obtaining an administrative inspection warrant, in the event that you fail to authorize the town's request to inspect the property.

Thank you for your cooperation and please be assured that our only interest is to see that property is maintained in such a manner as to protect the health, safety, and well being of the citizens of the Town of Louisville.

If you no longer own the above property, please contact the Town at \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Address)

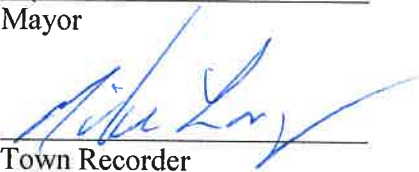
(Telephone number)

Date: \_\_\_\_\_

5. Clean-up of owner-occupied property. When the owner of an owner-occupied residential property fails or refuses to remedy the condition within ten (10) days after receiving the notice, Town's Building Official shall immediately cause the condition to be remedied or removed at a cost in accordance with reasonable standards in the community, with these costs to be assessed against the owner of the property. The provisions of subsection (4) shall apply to the collection of costs against the owner of an owner-occupied residential property except that the municipality must wait until cumulative charges for remediation equal or exceed five hundred dollars (\$500.00) before filing the notice with the register of deeds and the charges becoming a lien on the property. After this threshold has been met and the lien attaches, charges for costs for which the lien attached are collectible as provided in subsection (4) for these charges.
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 Board of Mayor and Aldermen under subsection (4) above may seek judicial review of the order or 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 city 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 the debris, trash, litter, or garbage or any combination of the preceding elements, under its charter, any other provisions of this municipal code of ordinances or any other applicable law



Mayor



Town Recorder