

ORDINANCE NO.: 2020-18

AN ORDINANCE TO AMEND TITLE 12, CHAPTER 7, SIGNAL MOUNTAIN MUNICIPAL CODE, BY MOVING IT TO TITLE 12, CHAPTER 8 AND RENUMBERING THE SECTIONS, SO AS TO AMEND TO SAID CODE AS THE OFFICIAL UNSAFE BUILDING CODE OF THE TOWN OF SIGNAL MOUNTAIN.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, That Title 12, Chapter 7 of the Town of Signal Mountain Municipal Code, be moved to Title 12, Chapter 8 and is hereby amended by striking the same said section in its entirety and substituting in lieu thereof the following words and figures:

CHAPTER 8

UNSAFE BUILDING CODE

SECTION

12-801. Declared to be a nuisance.

12-802. Condemnation board created; composition; qualifications of members.

12-803. Notice to take remedial action.

12-804. Unlawful rental or occupancy of premises.

12-805. Hearings on order of condemnation board.

12-806. Action by the town upon failure of owner to comply with order.

12-807. Reinspection and correction of defects.

12-808. Violations and penalties.

12-809. Stop work orders.

12-801. Declared to be a nuisance. Any building or structure in the town which, because of its disrepair or dangerous condition is a menace to the health, safety and the convenience of the public, is declared to be a nuisance. (1985 Code, § 4-501)

12-802. Condemnation board created; composition; qualifications of members. A board is hereby created to be known as the condemnation board and which shall consist of the chief of the fire department and two (2) residents and taxpayers of the town, one (1) of which members shall be in the real estate business and one (1) of which members shall be in the insurance business. (1985 Code, § 4-502)

12-803. Notice to take remedial action.

(1) When the condemnation board is notified that any building or structure in the town is, on account of its condition, a menace to health, safety or the public convenience, the board may enter the premises and shall make an immediate investigation and if such building or structure is in a dangerous condition, the board shall serve an order on the owner thereof to repair the building or structure in conformity with the building, plumbing, electrical, gas, housing and other similar codes of the town relating to buildings, or to demolish it.

(2) If the owner of any building or structure ordered to be repaired or demolished is a nonresident of the town, the notice required by subsection (1) may be served upon his agent and, if he has no agent in the town, the notice may be served by registered mail and sent the owner at his last known post office address. (1985 Code, § 4-503, as amended by Ord. #93-7, § 1, May 1993)

12-804. Unlawful rental or occupancy of premises. It shall be unlawful for any owner of any building or structure to rent the building or structure, after issuance of an order of condemnation by the condemnation board pursuant to this chapter. (1985 Code, § 4-504)

12-805. Hearing on order of condemnation board.

(1) If, within ten (10) days after the service of a notice to take remedial action given pursuant to this chapter, the building or structure has not been repaired or demolished in compliance with the notice, the condemnation board shall serve a notice upon the owner to appear before the mayor and the town council at a certain time, not less than ten (10) nor more than fifteen (15) days from the date of service of the notice for hearing.

(2) At the time fixed in the notice served by the condemnation board pursuant to subsection (1), the owner so notified shall appear before the mayor and town council. At the hearing, the condemnation board shall present the facts concerning the condition of the building or structure and the owner may present evidence and shall be entitled to be represented by counsel if he so desires.

(3) If, after hearing all the facts, the mayor and town council is of the opinion that a building or structure is a menace to health and safety, it shall order the building or structure repaired if its condition will permit and the owner so desires, or demolished. The mayor and town council shall give the owner not less than ten (10) days to comply with the order and it shall be unlawful for the owner to fail to comply therewith. (1985 Code, § 4-505)

12-806. Action by the town upon failure of owner to comply with order.

(1) If, at the expiration of the time given an owner for the repair or demolition of a dangerous building or structure by order of the mayor and town council, the owner has failed to comply with the order of the town council, the condemnation board shall have the necessary repairs made or have the building or structure demolished and charge the expense thereof to the owner of the building or structure.

(2) When any nuisance has been abated as provided in subsection (1), the condemnation board shall certify the amount of expense incurred in abating the nuisance to the town council, direct the town attorney to bring suit by attachment or otherwise, to collect the costs and the town shall have a lien on the property to secure the amount expended by it in abating the nuisance, which lien shall be superior to all other contractual liens. (1985 Code, § 4-506)

12-807. Reinspection and correction of defects. Any work which fails initial inspection shall be subject to reinspection including fees associated with reinspection per Title 5, Chapter 5, Section 507(c).

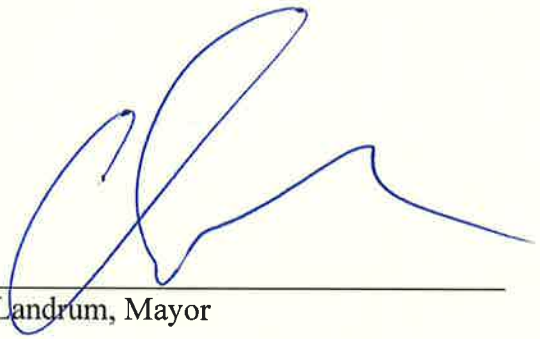
12-808. Violations and penalties. Any person who shall violate or fail to comply with any of the provisions of this chapter will be subject to citation to appear before the Administrative Hearing Officer. Upon determining that a violation does exist, the Hearing Officer has the authority to levy a fine in accordance with Section 12-1108 of the Signal Mountain Municipal

Code. For violations occurring upon residential property a hearing officer has the authority to levy a fine upon the violator not to exceed five hundred dollars (\$500.00) per violation. For violations occurring upon non-residential property a hearing officer has the authority to levy a fine upon the violator not to exceed five hundred dollars (\$500.00) per violation per day. Any fine levied by a hearing officer must be reasonable based upon the totality of the circumstances.

12-809. Stop work orders. Upon notice from the Code Official, any work that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the Code Official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, will be subject to citation to appear before the Administrative Hearing Officer.

Passed First Reading: August 24, 2020

Passed Second Reading: September 14, 2020



Dan Landrum, Mayor



Recorder