

ORDINANCE NO. 2013-7-23-1

AN ORDINANCE TO AMEND THE BRIGHTON MUNICIPAL CODE RELATIVE TO OVERGROWN AND DIRTY LOTS.

WHEREAS, the Board of Mayor and Aldermen have determined that the current ordinance is inadequate to deal with property maintenance issues in the Town;

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF BRIGHTON; THAT:

SECTION ONE. The Municipal Code of the Town of Brighton is amended adding the following section:

Overgrown and dirty lots. (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 commissioners shall designate an appropriate department or person to enforce the provisions of this section.

(3) Notice to property owner. It shall be the duty of the department or person designated by the board of commissioners to enforce this section 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 § 13-104 of the Brighton Municipal Code, 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 department or 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 town; 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 department or person designated by the board of commissioners to enforce the provisions of this section 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 County, the costs shall be a lien on the property in favor of the municipality, 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 placed on the tax rolls of the municipality 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.

(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, the department or person designated by the board of commissioners to enforce the provisions of this section 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 commissioners. The appeal shall be filed with the town 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 commissioners 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 town 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.

SECTION TWO. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

SECTION THREE. Repealer Provisions. That all ordinances or parts of ordinances in conflict herewith, are to the extent of such conflict, hereby repealed.

SECTION FOUR. This ordinance shall be effective upon final passage, the public health, safety, and welfare requiring it.

July 9, 2013

First Reading

July 23, 2013

Second Reading

Mayor

ATTEST:

Town Recorder

**SPECIAL CALLED MEETING
TOWN OF BRIGHTON
BOARD OF MAYOR AND ALDERMEN MEETING**

July 23, 2013

7:00 PM

CALL TO ORDER, PLEDGE OF ALLEGIANCE & INVOCATION

The special call / public hearing meeting for the Budget for 2013-2014 was called to order by Mayor Jeff A. Scott at 7:00 p.m.

ROLL CALL

Present

Jeff A. Scott, Mayor
Sarah Crocker, Alderwoman
Melissa Sartain, Alderwoman
Jim Wyatt, Alderman
Phillip Mathis, Alderman

Absent

Others Attending: Kristin Mathis, Town Recorder

Guest: There were none.

OLD BUSINESS

Ordinance – Second Reading – Budget for FY13-14 and 2013 Tax Rate: A motion was made by Alderman Mathis to approve the budget for FY13-14 and to set the 2013 Tax Rate at .75 per \$100.00 of assessed valuation on the Second Reading. The motion was seconded by Alderwoman Sartain. All approved. Motion carried.

Ordinance – Second Reading– Property Maintenance: A motion was made by Alderwoman Crocker to adopt the ordinance as written on the Second Reading. The motion was seconded by Alderman Wyatt. All approved. Motion carried.

ADJOURNMENT

Alderwoman Crocker made a motion to adjourn the meeting. The motion was seconded by Alderwoman Sartain. All approved. Motion carried. The meeting adjourned at 7:37 p.m.



Jeff A. Scott, Mayor



Kristin Mathis, Recorder