

**ORDINANCE NO. 223-21****AN ORDINANCE TO AMEND CHAPTER 4 OF TITLE 13 OF THE MUNICIPAL CODE OF THE CITY OF UNION CITY, TENNESSEE ENTITLED "SLUM CLEARANCE"**

**WHEREAS**, Title 13 of The Municipal Code of the City of Union City, Tennessee, establishes ordinances regarding property maintenance; and

**WHEREAS**, Title 13, Chapter 21, Part I entitled "Structures Unfit for Occupation or Use" of the Tennessee Code Annotated, grants any municipality of this state the authority to exercise its police power to repair, close, or demolish structures in the City which are unfit for human occupation or use due to dilapidation, defects increasing the hazards of fire, accident, or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such structures unsafe or unsanitary, or dangerous or detrimental to the health, safety, and morals, or other inimical to the welfare of the residents of the City; and

**WHEREAS**, the Mayor and City Council of the City of Union City desire to amend Chapter 4 of Title 13 of The Municipal Code of the City of Union City, Tennessee, entitled "Slum Clearance" in order to exercise the authority granted under Title 13, Chapter 21, Part I entitled "Structures Unfit for Occupation or Use" of the Tennessee Code Annotated.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Council of the City of Union City, Tennessee, that:

**SECTION 1:** Chapter 4 of Title 13 of The Municipal Code of the City of Union City, Tennessee, is hereby deleted in its entirety and is replaced by the following:

## CHAPTER 4

SLUM CLEARANCE

## SECTION

- 13-401. Applicability, purpose of chapter.  
 13-402. Definitions.  
 13-403. Nonconforming habitable dwellings declared a nuisance.  
 13-404. Existence of dwellings unfit for human habitation.  
 13-405. Building inspector designated to act.  
 13-406. Institution of action and notification by building inspector.  
 13-407. Determination of and further notice by building inspector.  
 13-408. Appeals.  
 13-409. Failure of owner to comply to vacate and repair.  
 13-410. Failure of owner to remove or demolish.  
 13-411. Creation of lien and payment into court.  
 13-412. Conditions rendering dwelling unfit for human habitation.  
 13-413. Service of complaints or orders.  
 13-414. Powers given the building inspector.  
 13-415. Supplementary powers.  
 13-416. Violation of order to vacate structure declared unfit for human occupation – Authorizing or facilitating occupancy - Penalty.

**13-401. Applicability, purpose of chapter.** Every building used in whole or in part as a home or residence of a single family or person and every building used in whole or in part as a home or residence of two (2) or more persons as families, living in separate apartments, or otherwise, shall conform to the requirements of this chapter irrespective of the class to which such building may otherwise belong, and irrespective of when such building may have been constructed, altered or repaired. This chapter establishes minimum standards for occupancy, and is intended to be supplementary to the basic minimum housing standards set forth in the Standard Housing Code and is not intended to repeal, modify or replace the Standard Housing Code.

**13-402. Definitions.** For the purpose of this chapter the following words and phrases shall have the meaning assigned to them:

- (1) "Dwelling" means any building or structure, or part thereof, used and occupied for human occupation or use or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith;
- (2) "Habitable dwelling" shall mean any structure or part thereof that shall be used as a home or place of abode by one or more persons;
- (3) "Habitable room" shall mean any room in any building in which persons sleep, eat or carry on their usual domestic or social vocations or avocations, but shall not include private laundries, bathrooms, toilet rooms, pantries, storerooms, corridors, rooms for mechanical equipment for service in the building, or other similar spaces not used by persons frequently or during extended periods;
- (4) "Owner" means the holder of the title in fee simple and every mortgagee of record;
- (5) "Parties in interest" means all individuals, associations, corporations and others who have interests of record in a structure and any who are in possession thereof;
- (6) "Place of public accommodations" means any building or structure in which goods are supplied or services performed, or in which the trade of the general public is solicited;
- (7) "Public authority" means any housing authority or any officer who is in charge of any department or branch of the government of the city or state relating to health, fire, building

regulations, or other activities concerning structures in the city;

(8) "Structure" means any dwelling or place of public accommodation or vacant building or structure suitable as a dwelling or place of public accommodation.

(9) "Substandard" shall be construed to include all buildings used for purposes of human habitation which do not conform to the minimum standards established by this chapter and by other provisions of this code.

**13-403. Nonconforming habitable dwellings declared a nuisance.** Any habitable dwelling which shall fail to conform to the requirements set forth in this chapter shall be deemed a nuisance and detrimental to the health, safety and welfare of the habitants of this city.

**13-404. Existence of dwellings unfit for human habitation.** There exists in the City of Union City dwellings which are unfit for human habitation, due to dilapidation, defects increasing the hazards of fire, accident or other calamities; lack of ventilation, light or sanitary facilities or due to other conditions rendering such dwellings unsafe or unsanitary or dangerous or detrimental to the health, safety or morals, or otherwise inimical to the welfare of the residents of the City of Union City.

**13-405. Building inspector designated to act.** The building inspector is designated as the public officer of the City of Union City who is to exercise the powers herein prescribed.

**13-406. Institution of action and notification by building inspector.** Whenever a petition is filed with the building inspector by a public authority or by at least five (5) residents of the City of Union City charging that any dwelling or other structure is unfit for human habitation, or whenever it appears to the building inspector on his own motion that any dwelling or other structure is unfit for human habitation, the building inspector shall, if, after making a preliminary investigation, such investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest of such dwellings or structures, a complaint stating the charges in that respect and containing a notice that a hearing will be held before the building inspector (or his designated agent) at a time and place therein fixed not less than ten (10) days nor more than thirty (30) days after the serving of said complaint; that the owners and parties in interest shall be given the right to file an answer to the complaint and to appear in person or otherwise and give testimony at the place and time fixed in the complaint; and the rules of evidence prevailing in courts of law or equity shall not be controlling in such hearings.

**13-407. Determination of and further notice by building inspector.** (1) If, after such notice and hearing as above prescribed, the building inspector determines that the dwelling or structure under consideration is unfit for human habitation, he shall state in writing his findings of fact in support of such determination, and shall issue and cause to be served upon the owner thereof an order.

(a) If the repair, alteration, or improvement of said dwelling or structure can be made at a

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reasonable cost in relation to the value of the dwelling or structure requiring the owner within the time specified in the order to repair, alter, or improve such dwelling or structure to render it fit for human habitation or if not adequately repairs, altered or improved within the time specified in the order to vacate and close the dwelling or structure as a human habitation; or

(b) If the repair, alteration, or improvement of the said dwelling or structure cannot be made at a reasonable cost in relation to the value of the dwelling or structure requiring the owner within the time specified in the order to remove or demolish such dwelling or structure;

(2) Rebuilding in violation of existing zoning ordinances will not be permitted.

(3) The building inspector shall determine the value of the dwelling or structure in

question existing on the land and the value of the land, itself, not to be considered, and if the dwelling or structure can be made to conform to such standards as will make it properly habitable by an expenditure of not more than fifty percent (50%) of said value, the order referred to in the preceding paragraph shall contain the first alternative. If an expenditure of more than fifty percent (50%) of the value just referred to would be necessary to make the dwelling or structure properly habitable, the order in the preceding paragraph shall contain the second alternative.

**13-408. Appeals.** Any person receiving a written order from the building inspector as provided in § 13-407 may, within fifteen (15) days following date of such notice, enter an appeal in writing to the housing board of adjustments and appeals. Any such appeal taken under this chapter shall be processed and considered by the housing board of adjustments and appeals in the same manner as prescribed for appeals entered under the Standard Housing Code of the City of Union City. Any decision of the housing board of adjustments and appeals shall be final and conclusive.

**13-409. Failure of owner to comply to vacate and repair.** If the owner fails to comply with the order under § 13-407(1)(a), the building inspector may cause such dwelling or structure to be repaired, altered or improved or be vacated and closed; and in such event the building inspector may cause to be posted on the main entrance of any dwelling or structure so closed a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful."

**13-410. Failure of owner to remove or demolish.** If the owner fails to comply with an order as set forth in § 13-407(1)(b), the building inspector may cause such dwelling to be removed or demolished.

**13-411. Creation of lien and payment into court.** The amount of the cost of such repairs, alterations or improvements or vacating and closing, or removal or demolition by the building inspector, as well as reasonable fees for registration, inspection and professional evaluations of the property, shall be assessed against the owner of the property, and shall, upon the certification of the sum owed being presented to the city tax collector, be a lien on the property in favor of the city second only to liens of the state, county and city for taxes, any lien of the city 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 collected by the city tax collector or county trustee 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 as set forth in §§ 67-5-2010 and 67-5-2410. In addition, the city may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The city may bring one (1) action for debt against more than one (1) or all of the owners of properties against whom the 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. If the structure is removed or demolished by

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the building inspector, the building inspector shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the chancery court by the building inspector, and shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the person found to be entitled thereto by final order or decree of such court. Nothing in this section shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise.

**13-412. Conditions rendering dwelling unfit for human habitation.** In addition to the other standards set forth in this chapter, the building inspector may determine that a dwelling is unfit for human habitation if he finds that conditions exist in such dwelling which are dangerous or injurious to the health, safety or morals of the occupants of such dwelling, the occupants of neighboring dwellings or other residents of the city; such conditions may include the following (but without limiting the generality of the foregoing): Defects increasing the hazards of fire,

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accident or other calamities, lack of adequate ventilation, light or sanitary facilities; dilapidation; disrepair; structural defects; and uncleanliness.

**13-413. Service of complaints or orders.** Complaints or orders issued by a building inspector pursuant to an ordinance adopted under this part shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons are unknown and the same cannot be ascertained by the building inspector in the exercise of reasonable diligence, and the building inspector shall make an affidavit to that effect, then the serving of such of complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the city, or in the absence of such newspaper, in one printed and published in the county and circulating in the city in which the structures are located. A copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the register's office of the county in which the structure is located, and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law.

**13-414. Powers Given the building inspector.** The building inspector is authorized to exercise such power as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter including the following powers in addition to others herein granted:

- (1) To investigate the dwelling conditions in the city in order to determine which dwellings therein are unfit for human habitation;
- (2) To administer oaths, affirmations, examine witnesses and receive evidence;
- (3) To enter upon premises for the purposes of making examinations; provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession.
- (4) Appoint and fix the duties of such officers, agents, and employees as the building inspector deems necessary to carry out the purposes of this chapter.
- (5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate.

**13-415. Supplementary powers.** Nothing in this part shall be construed to abrogate or impair the powers of the courts or of any department of any city to enforce any provisions of its charter or its ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this part shall be in addition and supplemental to the powers conferred by any other law.

**13-416. Violation of order to vacate structure declared unfit for human occupation - Authorizing or facilitating occupancy - Penalty.** (a) Any occupied dwelling declared unfit for human occupation or use shall be immediately vacated as ordered by the building inspector officer designated or appointed to exercise the powers prescribed by any ordinance adopted pursuant to the authority of this part; (b) Any person who violates an order to vacate a dwelling declared unfit for human occupation or use commits a Class B misdemeanor; (c) Any owner, manager, or person responsible for a dwelling declared unfit for human occupation or use who authorizes or facilitates the occupancy of the dwelling commits a Class B misdemeanor. See T.C.A. § 13-21-110.

**SECTION 2:** This ordinance shall take effect ten (10) days from and after its passage on second and final reading and after publication in the official City Newspaper.  
CITY OF UNION CITY, TENNESSEE

BY:   
Its Mayor

ATTEST:

  
City Clerk

APPROVED AS TO FORM AND LEGALITY:

  
City Attorney

Passed First Reading:	September 15, 2020
Caption Published	September 22, 2020
Passed Second Readings:	October 6, 2020
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