

**ORDINANCE NO. 224-21**

**AN ORDINANCE TO AMEND SECTION 13-104, OF THE  
MUNICIPAL CODE OF THE CITY OF UNION CITY, TENNESSEE,  
ENTITLED LEAVES, GRASS, VEGETATION, AND DEBRIS**

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

**WHEREAS**, Tennessee Code Annotated Section 6-54-113 grants municipalities the authority to require owners to keep their property free of growth of trees, vines, grass, underbrush, or the accumulation of debris, trash, litter, garbage, or any combination of the preceding elements, so as to endanger the health, safety, or welfare of the other citizens, or encourage the infestation of rats and other harmful animals; and

**WHEREAS**, the Mayor and City Council of the City of Union City desire to amend Section 13-104 of The Municipal Code of the City of Union City, Tennessee, in order to exercise the authority granted under T.C.A. § 6-54-113 and to set guidelines for enforcement.

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

**SECTION 1:** Section 13-104 of The Municipal Code of the City of Union City, Tennessee, is hereby deleted in its entirety and is replaced by the following:

**Section 13-104. Leaves, grass, vegetation and debris.**

(a) If it is determined by the Department of Planning and Code Enforcement that any owner of record of real property has created, maintained, or permitted to be maintained on such property any plant growth including, but not limited to, the growth of trees, vines, underbrush, weeds, noxious weeds, or grass, in excess of 8 (eight) inches in height, or the accumulation 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, the Department of Planning and Code Enforcement shall provide notice to the owner of record to remedy the condition immediately. The remedy shall include, if appropriate, cutting or removal of any plant growth to a height not greater than 6 (six) inches.

The notice shall be given by the United States certified mail, return receipt requested, addressed to the last known address of the owner of record. When an attempt at notification by United States mail fails or no valid last known address exists for the owner of record, the City may publish the notice in a newspaper of general circulation in the City for no less than two (2) consecutive issues or personally deliver the notice to the owner of record. For purposes of this section, such publication shall constitute receipt of notice effective on the date of the second publication of the notice and personal delivery shall constitute receipt of notice immediately upon delivery. 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 name, office, address and telephone number of the individual in the Department of

Planning and Code Enforcement giving the 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.

(b)(1)(A) If the person fails or refuses to remedy the condition within ten (10) days after receiving the notice, the Department of Planning and Code Enforcement 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 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 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 of Obion County, the costs shall be a lien on the property in favor of the City, second only to liens of the state, county and City of 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.

(B) 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 of Planning and Code Enforcement 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. Subdivision (b)(1)(A) shall apply to the collection of costs against the owner of an owner-occupied residential property, except that the City shall wait until cumulative charges for remediation equal or exceed five hundred dollars (\$500) 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 attached, charges for costs for which the lien attached are collectible as provided in subdivision (b)(1)(A) for these charges.

(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 specified in subdivision (a)(1) shall be twenty (20) days, excluding Saturdays, Sundays and legal holidays.

(c)(1) Either or both the Mayor and Council of the City of Union City and the Department of Planning and Code Enforcement may make any rules and regulations necessary for the administration and enforcement of this section. The City shall provide for a hearing upon request of the person aggrieved by the determination made pursuant to subsection (a). A request for a hearing shall be made within ten (10) days following the receipt of the notice issued pursuant to subsection (a). 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 under the provisions of this subsection may seek judicial review of the order or act. The time period established in subsection (b) shall be stayed during the pendency of a hearing.

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

(e) In the event a privately owned cemetery would otherwise meet the requirements of this section, and if a Boy Scout troop or other organization were to remedy the conditions existing on such property, the City shall be prohibited from filing a lien against such property for the value of the work performed by such organization. Such organization shall be immune from any legal action

for damages, and no cause of action for civil or criminal liability may be brought by the owner of record of the cemetery or descendants of those buried in the cemetery against such organization, so long as reasonable care is taken by such organization not to violation § 46-2-105, or any other provision of law, rule or regulation.

**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.

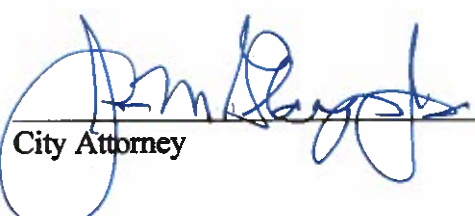
CITY OF UNION CITY, TENNESSEE

BY:   
Its Mayor

ATTEST:

  
City Clerk

APPROVED AS TO FORM AND LEGALITY:

  
City Attorney

Passed First Reading:           October 6, 2020  
Passed Second Reading:       October 20, 2020  
Posted Caption:                October 13, 2020  
Effective Date:                 October 23, 2020