

ORDINANCE NO. 76-5

AN ORDINANCE DESIGNATING CERTAIN BUILDINGS OR STRUCTURES AS UNSAFE, DECLARING SAME TO BE UNLAWFUL AND NUISANCES, PROVIDING FOR THE ABATEMENT OF THE UNLAWFUL CONDITION OR NUISANCE, PROVIDING FOR NOTIFICATION OF THE OWNER OF SUCH PROPERTY, PROVIDING FOR ABATEMENT BY THE CITY IN THE EVENT THE OWNER OF SUCH PROPERTY SHALL FAIL TO DO SO AND PROVIDING FOR RECOVERY OF THE EXPENSE OF ABATEMENT BY THE CITY.

BE IT ORDAINED BY THE CITY OF BELLE MEADE AS FOLLOWS:

Section 1. All buildings or structures which are unsafe, unsanitary, not provided with adequate egress, which constitute a fire hazard, are otherwise dangerous to human life and property or which in relation to existing use constitutes a hazard to safety or health by reason of inadequate maintenance, delapidation, obsolescent or abandonment are severally in contemplation of this ordinance, unsafe buildings. All such unsafe buildings or structures are hereby declared to be unlawful and constituting a nuisance and shall be abated by repair and rehabilitation or by demolition in accordance with the following procedure:

A. Whenever the City Manager shall find any building or structure, or portion thereof to be unsafe, as defined in this Ordinance, he shall cause notice to be forwarded to the last known address of all owners, agents, or other person or persons in control of such building or structure, stating the defects thereof. Said notice shall be forwarded by registered or certified mail, return receipt requested, to such owners, agents, or persons in control, and shall further advise that, in the event abatement of the condition is not effected within thirty (30) calendar days from the date of mailing such notice, the City of Belle Meade will cause the specified repairs or improvements to be accomplished, or to demolish and remove the building or structure or portion thereof, and the expense thereof charged to the property and the owners thereof as shown by the tax books of the City.

B. If necessary, such notice shall also require the building or structure or portion thereof to be vacated forthwith and not re-occupied until the specific repairs and improvements have been completed and a valid certificate of occupancy has been issued. The City Manager shall cause to be posted at each entrance to such building or structure a notice stating: "This building is unsafe and its use or occupancy has been prohibited by the City Manager of the City of Belle Meade". Such notice shall remain posted until the required repairs are made or until demolition is completed. It shall be unlawful for any person, firm or corporation, their agents or representatives, to remove such notice without written permission of the City Manager, or for any person to enter such building or structure except for the purpose of making the required repairs or of demolishing the same.

C. The owner, agent or person in control of a building or structure shall have the right, except in cases of emergency, to appeal from the decision of the City Manager, as hereinafter provided, and to appear before the Board of Commissioners of the City at a specified time and place to show cause why he should not comply with said notice. All owners of property contiguous to or affected by the unsafe building or structure shall be afforded notice of said hearing in the manner prescribed herein.

D. In the event that the owner, agent, or person in control of such building or structure cannot be found by the City Manager in the exercise of reasonable diligence or if such owner, agent or person in control shall fail, neglect or refuse to comply with the notice to repair, rehabilitate or to demolish and remove such building or structure or portion thereof, the City Manager, after having ascertained the cost, shall cause such building or structure or portion thereof, to be demolished, secured or required to remain vacant.

E. The decision of the City Manager shall be final in cases of emergency, without notice to the owner, which in his opinion involve imminent danger to human life or health. The City Manager shall immediately cause such building, structure or portion thereof to be made safe or removed. For this purpose the City Manager may enter at once such building or structure or premises upon which the same is located, or abutting land or structures, with such assistance and at such costs as he may deem necessary. The City Manager may vacate adjacent structures and protect the public by appropriate barricades or other such means as may be necessary, and for this purpose may close a public or private street, alley or means of access.

F. Any and all expense incurred under the requirements of this ordinance shall be charged to the owner of the premises involved as shown by the tax books of the City and shall be a lien against the real property upon which such costs was incurred, until paid.

G. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

H. It is hereby declared to be the intention of the citizens and the Board of Commissioners of the City of Belle Meade that the sections, paragraphs, sentences and words of this ordinance are severable, and if any section, paragraph, sentence or word in this ordinance shall be declared invalid for any reason by a court of competent jurisdiction, such declaration or holding shall not effect any of the remaining sections, paragraphs, sentences or words inasmuch as same would have been enacted by the Board of Commissioners without the incorporation in this ordinance of such invalid or unconstitutional section, paragraph, sentence or word.

Passed on First Reading:
Passed on Second Reading:
Passed on Third Reading
and Adopted:

Matthias B. Anell

MAYOR

William J. Smith

VICE MAYOR

Robert T. Coleman

COMMISSIONER

Chas. E. ...

RECORDER