

02

ORDINANCE 88-2

AN ORDINANCE ADDING CHAPTER 2 TO BELLE
MEADE CODE, TITLE 4, DEALING WITH UNSAFE
BUILDINGS

BE IT ORDAINED by the City of Belle Meade, as follows:

Section 1. Belle Meade Code, Title 4, is amended by adding thereto Chapter 2, as follows:

CHAPTER 2

UNSAFE BUILDINGS

SECTION

- 4-201. Unsafe buildings defined, declared nuisance.
- 4-202. Notice to abate; abatement by city.
- 4-203. Occupancy of unsafe buildings, notice of prohibited occupancy.
- 4-204. Appeal and hearing.
- 4-205. Failure of owner, etc., to repair.
- 4-206. Imminent danger situations.
- 4-207. Expenses to be lien.

4-201. Unsafe buildings defined, declared nuisance. 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 constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment are severally in contemplation of this chapter, 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 procedure outlined in this chapter. [Ord. 76-5, § 1]

4-202. Notice to abate; abatement by city. Whenever the city manager finds any building or structure or portion thereof to be unsafe, as defined in this chapter, 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 the building or structure or portion thereof to be demolished and removed, and the expenses thereof charged to the property and the owners thereof as shown by the tax books of the city. [Ord. 76-5, § 1(A)]

4-203. Occupancy of unsafe buildings; notice of prohibited occupancy. 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 of or demolishing the same. [Ord. 76-5, §1(B)]

4-204. Appeal or hearing. 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 appeal before the board of commissioners 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. [Ord. 76-5, § 1(C)]

4-205. Failure of owner, etc., to repair. 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. [Ord. 76-5, §1(D)]

4-206. Imminent danger situations. The decision of the city manager shall be final in cases of emergency, without notice of the owner, which in the city manager's 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. [Ord. 76-5, § 1(E)]

4-207. Expenses to be lien. Any and all expense incurred under the requirements of this chapter 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 were incurred, until paid. [Ord. 76-5, §1(F)]

Section 2. This ordinance shall become effective upon its passage.

Passed on first reading
4/20/88

Elizabeth C. Proctor
Mayor Elizabeth C. Proctor

Passed on second reading
5/18/88

T. Scott Fillebrown
Vice Mayor T. Scott Fillebrown

Passed on third reading
6/29/88

John W. Clay
Commissioners John W. Clay

Joan B. Coode
City Recorder Joan B. Coode