

ORDINANCE NO. 2010-13

AN ORDINANCE TO AMEND CITY CODE 13-104
ADDRESSING WEEDS, RUBBISH, ETC. AND THE COST
FOR THE REMOVAL OF ACCUMULATIONS THEREOF.

WHEREAS, the City of Maryville previously enacted City Code 13-104 addressing weeds, rubbish, etc. and the removal of the accumulation of such noxious items on property within the City limits, and

WHEREAS, the City has the authority to enter on each property to remove accumulations of the weeds, rubbish, etc., and

WHEREAS, the City has a right to charge the owner the costs for such removal and impose a lien for such costs pursuant to the City Charter, Article II, Section 1, sub-section 34, and

WHEREAS, the Charter in Article II, Section 1, Sub-section 24 further gives authority to the City to enforce any ordinance by means of fines, forfeiture or penalties, and to impose cost as a part thereof, and

WHEREAS, the penalty for failure to properly maintain a lot and allowing weeds, rubbish, etc. to accumulate thereon requires amendment of City Code 13-104, and

WHEREAS, said ordinance further needs to be amended to allow for the placement of a lien on the property in the Register of Deeds Office for recoupment of the City's costs associated with such properties.

WHEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYVILLE, TENNESSEE as follows:

SECTION 1. City Code 13-104, Weeds, Rubbish, Etc., is hereby repealed and amended to state as follows:


13-104. Weeds, Rubbish, Etc. It shall be unlawful for any person, firm, or corporation owning, leasing, occupying, or having control of property within the corporate limits other than agricultural property, regardless of whether such property is vacant or contains structures thereon, to permit such property to become overgrown with obnoxious weeds, grass, brush, and other rank or obnoxious vegetation and/or to permit the accumulation thereon of trash, rubbish, refuse, and other noxious or deleterious matter, for such are hereby declared to

be a public nuisance. The failure to cut and/or destroy such weeds, grass, brush, and other rank or noxious vegetation and the failure to clean up and remove such rubbish and refuse shall constitute a violation of this section, and shall be punishable under the general penalty clause of this code.

Upon failure of any such person, firm, or corporation owning, leasing, occupying, or having control of such property to cut and/or destroy such vegetation or to remove such accumulations of trash and refuse as described in this section, it shall be the duty of the city manager to give or cause to be given notice to the owner, lessee, occupier or person, firm, or corporation having control of the property to immediately remedy the condition herein prohibited, and in the event such owner, lessee, occupier or person, firm, or corporation having control of the property shall fail or refuse to do so within three (3) days after such notice, the city shall have the right to enter upon such property and cause such condition to be remedied or removed. Upon completion of such work, the reasonable cost thereof, plus a 25% penalty to defray the City's administrative costs in enforcing this ordinance, shall be paid by the owners or owners of said property. If the bill for such costs is not fully paid within sixty (60) days after the mailing of said bill, a lien shall be placed by the City in the Register of Deeds Office for Blount County, Tennessee, for the amount owed which shall constitute a continuing lien on the property until paid in full.

SECTION 2. That the provisions of this Ordinance shall be effective from and after its final passage, the public welfare requiring it.

ADOPTED this 6th day of April, 2010.


MAYOR

ATTEST:

Deborah F. Coughlin
City Recorder

APPROVED AS TO FORM:

W. L. [Signature]
City Attorney

Passed 1st reading this 2nd day of March, 2010. Deborah F. Coughlin
City Recorder

Passed 2nd reading this 6th day of April, 2010. Deborah F. Coughlin
City Recorder