

parts thereof create a substantial, material hazard to the health, safety, and welfare of the citizens and residents of Knox County, and

WHEREAS, the County desires to provide for preservation of the property, health, and safety of the citizens of Knox County by encouraging property owners to maintain their lots in a clean and safe fashion, and

WHEREAS, Knox County wishes to create a system by which dirty, overgrown and/or unsafe properties may be cleaned and restored to a safe condition.

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSION OF KNOX COUNTY AS FOLLOWS:

1. This article may be cited as the Dirty Lot Ordinance.
2. The existence within the limits of the County of Knox of lots and parcels of land overgrown with trees, vines, weeds, and other underbrush or burdened with the accumulation of debris, trash, litter, garbage or refuse or combination of preceding elements, or lots and parcels upon which exist abandoned dwellings or structures, or portions thereof, which are unfit for human habitation, are hereby declared to be a nuisance.
3. (a) Unlawful for any person owning, leasing or having control of property in the County to permit or suffer vines, grass, underbrush, or any other vegetation to grow and/or debris, trash, litter, garbage or refuse to accumulate on such property, or to allow an abandoned structure, or portions thereof, unfit for human habitation, to exist on such property, to such an extent that such a nuisance is created injurious to the health, safety and welfare of the inhabitants of the County. Vines, grass, underbrush, or other vegetation which have attained a height of twelve inches or more shall be presumed to be detrimental to the public health and a public nuisance, which presumption may be rebutted by competent evidence.

(b) It shall also be unlawful for any owner, occupant, lessee or anyone having supervision or control of any lot, tract, parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, within the County to suffer or permit trees, vines, grass, weeds, or any plant that is not cultivated to grow in rank profusion or otherwise, in, along, upon, or across the sidewalk or street adjacent to same in the area between the property line, to a height greater than twelve inches on an average.
4. That in complying with article provisions, it shall be unlawful for any person owning, leasing or having control of property in the County to rake upon, cut up, or pile up said vines, grass, underbrush or other vegetation, dead or broken tree limbs, dead trees or debris, trash, litter, garbage, or rubbish into any ditch or natural drain, or at any place on the property that might obstruct the vision of the operators of vehicles or pedestrians or obstruct the flow of water drainage.

5. That upon failure of any owner of property within the limits of the County of Knox to cut or have cut such growth of trees, vines, grass, underbrush, and/or other obnoxious vegetation or to remove or have removed such accumulation of debris, trash, litter, garbage or refuse as described in Section 3, or to fail to demolish and completely remove any abandoned dwelling or structure unfit for human habitation which may exist upon such lot, it shall be the duty of the County Building Inspector, or such other persons as are designated by the County Executive, to serve a notice on the owner, lessee, occupant or person having control of such property, ordering said person or persons to abate the nuisance within (10) days of the service of such notice.

It shall further be the duty of the County Building Inspector, or such other persons as are designated by the County Executive, to serve a notice on the owner, lessee, occupant or person having control of such property, ordering said person or persons to demolish or have demolished any abandoned dwelling or structure unfit for human habitation which may exist upon the property and to remove or have removed all debris resulting from demolition within thirty (30) days of serving of such notice.

Such notice shall be served: (1) by personally delivering same upon the owner, lessee, occupant, or person having control of such property, or (2) by mailing same to the last know address of such owner, lessee, occupant or person having control of such property by certified United States Mail, or (3) by posting same on the property upon which the illegal conditions exist.

Service of notice by any of the above methods shall be due notice within the meaning of this article, provided, however, that no owner out of possession shall be liable for any penalty or charge imposed under this Ordinance unless there shall be personal service of such notice upon him, or such notice mailed to him by certified mail as aforesaid.

The notice required herein shall state that the owner, lessee, occupant or other person having control of such 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:

- (a) a brief statement of this law which shall contain the consequences of failing to remedy the noted condition;
- (b) the person, office, address, and telephone number of the department or person giving notice;
- (c) a cost estimate for remedying the noted condition which shall be in conformity with the standards of cost to the community, and

(d) a place wherein the notified party may return a copy of the notice, indicating the desire of a hearing.

6. Any owner, lessee, occupant or person having control of such property aggrieved by the determination and order of an inspector may appeal therefrom to the County Codes Enforcement Director (“the Director”) or such other person or persons as may be designated by the County Executive within ten (10) days from the date of the service of the notice. Such appeal shall be taken by filing with the director a notice of appeal stating in brief and concise form the grounds upon which the appeal is based. The Director shall hear and determine such appeal as promptly as practicable, but in all cases the appeal shall be heard and determined within ten (10) calendar days of the date of the filing of the appeal. The appellant may request in writing an extension of time for the hearing, but no such extension shall be granted unless it shall appear to the Director that the appellant is suffering from some hardship which would make it unreasonable to have the hearing within a ten (10) day period.

The Director shall have the power to affirm, reverse, or modify the order of the inspector. His decision, together with the reasons therefore, shall be in writing, and shall be maintained as a public record. An owner, lessee, occupant or person having control of property who fails, refuses, or neglects to comply with the order of the inspector or, who fails, refuses, or neglects to comply with the Order as modified by the Director, shall be in violation of the provisions of this article. Appeal from the decision of the Administrator shall be by device of common law certiorari.

7. That if the owner or such other person described in paragraph 5 herein shall fail to remedy such condition within the time prescribed therein, unless an appeal is made, the inspector shall certify such failure to the Codes Enforcement Director who shall take such action as necessary to remedy the condition and abate the nuisance.

Wherever possible, labor needed to abate the nuisances described herein shall be obtained from the voluntary services of persons incarcerated within the Knox County Penal Farm. All inmates of the Knox County Penal Farm who so volunteer to perform said labor shall be entitled to all work release credits due them under the provisions of TCA §41-2-101, et seq. The Knox County Highway Department shall provide whatever equipment the Director may deem necessary for the abatement of the aforesaid nuisance.

WHEREAS, the Intergovernmental Committee recommends the requested amendments to the Knox County Code.

NOW THEREFORE BE IT ORDAINED BY THE COMMISSION OF KNOX COUNTY AS FOLLOWS:

Section 1: Knox County Code §38-68(c) is amended by deleting the subsection in its entirety and substituting therefore the following:

In complying with article provisions, it shall be unlawful for any person owning, leasing or having control of property in the County to rake upon, cut up, or pile up said vines, grass, underbrush or other vegetation, dead or broken tree limbs, dead trees or debris, trash, litter, garbage, or rubbish or any other natural or manmade material into any ditch or natural drain or any place on the property that might obstruct the vision of the operators of vehicles or pedestrians or obstruct and/or alter the flow of water drainage or change the water course.

Section 2: Knox County Code §38-69 is amended by deleting any reference to the “county building inspector” and substituting in each instance the phrase “The Department of Codes and Administration”,

Section 3: Knox County Code §38-71(a) is amended by appending the following phrase at the end of the subsection: “including, but limited to, issuance of a citation to General Sessions Court for assessment of civil penalties for violation of this Ordinance.”

Section 4: Knox County Code §38-71(b) is amended by striking the phrase “county highway department” and substituting therefore the phrase “Department of Engineering and Public Works.”

Section 5: Knox County Code §38-71(c) is amended by adding the following sentence after the second sentence in the subsections:

In case where cleanup cannot be performed by the Department of Engineering and Public Works, a citation to General Sessions Court may be issued. A violation of this ordinance may be punished by assessment of a civil penalty of not less than \$100 nor more than \$500 per violation.

Section 6: This Ordinance shall take effect upon passage, the public welfare requiring it.

_____ Date _____
Presiding Officer of the Commission

_____ Date _____
County Clerk

Approved: _____ Date _____
County Executive

Vetoed: _____ Date _____
County Executive

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