

APPENDIX B

SLUM CLEARANCE

ORDINANCE NO. 418

BE IT ORDAINED by the Board of Commissioners of the City of Paris, Tennessee, that:

SECTION 1. Definitions. The following terms whenever used or referred to in this ordinance shall have the following respective meanings for the purposes of this ordinance, unless a different meaning clearly appears from the context:

- (a) "Municipality" shall mean the City of Paris, Tennessee.
- (b) "Governing Body" shall mean the Board of Commissioners of the City of Paris, Tennessee.
- (c) "Public Officer" shall mean the Housing Board of Adjustments and Appeals. He is hereby designated and authorized to exercise the powers prescribed by this ordinance and by Chapter 12, Title 13, Tennessee Code Annotated.
- (d) "Public Authority" shall mean any housing authority or any officer who is in charge of any department or branch of the government of the municipality or state relating to health, fire, building regulations, or other activities concerning dwellings in the municipality.
- (e) "Owner" shall mean the holder of the title in fee simple and every mortgage of record.
- (f) "Parties in interest" shall mean all individuals, associations, corporation and others who have interests of record in a dwelling and any who are in possession thereof.
- (g) "Dwelling" shall mean any building or structure, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

SECTION 2. Dwelling unfit for habitation to be repaired, closed or demolished. The Board of Commissioners hereby finds that there exists in this municipality dwellings which are unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety or morals, or otherwise inimical to the welfare of the residents of this municipality, and, therefore, hereby ordains that such dwellings shall be repaired, closed or demolished in the manner herein provided.

SECTION 3. Procedure for abating unfit dwellings.

- (a) Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the municipality charging that any dwelling is unfit for human habitation, or whenever it appears to the public officer (on his own motion) that any dwelling is unfit for human habitation, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest of such dwelling a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer (or his designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the serving of said complaint; that the owner and parties in interest shall be given the right

to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer.

- (b) If after such notice and hearing the public officer determines that the dwelling under consideration is unfit for human habitation, he shall state in writing his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order, (1) if the repair, alteration or improvement of the said dwelling can be made at a reasonable cost in relation to the value of the dwelling requiring the owner, within the time specified in the order, to repair, alter or improve such dwelling to render it unfit for human habitation or to vacate and close the dwelling as a human habitation; or (2) if the repair, alteration or improvement of the said dwelling cannot be made at a reasonable cost in relation to the value of the dwelling requiring the owner, within the time specified in the order, to remove or demolish such dwelling.
- (c) If the owner fails to comply with an order to repair, alter, or improve or to vacate and close the dwelling, the public officer may cause such dwelling to be repaired, altered, or improved, or to be vacated and closed; that the public officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful."
- (d) If the owner fails to comply with an order to remove or demolish the dwelling, the public officer may cause such dwelling to be removed or demolished.
- (e) The amount of the cost of such repairs, alteration or improvements, or vacating and closing, or removal or demolition by the public officer shall be a lien against the real property upon which such cost was incurred. If the dwelling is removed or demolished by the public officer, he shall sell the materials of such dwelling and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the chancery court by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to such person found to be entitled thereto by final order or decree of such court, provided, however, that nothing in this section shall be construed to impair or limit in any way the power of the municipality to define and declare nuisances and cause their removal or abatement, by summary proceedings or otherwise.

SECTION 4. Conditions rendering dwelling unfit for human habitation. The public officer may determine that a dwelling is unfit for human habitation if he finds that conditions exist in such dwelling which are dangerous or injurious to the health, safety or morals of the occupants of such dwelling, the occupants of neighboring dwellings or other residents of the municipality; such conditions may include the following (without limiting the generality of the foregoing); defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; uncleanness.

SECTION 5. Service of complaints or orders. Complaints or orders issued by the public officer pursuant to this ordinance shall be served upon persons either personally or by registered mail, but if the whereabouts of such person are unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit

to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the county and circulating in the municipality. A copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order. A copy of such complaint or order shall also be filed for recording in the register's office of Henry County, and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law.

SECTION 6. Enjoining enforcement of order. Any person affected by an order issued by the public officer may file a bill in the chancery court for an injunction restraining the public officer from carrying out the provision of the order, and the court may, upon the filing of such bill, issue a temporary injunction restraining the public officer pending the final disposition of the cause; provided, however, that within sixty (60) days after the posting and service of the order of the public officer, such person shall file such bill in the court. Hearings shall be had by the court on such bills within twenty (20) days, or as soon thereafter as possible, and shall be given preference over other matters on the court's calendar.

The court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require. In all such proceedings the findings of the public officer as to facts, if supported by evidence, shall be conclusive. Costs shall be in the discretion of the court. The remedies herein provided shall be exclusive remedies and no person affected by an order of the public officer shall be entitled to recover any damages for action taken pursuant to any order of the public officer, or because of noncompliance with such person with any order of the public officer.

SECTION 7. Powers of the public officer. The public officer is hereby authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provision of this ordinance, including the following powers in addition to others herein granted: (1) to investigate the dwelling conditions in the municipality in order to determine which dwellings therein are unfit for human habitation; (2) to administer oaths, affirmations, examine witnesses and receive evidence; (3) to enter upon premises for the purpose of making examinations, provided that such entries shall be made in such manner as to cause the least possible inconvenience to the person in possession; (4) to appoint and fix the duties of such officer, agents and employees as he deems necessary to carry out the purposes of this ordinance; and (5) to delegate any of his functions and powers under this ordinance to such officers and agents as he may designate.

SECTION 8. Annual expenses and costs. The Board of Commissioners hereby estimates that Twenty-five Hundred Dollars (\$2,500.00) will be necessary to meet the annual expenses or costs necessary to provide the equipment, personnel and supplies necessary for periodic examinations and investigations of the dwellings in the municipality, for the purpose of determining the fitness of such dwellings for human habitation, and for the enforcement and administration of this ordinance. In addition to making appropriations from its revenues, the City may accept and apply grants or donations to assist it in carrying out the provisions of this ordinance.

SECTION 9. Ordinance confers supplementary powers and procedures. Nothing in this ordinance shall be construed to abrogate or impair the powers of the courts or of any department of the municipality to enforce any provisions of its charter or other ordinances or regulations, nor to prevent or punish violations thereof, and the powers and procedures prescribed by this ordinance shall be in addition and supplemental to the powers conferred by any other law.

SECTION 10. Effective date. This ordinance shall be effective from and after its final passage, the public welfare requiring it.