

## **“March 2008 Commission Meeting”**

IN RE: ORDINANCES ON FIRST READING:

IN RE: CONSIDERATION OF AN ORDINANCE OF THE COMMISSION OF KNOX COUNTY, TENNESSEE, AMENDING KNOX COUNTY CODE, CHAPTER 26, ARTICLE IV, VACANT, DETERIORATED OR BLIGHTED PROPERTIES BY AMENDING SECTION 26-97, SECTION 26-98, SECTION 26-99(A) AND SECTION 26-101 (ORDINANCE O-94-11-101 §2, 3, 4 AND 6, ADOPTED DECEMBER 12, 1994) – O-08-3-101 – (FIRST READING):

Consideration of an Ordinance of the Commission of Knox County, Tennessee, amending Knox County Code, Chapter 26, Article IV, Vacant, Deteriorated or Blighted Properties by amending Section 26-97, Section 26-98, Section 26-99(A) and Section 26-101 (Ordinance O-94-11-101 §2, 3, 4 and 6, adopted December 12, 1994) was before the Board of Commissioners on first reading.

Commissioner Pinkston moved to approve Ordinance O-08-3-101 - Ordinance of the Commission of Knox County, Tennessee, amending Knox County Code, Chapter 26, Article IV, Vacant, Deteriorated or Blighted Properties by amending Section 26-97, Section 26-98, Section 26-99(A) and Section 26-101 (Ordinance O-94-11-101 §2, 3, 4 and 6, adopted December 12, 1994) on first reading. Commissioner Daniels seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Campen, Norman, Ivan Harmon, Davis, Daniels, Hammond, Craig Leuthold, Briggs, Rountree, Lambert, Smith, Moore, Ballard, Wright, DeFreese and Pinkston voted aye. Commissioner Mark Harmon voted no. The motion carried 18-1-0-0.

## **“April 2008 Commission Meeting”**

IN RE: ORDINANCES ON SECOND READING:

IN RE: CONSIDERATION OF AN ORDINANCE OF THE COMMISSION OF KNOX COUNTY, TENNESSEE AMENDING KNOX COUNTY CODE, CHAPTER 26, ARTICLE IV. VACANT, DETERIORATED OR BLIGHTED PROPERTIES BY AMENDING SEC. 26-97, SEC. 26-98, SEC. 26-99 (A) AND SEC. 26-101 (ORD. NO.

O-94-11-101 § 2, 3, 4 AND 6, ADOPTED 12-19-94) SECOND READING: O-08-3-101:

Consideration of an Ordinance of the Commission of Knox County, Tennessee amending Knox County Code, Chapter 26, Article IV. Vacant, Deteriorated or Blighted Properties by amending Sec. 26-97, Sec. 26-98, Sec. 26-99 (A) and Sec. 26-101 (Ord. No. O-94-11-101 § 2, 3, 4 and 6, adopted 12-19-94) on first reading was before the Board of Commissioners.

Commissioner Pinkston moved to approve on second reading

O-08-3-101 - Consideration of an Ordinance of the Commission of Knox County, Tennessee amending Knox County Code, Chapter 26, Article IV. Vacant, Deteriorated or Blighted Properties by amending Sec. 26-97, Sec. 26-98, Sec. 26-99 (A) and Sec. 26-101 (Ord. No. O-94-11-101 § 2, 3, 4 and 6, adopted 12-19-94). Commissioner Leuthold seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Mark Harmon, Campen, Norman, Ivan Harmon, Davis, Daniels, Hammond, Leuthold, Briggs, Rountree, Lambert, Smith, Moore, Ballard, Wright, DeFreese and Pinkston voted aye. The motion carried 19-0-0-0.

## “Knox County Charter Section”

### ARTICLE IV. VACANT, DETERIORATED OR BLIGHTED PROPERTIES\*

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\*Cross references: Buildings and building regulations, ch. 10.

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Sec. 26-96. State law adopted.

The provisions of T.C.A. § 13-21-201 et seq., relating to the acquisition of vacant, deteriorated or blighted properties, are hereby adopted.

(Ord. No. O-94-11-101, § 1, 12-19-94)

Sec. 26-97. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Blighted or deteriorated property* means any vacant structure or vacant or unimproved lot or parcel of ground whether residential, commercial or industrial in a predominantly built-up neighborhood. Such term does not apply to any property used for agricultural purposes:

- (1) Which because of physical condition or use is regarded as a public nuisance at common law or has been declared a public nuisance in accordance with local property maintenance, building, plumbing, fire or related codes;
- (2) Which because of physical condition, use or occupancy is considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations, and unsafe fences or structures;
- (3) Which, because it is dilapidated, unsanitary, unsafe, vermin-infested or lacking in the facilities and equipment required by the adopted codes of the municipality, has been designated by the appropriate agency or department responsible for enforcement of the code as unfit for human habitation;
- (4) Which is a fire hazard, or is otherwise dangerous to the safety of persons or property;
- (5) From which the utilities, plumbing, heating, sewer or other facilities have been disconnected, destroyed, removed, or rendered ineffective so that the property is unfit for its intended use;
- (6) Which by reason of neglect or lack of maintenance has become a place for accumulation of trash and debris, or a haven for rodents or other vermin;
- (7) Which has been tax delinquent for a period of at least three (3) years; or
- (8) Which has not be rehabilitated within the time constraints placed upon the owner by the appropriate code enforcement agency.

*Redevelopment* means the planning or replanning, design or redesign, acquisition, clearance, development and disposal, or any combination of these, of a property in the preparation of such property for residential, commercial, industrial and related uses, as may be appropriate or necessary.

*Residential, commercial, industrial and related uses* means residential or commercial or industrial property for sale or rental and related uses, including, but not limited to, park and recreation areas, neighborhood community service and neighborhood parking lots.

*Secretary* means the code administration staff responsible for notification of property owners or the owner's agent.

*Vacant property review commission* means a commission established by ordinance to review vacant properties to make a written determination of blight and deterioration.

(Ord. No. O-94-11-101, § 2, 12-19-94; Ord. No. O-08-3-101, § 1, 4-28-08)

Cross references: Definitions generally, § 1-2.

Sec. 26-98. Vacant property review commission.

(a) *Established.* There is hereby established the county vacant property review commission, which is established for the purpose of reviewing properties alleged to be blighted and certifying them to the county commission for acquisition.

(b) *Composition.* The vacant property review commission shall be made up of nine members, appointed by the county mayor and approved by the county commission. The nine members shall be the members of the board of zoning and appeals, provided that no two members shall be from the same civil district. Should any county commissioner serving on the vacant property review commission leave the office of county commissioner, his seat on the vacant property review commission shall immediately be declared vacant and the county mayor shall appoint a new county commission member, subject to the approval by the county commission.

(c) *Terms.* The vacant property review commission shall serve four year terms running concurrently with the terms of the county commission.

(d) *Meetings.* The county vacant property review commission shall meet after the board of zoning and appeals monthly meeting if a blighted or deteriorated property has been scheduled for commission review.

(Ord. No. O-94-11-101, § 3, 12-19-94; Ord. No. O-08-3-101, § 2, 4-28-08)

Sec. 26-99. Procedure.

(a) *Initial investigation.* Whenever it shall appear to any agent of the county code administration and inspection department that a property is vacant and in violation of any regulation promulgated under state law or the county zoning ordinance, or whenever it shall appear to any agent of the county health department that any residential, commercial or industrial property and related uses that are vacant and in violation of any health regulation promulgated by the state or the county health department, that agent shall attempt to notify the owner of said property of the condition. The agent or agency shall attempt to determine the owner of the property and shall mail such notice of violation to said owner by certified mail, return receipt requested. However, if the address of the owner or designated agent is unknown and cannot be ascertained by the agency in the exercise of reasonable diligence, copies of the notice shall be posted in a conspicuous place on the property affected. The written notice sent to owner or the owner's agent shall describe the conditions that render the property blighted and deteriorated, and shall demand abatement of the conditions within two weeks of receipt of such notice.

(b) *Commission review, notification.* If the appropriate county agency has notified the property owner that his property is vacant and in violation of state or local regulations and no attempt has been made to correct the condition within the period provided in this section, the agency shall refer the property to the county vacant property review commission. The secretary for the vacant property review commission shall notify the owner of the property or a designated agent that a determination of blight or deterioration has been made and that failure to eliminate the conditions causing the blight shall render the property subject to condemnation by the county. Notice shall be mailed to the owner or designated agent by certified mail, return receipt requested. However, if the address of the owner or designated agent is unknown and cannot be ascertained by the vacant property review commission in the exercise of reasonable diligence, copies of the notice shall be posted in a conspicuous place on the property affected. The written notice sent to the owner or the owner's agent shall describe the conditions that render the property blighted and deteriorated, and shall demand abatement of the conditions within 90 days of the receipt of such notice. An extension of the 90-day time period may be granted by the vacant property review commission if the owner or designated agent demonstrates that such period is insufficient to correct the conditions cited in the notice.

(c) *Referral to the county commission.* If a property owner fails to correct the conditions rendering the property blighted or deteriorated within the 90-day period granted under this section or within any extended period granted by the vacant property review commission, the commission may refer the property to the county commission for further action. A property which has been referred to the vacant property review commission by an agency of the county as blighted or deteriorated may only be certified to the county commission as blighted or deteriorated after the commission has determined that:

- (1) The owner of the property or designated agent has been sent an order by the appropriate agency of the county to eliminate the conditions which are in violation of local codes or law;
- (2) The property is vacant;
- (3) The property is blighted and deteriorated;
- (4) The commission has notified the property owner or designated agent that the property has been determined to be blighted or deteriorated and the time period for correction of such condition has expired and the property owner or agent has failed to comply with the notice;
- (5) The metropolitan planning commission has determined that the reuse of the property for residential and related use is in keeping with the comprehensive plan.

The findings required by this subsection shall be in writing and included in the report to the county commission.

(Ord. No. O-94-11-101, § 4, 12-19-94; Ord. No. O-08-3-101, § 3, 4-28-08)

#### Sec. 26-100. Eminent domain proceedings.

The county commission may institute eminent domain proceedings pursuant to Title 29, Chapter 16 and 17 (T.C.A. §§ 29-16-101 et seq., and 29-17-101 et seq.), against any property which has been certified as blighted or deteriorated by the vacant property review commission if it finds that:

- (1) Such property has deteriorated to such an extent as to constitute a serious and growing threat to the public health, safety and welfare;
- (2) Such property is likely to continue to deteriorate unless corrected;
- (3) The continued deterioration of such property may contribute to the blighting or deterioration of the areas immediately surrounding the property; and
- (4) The owner of such property has failed to correct the deterioration of the property.

(Ord. No. O-94-11-101, § 5, 12-19-94)

#### Sec. 26-101. Disposition of acquired property.

Upon acquisition of properties pursuant to this article, the county mayor or his designated agent shall determine whether the rehabilitation of the acquired property is feasible. If in the determination of the county mayor the property may reasonably be rehabilitated he shall cause that to be done as expediently as possible. If the county mayor determines that rehabilitation of the property is not feasible or practical, he shall cause the property to be demolished and the lot cleared. In either event, upon completion of the rehabilitation or clearing of the property so acquired, the county mayor shall cause the property to be sold at auction.

(Ord. No. O-94-11-101, § 6, 12-19-94; Ord. No. O-08-3-101, § 4, 4-28-08)

#### Sec. 26-102. Conflicts of interest.

(a) No officer or employee of the county, or of the vacant property review commission, who in the course of such officer's or employee's duties is required to participate in the determination of property blight or deterioration, or the issuance of notices on code violations which may lead to a determination of blight or deterioration, shall acquire any interest in any property declared to be blighted or deteriorated.

(b) If any such officer or employee, as described in subsection (a) of this section, owns or has financial interest, direct or indirect, in any property certified to be blighted or deteriorated, the

officer or employee shall immediately disclose, in writing, such interest to the vacant property review commission and to the legislative body, and such disclosure shall be entered in the minutes of the vacant property review commission and of the legislative body.

(c) Failure to so disclose such interest, as provided in this section, shall constitute misconduct in office.

(d) No payment shall be made to any officer or employee for any property or interest therein acquired by the county from such officer or employee unless the amount of such payment is fixed by court order in eminent domain proceedings, or unless payment is unanimously approved by the legislative body.

(Ord. No. O-94-11-101, § 7, 12-19-94)

Secs. 26-103--26-120. Reserved.

### **“Ordinance Procedure Summary”**

- Someone has to submit a property, by complaint or otherwise.
- Codes investigates the property and sends notice to the property owner and gives two weeks for the owner to take action.
- If no action is taken by the property owner, a notice is sent giving 90 days for the owner to take action, or the property will be rendered blighted or deteriorated. A 90 day extension can be given if the owner shows proof of action.
- If no action is taken by the property owner, it can be referred to county commission for their recommendation. They can vote to proceed with eminent domain proceedings to acquire the property.