ORDINANCE NO. 11345

AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE, CHAPTER 18, ARTICLE VII, SECTION 18-123(h); CHAPTER 21, ARTICLE I, SECTIONS 21-1 THROUGH 21-25; CHAPTER 21, ARTICLE II, SECTIONS 21-26, 21-28, 21-30; CHAPTER 21, ARTICLE III, SECTIONS 21-36 AND 21-40; CHAPTER 21, ARTICLE VII, SECTIONS 21-101 AND 21-123; CHAPTER 24, ARTICLE X, DIV. 3, SECTIONS 24-341(c) AND 24-345(c); CHAPTER 31, ARTICLE I, SECTION 31-2(b); AND CHAPTER 32, ARTICLE VIII, SECTION 32-174, RELATIVE TO NEIGHBORHOOD SERVICES.

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WHEREAS, T.C.A. §§13-21-101 through 13-21-208, power is conferred on municipalities to exercise their police powers to repair, close or demolish certain unfit, dilapidated, defective, unsafe or unsanitary dangerous structures in the manner therein provided; and

WHEREAS, The City Council of the City of Chattanooga finds that there exists in Chattanooga structures which are unfit for human occupation or use due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, and due to other conditions rendering such structures unsafe or unsanitary, or dangerous or detrimental to the health, safety or morals, or otherwise inimical to the welfare of the residents of Chattanooga;

NOW, THEREFORE,

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

SECTION 1. That Chattanooga City Code, Part II, Chapter 18, Article VII, Section 18-123(h) is amended by deleting “Better Housing Commission” and replacing in lieu thereof “Public Officer of the Department of Neighborhood Services”.

SECTION 2.That Chattanooga City Code Part II, Chapter 21, Article I, Sections 21-1 through 21-25 be and is hereby amended by deleting the same in its entirety and inserting in lieu thereof the following:

**Sec. 21-1.Scope.**

and sanitary condition, in good repair and to prevent the accumulation of stagnant water.

SECTION 5.BE IT FURTHER ORDAINED, That Chattanooga City Code, Chapter 21, Article II, Section 21-30 is deleted in its entirety and inserting in lieu thereof the following:

**Sec. 21-30(a)**

Every person owning or having charge or control of any unsecured building shall remove all combustible waste and refuse therefrom and lock, barricade or otherwise secure all windows, doors and openings in the building to prohibit entry by unauthorized persons.

**Sec. 21-30(b)**

An unsecured vacant building that is barricaded pursuant to this section shall be barricaded by using one half (1/2) inch plywood board. Any board placed on an unsecured, vacant building shall be painted a color that is consistent with the color of the structure and shall be cut to fit into any windows, doors or other openings on such unsecured, vacant building.

SECTION 6.BE IT FURTHER ORDAINED, That Chattanooga City Code, Chapter 21, Article II, Section 21-36 is amended by deleting “thirty-four” and replacing in lieu thereof “forty (40).”

SECTION 7.BE IT FURTHER ORDAINED, That Chattanooga City Code, Chapter 21, Article II, Section 21-40 is deleted in its entirety and inserting in lieu thereof the following:

**Sec. 21-40.Defacement of Property.**

1.All supporting structural members of all buildings shall be kept structurally sound, free of deterioration and maintained capable of safely bearing the dead and live loads imposed upon them.

2.Every exterior wall shall be free of holes, breaks, loose or rotten boards or timbers. The exterior walls of all dwellings or buildings shall be substantially weather-tight, and shall be made impervious to the adverse effects of weather and shall be maintained in sound condition and good repair.

3.No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

4.It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

SECTION 8.BE IT FURTHER ORDAINED, That Chattanooga City Code, Part II, Chapter 21, Article VII, Section 21-101 be and is hereby amended by deleting “Better Housing Commission” and replacing in lieu thereof “Department of Neighborhood Services”.

SECTION 9.BE IT FURTHER ORDAINED, That Chattanooga City Code, Part II, Chapter 21, Article VII, Section 21-123 be and is hereby amended by deleting the same in its entirety and inserting in lieu thereof the following:

**Sec. 21-123.Vacant property review commission established.**

(a)There is hereby created and established a Vacant Property Review Commission referred to in this Division hereafter as the “Commission”. The “Commission” shall serve as a vacant property review commission which shall certify properties as blighted or detracted to the City Council.

(b)The “Commission” shall consist of five (5) persons who are qualified voters of the city, to be appointed by the mayor and confirmed by the City Council. They shall hold office for a term of three (3) years and until their successors are appointed. Provided, however, no officer of employee of the city whose duties include enforcement of local housing, building, plumbing, fire or related codes shall be appointed to the commission.

The members of the “Commission” shall serve without compensation.Three (3) members shall constitute a quorum for the transaction of business.

(c)The “Commission” shall meet in the assembly room at the City Hall at least as my be necessary. Special meetings may be called by the Chairman or by five (5) members upon giving notice to all members. The “Commission” shall keep a record of their proceeding.

SECTION 10.BE IT FURTHER ORDAINED, That Chattanooga City Code, Part II, Chapter 24, Article X, Section 24-341(c) is deleted in its entirety and substituted in lieu thereof the following “*Discarded vehicle* shall mean any vehicle or part hereof which: is inoperative, wrecked, dismantled, partially dismantled or discarded for a period of more than ten (10) days.

SECTION 11.BE IT FURTHER ORDAINED, That Chattanooga City Code, Part II, Chapter 24, Article X, Section 24-345(c) is amended by deleting “Better Housing Commission” and replacing in lieu thereof “Public Officer of the Department of Neighborhood Services”.

SECTION 12.BE IT FURTHER ORDAINED, That Chattanooga City Code, Part II, Chapter 31, Article I, Section 31-2(b) is amended by deleting “inspector for the Better Housing Commission” and replacing in lieu thereof “Public Officer of the Department of Neighborhood Services”.

SECTION 13.BE IT FURTHER ORDAINED, That Chattanooga City Code, Part II, Chapter 32, Article VIII, Section 32-174 is amended by deleting “an authorized inspector of the Better Housing Division” and replacing in lieu thereof “Inspector of the Department of Neighborhood Services”.

SECTION 14.BE IT FURTHER ORDAINED, That the provisions of this Ordinance are hereby declared to be severable. If any of these sections, provisions, sentences, clauses, phrases, or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

SECTION 15.BE IT FURTHER ORDAINED, That this Ordinance shall take effect two (2) weeks from and after its passage, as provided by law.

PASSED on Third and Final Reading

November 12, 2002.S/\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

CHAIRPERSON

APPROVED: X DISAPPROVED: \_\_\_\_\_\_\_

DATE: November 15 , 2002

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MAYOR

Reviewed By: s/\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

KC/cw/pm*James S. Boney*