

Sec. 2-84-8 - Slum clearance and redevelopment.

- A.** It is found that there exists within the center city area structures which are unfit for human occupation or use due to dilapidation, defects increasing the hazards of fire, accidents or calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such structures unsafe or unsanitary, are dangerous or detrimental to the health, safety or morals, or otherwise inimical to the welfare of the residents of the center city area.
- B.** The president is designated and appointed to exercise the powers prescribed by the provisions of this section pursuant to Tennessee Code Annotated Section 13-21-101 et seq.
- C.** Whenever a petition is filed with the president by a public authority or by at least five residents of the city charging that any structure within the center city area is unfit for human occupation or use, or whenever it appears to the president (on the president's own motion) that any structure within the center city area is unfit for occupation or use, the president shall, if the president's preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner and any parties in interest of such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the president (or the president's designated agent) at a place therein fixed, not less than ten (10) nor more than thirty (30) days after the serving of the complaint that:
- 1.** The owner and parties in interest shall be given the right to file an answer to the complaint and appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and
 - 2.** The rules of evidence prevailing in courts of law or equity shall not be controlling in the hearings before the president (or his or her designee).
- D.** If, after such notice and hearing, the president determines that the structure under consideration is unfit for human occupation or use, the president shall state in writing the president's 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 structures can be made at reasonable cost in relation to the value of the structure (fifty (50) percent of the value of such structure being found reasonable for such purpose); provided, however, if such structure is located within a local historic district designated pursuant to [Chapter 14-24](#) of this code (one hundred (100) percent of the value of such structure being found reasonable for such purpose), requiring the owner, within the time specified in the order, to repair, alter or improve such structure to render it fit for human occupation or use or to vacate and close the structure as a place of human occupation or use; or
 - 2.** If the repair, alteration or improvement of the structure cannot be made at a reasonable cost in relation to the value of the structure (fifty (50) percent of the value of the structure being considered reasonable for such purposes); provided, however, if such structure is located within a local historic district designated pursuant to [Chapter 14-24](#) of this code (one hundred (100) percent of the value of such structure being found reasonable for such purpose), requiring the owner, within the time specified in the order, to remove or demolish such structure.
- E.** If the owner fails to comply with an order to repair, alter or improve or to vacate and close the structure, the president may use such structure to be repaired, altered or improved, or to be vacated and closed; the president may cause to be posted on the main entrance of any structure so closed, a placard with the following words: "This building is unfit for human occupation or use. The use or occupation for human occupation or use is prohibited and unlawful."
- F.** If the owner fails to comply with an order to remove or demolish the structure, the president may cause such structure to be removed or demolished.
- G.** The amount of the cost of such repairs, alterations or improvements, or vacation and closing, or removal or demolition by the president shall be assessed against the owner of the property, and shall, upon the filing of the notice with the office of the register of deeds of Shelby County be a lien on the property in favor of the city and the commission, as agent thereof second only to liens of the state, Shelby County and city for taxes, any lien on the city for special assessments, and any valid lien, right or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be collected by the tax collector of the city at the same time and in the same manner as property taxes are collected. If the owner shall fail to pay the costs, such costs may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes. In addition, the city or the commission on its behalf may collect the cost assessed against the owner through an action for debt filed in any court of competent jurisdiction. The city or the commission on its behalf may bring one action for debt against more than one or all of the owners of property against whom such costs have been assessed, and the fact that multiple owners have been joined in one action shall not be considered by the court as a misjoinder parties. If the structure is removed or

demolished by the president, the president shall sell the materials of such structure 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 president, shall be secured in such manner as may be directed by such court and shall be distributed by such court to the persons found to be entitled thereto by a final order or decree of such court. Nothing in this section shall be construed to impair or limit in any way the power of the city or the commission define and declare nuisances and to cause the removal or abatement by summary proceedings or otherwise.

- H.**
1. Terms used in this section which are defined in Tennessee Code Annotated Section 13-21-101 are intended to have the meanings set forth in Section 13-21-101, as same may be amended.
 2. Complaints and orders may be served in the manner set forth in Tennessee Code Annotated Section 13-21-104, as same may be amended.
 3. In addition to other powers set forth in this section, the president is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this section, including without limitation those powers set forth in Tennessee Code Annotated Section 13-21-107, as same may be amended.

(Ord. 4468 § 1, 1-7-97; Code 1985 § 7-18)

Sec. 2-84-9 - Acquisition of vacant properties within center city area.

- A.** It is found that there exists within the center city area blighted or deteriorated properties and that there is need within the center city area for the exercise of powers functions and duties conferred by Tennessee Code Annotated Section 13-21-201 et seq.
- B.** The commission is appointed as vacant property review commission with respect to the property within the center city area, which shall certify blighted properties as blighted or deteriorated to the council or the county commission, acting singularly or jointly.
- C.** The commission is established and appointed as the vacant property review commission the center city area pursuant to Tennessee Code Annotated Section 13-21-201 et seq. as the same may be amended and the commission shall have powers provided to make written determination of blighting and deterioration within the center city area, to certify such property o the council or the county commission, acting singularly or jointly, as blighted or deteriorated and to exercise any and all powers and authorities delegating a vacant property review commission pursuant to Tennessee Code Annotated Section 13-21-201 et seq.

(Ord. 4468 § 1, 1-7-97; Code 1985 § 7-19)