

LOUDON COUNTY COMMISSION WORKSHOP

Monday, June 17, 2013

County Office Building

6:00 pm

1. **This is the time for audience members to speak on items on or not on the Agenda.**
2. **Loudon County Resident, Johnny James**
 - A. Application of Zoning Controls on Property Owners
3. **Loudon County Solid Waste Commission, Steve Field**
 - A. Update on Solid Waste Commission
4. **Loudon County Purchasing Director, Joan Lovelace**
 - A. Multi-Year Contract for Custodial Services for Schools
5. **Loudon County Commissioner, David Meers**
 - A. Discussion of Solar Traffic Control Lights on Hwy 72 at Steeke Road
6. **Loudon County Budget Director, Tracy Blair**
 - A. Budget Committee Recommendations
7. **Any other items**
8. **Adjournment**

4.140. Litter, Refuse, Garbage, Junk and Debris, Vacant Dilapidated Buildings or Structures Control Regulations.

A. General Provisions: The following requirements shall apply to all zoning districts for the purpose of controlling the storage, placement, collection of junk, garbage, litter, refuse, rubbish or discarded material, and vacant and dilapidated buildings and structures which are unsafe. These regulations are promulgate under authority of Tennessee Code Annotated 39-3-1010 and 5-1-115.

1. No owner, occupant, or resident of any real property (land and/or building) shall permit or allow garbage, litter, rubbish, or refuse to accumulate upon or in such real property.
2. The owner, occupant, or resident of real property, where refuse accumulates or has accumulated in violation of these regulations, shall take appropriate measures to gather up or otherwise collect and remove the refuse.
3. Removal of the refuse in accordance with these regulations shall include the transfer of the refuse to an appropriate and lawful landfill or dump site, whether public or private.
4. During or after the removal of refuse in accordance with these regulations, if it becomes necessary to store the refuse while it awaits transfer or further collection, the refuse shall be stored in a lawful manner consistent with the nature of the refuse that does not further endanger the inhabitants of the county. Temporary storage of such collected refuse shall be permitted; however, such refuse shall be removed within five (5) days.
5. If the Building Commissioner determines that a violation of these regulations exists, the Commissioner shall provide notice to the owner of record of the property upon which the conditions creating the violation is located to remedy the condition immediately within twenty (20) days. The notice shall be by personal service on the owner or by mailing by United States mail (certified, return receipt requested) to the owner of record at the last known address. If the whereabouts of such person(s) is unknown and the same cannot be ascertained by the Building Commissioner in the exercise of reasonable diligence, then the Building Commissioner shall serve notice by publishing the same in a newspaper of general circulation in the County once each week for three (3) consecutive weeks. The above notices whether by mail or published in a newspaper, shall contain but not be limited to the following items:
 - a. A brief statement identifying these regulations.

- b. The person, office, address, and telephone number of the department or person giving notice.
- c. A cost estimate for remedying the noted conditions which shall be in conformity with standards of cost in the County.
- d. A brief statement informing the recipient of the notice that an appeal to the Loudon County Board of Zoning Appeals may be requested, said request to be received by the Building Commissioner in writing within twenty (20) days of receipt of the notice to the owner or date of last publication of said notice. Appeals before the Board shall conform to Section 7.070 of the Zoning Resolution.
- e. The place where the recipient of the notice can return a copy of the notice indicating a request for hearing.
- f. A brief description of the property including the property's location utilizing street address, if available, street name, and tax map and parcel numerical designations.

B. Failure to Comply

- 1. If a violation of these regulations is not remedied within twenty (20) days following personal service receipt of notice or completion of public notice within the newspaper, or if a hearing is not requested as stated in A.5(d), or if such violation continues for twenty (20) days following a hearing before the Board, wherein the decision of the Building Commissioner is sustained by the Board, then the Building Commissioner shall commence the process to remedy the condition causing the violation by one of the following methods:
 - a. By contracting with a private party for the job in accordance with any purchasing laws in effect; or
 - b. By reaching agreement with the chief administrative officer of the County Highway Department for that department to remedy the condition. If this option is used, the highway fund shall be reimbursed for the cost of the job from the general fund.
- 2. If the County remedies a condition causing a violation, the County shall file a certified and acknowledged copy of the Notice of Lien affecting the owners property with the County Register of Deeds after the work is completed. At the same time, the Building Commissioner shall send a statement by certified mail (return receipt requested) to the property owner, or if the whereabouts of the owner is unknown, publish a notice

once in a newspaper of general circulation, itemizing the cost of remedying the condition causing the violation. If the owner fails to reimburse the County for the cost of removal (including publication and recording expenses) within sixty (60) days from the date of notification or publication, the monetary amount shown on the statement shall constitute a lien upon the property as of the date the notice is filed with the Register of Deeds.

3. The cost of all remedies effected by the Building Commissioner shall be defrayed from general fund appropriations for this purpose, but the general fund shall be reimbursed by the property owner in accordance with these regulations. Such lien shall be satisfied to the extent of the value of the consideration received at the time of any transfer of ownership of said property, and if the lien is not fully satisfied at the time of transfer, it shall remain a lien on the property until fully satisfied. If the property is not transferred within one year from the date notice is filed with the Register of Deeds, the property shall be sold by the County to satisfy the lien, following the procedure set by law for the satisfaction of other liens. The lien shall remain in effect until the sale is completed or until all appeals have been heard.

C. Appeals

1. The property owner may request a hearing to the Board as permitted in A. 5(d). Such hearing shall be held at the next meeting of the Board of Zoning Appeals after the request is made unless a later date is agreed to by the owner. Failure to make the demand for a hearing within the time limit specified shall constitute a waiver of the right to a hearing. Following the hearing, the Board may modify, dismiss, or confirm the notice. After the Notice of Lien is filed with the Register of Deeds, if such property owner is aggrieved by the amount of the lien filed, such owner may submit the matter to the Chancery Court for Loudon County to determine the appropriate amount of the lien. The decision of the court may be appealed according to the Tennessee Rules of Appellate Procedure.

D. Exceptions

No provision of these regulations shall be construed as applying to any business being operated pursuant to Tennessee Code Annotated, Section 68-31-101, et seq.

E. Other Proceedings

Any proceedings, other than those listed herein, also shall conform to the provisions of Tennessee Code Annotated, Section 39-3-1010 (as amended, August 7, 1989).