

ORDINANCE NO. 2023-02

AN ORDINANCE TO AMEND TITLE 10, TITLE 12, TITLE 13, AND TITLE 19 OF THE MUNICIPAL CODE OF THE CITY OF SOUTH FULTON, TENNESSEE

WHEREAS, the Board of Commissioners of the City of South Fulton wishes to amend the current South Fulton Municipal Code, and

WHEREAS, the Board of Commissioners of the City of South Fulton wishes to make the following changes to the South Fulton Municipal Code as listed below.

NOW, THEREFORE, BE IT ORDAINED by the City of South Fulton, Tennessee, as follows:

Section 1:

Title 10-107 of the Municipal Code of the City of South Fulton, Tennessee, is hereby deleted and replaced with the following:

10-107. Seizure and disposition of animals or fowl. Violations of this chapter shall result in seizure of the animal or fowl by a City official designated by the City Manager. The seized animal or fowl will be confined in a kennel provided by the City. If the impounded animal **or fowl** is registered with the City and/or the owner is known, the owner shall be given notice not later than one (1) **business day (Monday through Friday)** after **the City's** taking possession of the animal. The owner may be contacted in person, by telephone, or by postcard mailed to such person's last known mailing address. The owner shall be informed that the animal or fowl must be claimed within five (5) **business** days (unless otherwise directed by the City Manager) from the time of seizure. If the owner is not known, public notice of the animal, containing a description, **will** be posted on the internet for seven (7) days. The animal or fowl may be claimed and returned to the owner after all kennel fees and any applicable fines and/or costs have been paid. Following the initial seven (7) day period, the animal or fowl then becomes property of the City and an adoption notice will be posted on the internet for seven (7) days. There will be no adoption fee charged. If not claimed or adopted within a fifteen (15) day period **following initial possession being taken of the animal or fowl by the City**, the animal or fowl shall be humanely destroyed as authorized by the City Manager. Charges for impound, boarding, fines, and court costs paid to the City of South Fulton are established and adopted by separate ordinance.

Title 10-202 of the Municipal Code of the City of South Fulton, Tennessee, is hereby deleted.

Title 10-203 of the Municipal Code of the City of South Fulton, Tennessee, is hereby deleted and replaced with the following:

10-203. Impounding. It shall be the duty of any designated official to apprehend any dog found at large and to impound such dog in the City pound or City designated pound or other suitable place. The animal control officer (or other designated official), upon receiving any dog, shall make a complete registry, entering the breed, color, and sex of such dog.

Title 10-205 of the Municipal Code of the City of South Fulton, Tennessee, is hereby deleted and replaced with the following:

10-205. Dog bites and disposition of infected or vicious dogs. The City shall confine a dog that has bitten any person for a period of fourteen (14) days **for observation**. Animals may also be **completely** confined by their owners **in an approved manner if approved by the designated official** and if they allow **the designated official** to check on the animal regularly for fourteen (14) days. **Any animal being so confined by its owner who does not so allow a City official to check on the animal, or if such animal is not so kept in such confinement, is subject to immediate relinquishment to such designated official upon demand.** Any person having knowledge of a dog bite shall **immediately** report the incident to City officials. Any dog **encountered or** seized which appears to be suffering from rabies or infected with mange or other infectious or dangerous disease, shall not be released but may be forthwith destroyed. **Additionally**, any dangerous, fierce, or vicious dog found at-large that cannot safely be taken up and impounded, shall be slain by a designated official.

Title 10-304(7) of the Municipal Code of the City of South Fulton, Tennessee, is hereby deleted and replaced with the following:

10-304(7). Any person who violates this chapter shall pay all animal care expenses, including sums for shelter, food, handling, veterinary care, and expert testimony, which are necessitated by the person's failure to abide by the provisions of this code. The minimum expenses shall be set at fifteen dollars (\$15) per day per animal. In addition, there will be assessed a pickup fee of twenty-five dollars (\$25) per animal.

Title 12-301 of the Municipal Code of the City of South Fulton, Tennessee, is hereby deleted and replaced with the following:

12-301. 2018 Electrical code adopted. Pursuant to authority granted by Tennessee Code Annotated § 6-54-501 to 6-54-506 and for the purpose of providing practical minimum standards for the safeguarding of persons and of buildings and their contents from hazards arising from the use of electricity for light, heat, power, radio, signaling, or for other purposes, the National Electrical Code 2018 edition, as prepared by the National Fire Protection Association, is hereby adopted and incorporated by reference as part of this code and is hereafter referred to as the electrical code.

Title 13-104 of the Municipal Code of the City of South Fulton, Tennessee, is hereby deleted and replaced with the following:

13-104. Weeds. Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property, and it shall be unlawful for any person to fail to comply with an order by the City Recorder, code enforcement, or chief of police to cut such vegetation when it has reached a height of over eight inches (8").

Title 13-112 of the Municipal Code of the City of South Fulton, Tennessee, is hereby added as follows:

13-112. Overgrown and Dirty Lots.

- (1) Prohibition. Pursuant to the authority granted to municipalities under Tennessee Code Annotated § 6-54-13, it shall be unlawful for any owner of record of real property to create, maintain, or permit to be maintained on such property the growth of trees, vines, grass, underbrush, **weeds**, and/or the accumulations of debris, trash, or garbage or any combination of the preceding elements so as to endanger the health, safety, or welfare of other citizens or to encourage the infestation of rats and other harmful animals.
- (2) Designation of Public Officer or department. The Board of Commissioners **delegates to the City Manager** to designate an appropriate department or person to enforce the provisions of this section.
- (3) Notice to property owner(s). It shall be the duty of the department or person designated by the City **Manager** to enforce this section, to serve notice upon the owner(s) of record in violation of subsection (1) above, a notice in plain language to remedy the condition within ten (10) days (or twenty (20) days if the owner of record is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquid, steam, sewage, or other materials) excluding Saturdays, Sundays, and legal holidays. The notice shall be sent by **both** registered or certified United States **mail and first class United States mail, postage prepaid**, addressed to the last known address of the owner(s) of record. The notice shall state that the owner(s) of the property is entitled to a hearing and shall at the minimum, contain the following information:
 - (a) A brief statement that the owner(s) is/are in violation of **13-112** of the South Fulton Municipal Code, which has been enacted under the authority of Tennessee Code Annotated § 6-54-113 and that the property of such owner(s) may be cleaned up at the expense of the owner(s) and a lien placed against the property to secure the cost of the clean-up.
 - (b) The person, office, address, and telephone number of the department or person giving the notice.
 - (c) A cost estimate for remedying the noted condition, which shall be in conformity with the standards of the cost in the City; and
 - (d) A place wherein the notified party may return a copy of the notice indicating the desire for a hearing.

- (4) Clean-up at the property owner's expense. If the property owner(s) of record fails or refuses to remedy the condition within ten (10) days after receiving the notice (or twenty (20) days if the owner of record is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquid, steam, sewage, or other materials), the department or person designated by the City **Manager** to enforce the provisions of this section shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards in the community, and the cost thereof shall be assessed against the owner(s) of the property. The City may collect the costs assessed against the owner(s) through an action for debt filed in any court of competent jurisdiction. The City may bring one (1) action for debt against more than one (1) or all the owners of properties against whom such costs have been assessed, and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a misjoinder of parties. Upon the filing of the notice with the Office of the Register of Deeds in Obion County, the costs shall be a lien on the property in favor of the municipality, second only to liens of the state, county, and municipality for taxes, any lien of the municipality for special assessment, 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 placed on the tax rolls of the municipality as a lien and shall be added to property tax bills to be collected at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they shall 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.
- (5) Clean up of owner-occupied property. When the owner(s) of an owner-occupied residential property fails or refuses to remedy the condition within ten (10) days after receiving the notice, the department or person designated by the City **Manager** to enforce the provisions of this section shall immediately cause the condition to be remedied or removed at a cost in accordance with the reasonable standards in the community, with these costs to be assessed against the owner(s) of the property. The provision of subsection (4) **above** shall apply to the collection of costs against the owner(s) of an owner-occupied residential property except that the municipality must wait until the cumulative charges for remediation equal or exceed five hundred dollars (\$500.00) before filing the notice with the register of deeds and the charges becoming a lien on the property. After this threshold has been met and the lien attaches, charges for costs for which the lien attached are collectable as provided in subsection (4) **above** for these charges.
- (6) Appeal. The owner(s) of record who is/are aggrieved by the determination and order of the Public Officer may appeal the determination and order of the City Commission. The appeal shall be filed with the Recorder within ten (10) days following the receipt of the notice issued pursuant to subsection three (3) above. The failure to appeal within this time shall, without exception, constitute a waiver of the right to a hearing.

- (7) Judicial review. Any person aggrieved by an order or act of the City Commission under subsection (4) above may seek judicial review of the order or act. The time period established in subsection (3) above shall be stayed during the pendency of judicial review.
- (8) Supplemental nature of this section. The provisions of this section are in addition and supplemental to, and not in substitution for, any other provision in the municipal charter, this municipal code of ordinances, or other applicable law which permits the City to proceed against an owner, tenant, or occupant of property who has created, maintained, or permitted to be maintained on such property the growth of trees, vines, grass, weeds, underbrush, and/or accumulation of the debris, trash, litter, or garbage or any combination of the proceeding elements, under its charter, or any other provisions of this municipal code of ordinances or any other applicable law.

Title 13-113 of the Municipal Code of the City of South Fulton, Tennessee, is hereby added as follows:

13-113. Storage of Materials.

(A) This section prohibits certain materials from being stored or placed in a disorderly manner onto a porch, a patio, a balcony, deck, yard, any other exterior area, including a trailer (a trailer to pull behind a vehicle) parked in or about the property unless specifically zoned or properly permitted for such accumulation in the City.

(B) No property owner shall allow materials defined herein by the City as CLUTTER to be stored or accumulated on their property other than in a fully enclosed structure with a closeable door, said structure shall be a building with a primary use as a storage structure. The City defines CLUTTER as any and all of the following: an accumulation of new or salvaged lumber; new or salvaged shingles; salvaged electrical wire; salvaged conduit; salvaged fence wire; any type of salvaged metal or aluminum; chunks or piles of broken concrete; piles or stacks of new or salvaged masonry products such as blocks or bricks; salvaged plastic products, buckets, barrels, milk crates, cleaning and other building supplies, vinyl siding, gutters, inoperable antennas and satellite dishes; wooden or plastic pallets; working or non-working tools, equipment, machinery, auto parts, tires, rims, wheels, or furniture; appliances such as stoves, dishwashers, refrigerators, freezers, or televisions; sinks, bathtubs, or toilets; piles or bags of aluminum cans, glass, or plastic bottles; garbage, rubbish, or refuse; junk lawnmowers; broken toys; broken bicycles; inoperable lawnmowers, motorcycles, vehicles, or all-terrain vehicles; toys and bicycles scattered around the property, or the like; all of which are stored, kept, or amassed in a disorderly or unsightly manner.

(C) The provisions of this section shall not apply to the storage or placement upon any property of the following materials:

(1) Firewood intended for consumption in a wood burning stove, furnace, or indoor fireplace or outdoor patio fireplace located within or without a building located upon the subject premises, provided that all such firewood shall, at all times, be stacked and stored

in an appropriate place, but in no event upon the front porch of any house or other residential structure.

(2) **Operable** lawn, yard, or garden tools, equipment, or implements.

(3) Lawn or patio furniture that is specifically designed for said use **and in good repair**.

(4) Standing fences in good repair.

(5) Hoses or sprinklers used for watering lawns or gardens.

(6) Materials used in connection with commercial activities conducted upon the premises where such storage, placement, and accumulation of materials have been expressly authorized by the City.

(7) Construction materials and equipment used for the construction, renovation, **demolition**, or razing of a building located upon the premises for which a current building **demolition**, or razing permit has been issued.

(D) Inspection and enforcement shall be done by a duly appointed Code Enforcement Officer for the City. Penalties shall constitute a violation of the Property Maintenance Code and follow the fine schedule contained in the City of South Fulton Code of Ordinances as a Property Maintenance Code violation. Appeal of such violation shall be heard and enforced by the Code Enforcement Board.

Title 19-203 of the Municipal Code of the City of South Fulton, Tennessee, is hereby deleted and replaced with the following:

Title 19-203. Billing. All gas bills shall be due and payable at the Recorder's office on the first day (1st) of the month for the preceding month. All bills shall be net, and if not paid on or before the fifth (5th) of the month for rural service and the twelfth (12th) of the month for city service of the month following the month for which gas service has been rendered, a ten percent (10%) additional charge shall be added to each month's gas bill. Any consumer whose gas bill remains unpaid on the twelfth (12th) of the month for rural service and the nineteenth (19th) of the month for city service following the month for which gas service has been rendered shall have the gas cut off pursuant to the procedure outlined in 18-111 of this code and if gas is cutoff on account of bill nonpayment, a charge of fifty (\$50) dollars will be added to the account.

Title 19-204 of the Municipal Code of the City of South Fulton, Tennessee, is hereby deleted and replaced with the following:

Title 19-204. Meter Connections. The City reserves the right to locate the gas meter at the closest point from the gas main to the customer's building unless this point falls on the front of the building, in which case the meter may be set ten (10) feet back from the front of the building. Any customer who desires to have the meter set further back than ten (10) feet may have this done by paying the City the contract price for the number of

linear feet of pipe used in extending the line to the desired meter location. No meters will be relocated after the contractor has made the installation.

No meter connection will be installed until the customer has paid the required meter deposit, tap fee, and connection fee. Meter deposits for residences and small commercial establishments will be \$100 for homeowners and \$200 for renters.

Section 2:

Severability Clause. If any section, phrase, sentence, or portion of this ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision; and such holding shall not affect the validity of remaining portions thereof.

Section 3.

Effective Date. This ordinance shall take effect from and after its passage, the public welfare requiring it.

Passed first reading _____, 2023.

Passed second reading _____, 2023.

Approved:

David Lamb,
Mayor

Attest:

Jackie Potter,
City Recorder

Approved as to form:

Kirk Moore,
City Attorney