

## **ORDINANCE NO. 2023-06**

### ***AN ORDINANCE AMENDING TITLE 9, CHAPTER 7, OF THE MUNICIPAL CODE OF THE TOWN OF JONESBOROUGH, TENNESSEE, REGULATING JUNK VEHICLES***

**WHEREAS**, the Town has authority to regulate the accumulation and storage of abandoned, wrecked, junked, partially dismantled, or inoperable motor vehicles on private property within the Town limits; and

**WHEREAS**, the Board of Mayor and Alderman have determined failure to remove such vehicles constitutes a public nuisance, tends to reduce the value of private property, invites plundering, creates fire hazards, and constitutes an attractive nuisance thereby creating a hazard to the health and safety of minors; and

**WHEREAS**, the Board of Mayor and Aldermen finds that an amendment to the current Municipal Code is necessary to effectively regulate the accumulation, storage, and failure to remove of aforesaid junk vehicles under the current Code; now therefore

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF JONESBOROUGH, TENNESSEE, AS FOLLOWS:

**SECTION 1:** That Title 9 Chapter 7, of the Jonesborough Municipal Code be amended to add the following new sections as follows:

9-707. Procedure for removal. The owner of any such vehicle or the owner of the private property on which the same is located, who has been found guilty of a misdemeanor for failure to remove pursuant to § 9-706, shall be responsible for its removal upon appropriate notice and the opportunity to be heard. Prior to commencing the hearing procedure set out in this chapter, notices shall be given to the owner or resident of the property upon which the said vehicle is located stating that the condition of said vehicle has caused a violation of this chapter and that unless this violation is corrected within twenty-four (24) hours, procedures will be commenced to affect the removal of the vehicle. Such twenty-four (24) hour notice, or one similar thereto, shall also be provided the vehicle owner and any lien holder to the extent that their names and addresses may be reasonably ascertained after the Town has first been apprised of such violation. If in the opinion of the mayor, the chief of police, fire chief, health officer or their designees, an emergency situation exist, the vehicle may be immediately removed.

9-708. Notice on failure to remove. If the twenty-four (24) hour preliminary notice does not accomplish the correction of the violation, the procedure hereinafter set out shall be invoked. A notice shall be directed to the owner of the vehicle and any lien holders, if known, and the owner of the premises where same is located at least two (2) days before the time for compliance therewith. It shall

be sufficient service of notice if it is posted in a conspicuous place upon the premises affected and a copy is mailed to such owner and lien holders at their last known address, place of residence, or place of business if known.

9-709 Hearing on failure to remove. Within two (2) days after the mailing or other service of said notice, the persons to whom the notices are directed, or their duly authorized agents, may file a written request for a hearing before the municipal court. The hearing shall be held as soon as practicable after the filing of the request therefore and the persons to whom the notices are directed shall be advised of the time and place of said hearing at least five (5) days in advance thereof. At any such hearing the Town and the persons to whom the notices have directed may introduce such witnesses and evidence as is deemed necessary and proper by the Town of Jonesborough.

9-710 Removal. If the violation described in the notice has not been remedied within five (5) days of the mailing or service thereof, or in the event that a notice requesting a hearing is timely filed and the existence of the violation is affirmed by the municipal court after hearing, pursuant to the police power to do all things whatsoever necessary for promoting or maintaining the general welfare of the Town or its inhabitants, said vehicle shall be removed. Any tow trucks or vehicles used for such removal, other than Town vehicles, shall be covered by insurance in the form and extent of which shall be approved by the Board of Mayor and Aldermen of the Town of Jonesborough.

9-711 Expense of disposal charged to owner. All costs and expenses incurred in carrying out the provisions of this chapter shall be the responsibility of the owner.

**SECTION 2:** THAT this ordinance shall become effective immediately after its passage on second and final reading.

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Motion was made by Alderman Countermine and seconded by Alderman Wolfe that the preceding ordinance be adopted on first reading. Those voting for the adoption thereof were: Alderman Countermine, Alderman Wolfe, Alderman Causey, Alderman Dickson

Those voting against: \_\_\_\_\_

PASSED ON FIRST READING February 13, 2023

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CHUCK VEST, MAYOR

ATTEST:

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ROBERT ANDERSON, RECORDER


APPROVED AS TO FORM

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JAMES R. WHEELER, TOWN ATTORNEY

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Motion was made by Alderman Dickson and seconded by Alderman Countermine that the preceding ordinance be adopted on second and final reading. Those voting for the adoption thereof were: Alderman Dickson, Alderman Countermine, Alderman Causey, Alderman Wolfe

Those voting against: \_\_\_\_\_

PASSED ON SECOND READING March 13, 2023

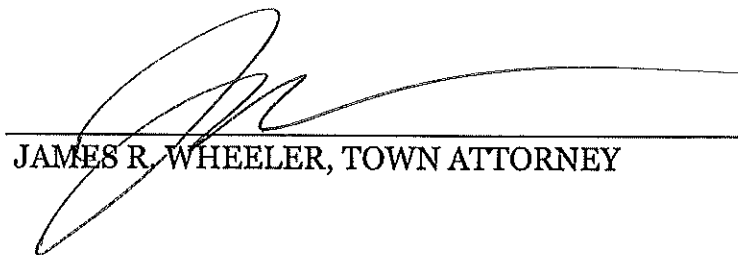


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CHUCK VEST, MAYOR

ATTEST:

  
\_\_\_\_\_  
ROBERT ANDERSON, RECORDER

APPROVED AS TO FORM

  
\_\_\_\_\_  
JAMES R. WHEELER, TOWN ATTORNEY