

**First Reading: January 5, 2021**  
**Second Reading: January 12, 2021**

ORDINANCE NO. 13639

AN ORDINANCE AMENDING CHATTANOOGA CITY CODE,  
PART II, CHAPTER 21, DIVISION 4, SECTIONS 21-136 AND  
21-137 RELATED TO OVERGROWTH AND ABATEMENT.

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

SECTION 1. That Chattanooga City Code, Part II, Chapter 21, Division 4, Sections 21-136 and 21-137, be amended by deleting same in its entirety and substituting in lieu thereof the following:

**Sec. 21-136. - Overgrowth.**

(a) All Premises and exterior property shall be maintained free from grass, weeds or underbrush in excess of ten (10”) inches. All noxious weeds shall be prohibited. Bushes, shrubs, vines, groundcover, and decorative landscaping shall be properly maintained.

(b) The Owner or Person responsible for the Premises who allows an overgrowth violation to occur may be subject to a citation to City Court. In addition, the City, acting through authorized employees or a contractor hired by the City, shall be authorized to enter upon the property and cut and remove the overgrowth growing thereon, with the costs of abating the violation, plus administrative fees, assessed against the owner.

(c) Any citation for a violation of this Ordinance shall not be issued during the period of a declared natural disaster emergency issued by the Mayor in the location of such emergency.

(Ord. No. 13442, § 1, 3-12-19)

**Sec. 21-137. - Abatement by City and lien for costs thereof; notice; hearing; appeal.**

(a) *Notice to correct violation:* If it is determined by the Code Official that any owner of real property has created, maintained or permitted to be maintained on such property the growth of weeds, vines, grass or underbrush or the accumulation of debris, trash, litter 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, the Code Official shall provide notice to the owner to remedy the condition immediately. No notice to correct a violation under this Ordinance shall be issued during any period of a declared emergency issued by the Mayor.

(b) *Form of notice:* The notice shall include the following elements:

- (1) A brief statement of this Section, which shall contain the consequences of failing to remedy the noted condition;
- (2) The person, office, address and telephone number of the department or person giving notice;
- (3) A cost estimate for remedying the noted condition; and
- (4) A statement that the Owner is entitled to a hearing and the method for requesting said hearing.

(c) *Service of notice:* The notice shall be sent by United States mail, addressed to the last known address of the owner. When an attempt at notification by United States mail fails or no valid last known address for the owner exists, the Code Official may publish the notice in a newspaper of general circulation in Hamilton County for no less than two (2) consecutive issues. Such publication shall constitute receipt of notice effective on the date of the second publication of the notice.

(d) *Abatement and costs:* If the Owner fails or refuses to remedy the condition within ten (10) days after receiving the notice, the Code Official shall immediately cause the condition to be abated or removed and the cost thereof assessed against the owner. Any abatement costs for a violation of this Ordinance shall not be issued during any period of a declared emergency issued by the Mayor during the term of such emergency. Under the authority granted in T.C.A. § 6-54-113, the municipality may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The municipality may bring one (1) action for debt against more than one (1) or all of the Owners 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 Hamilton County Register of Deeds Office, 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 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 municipal tax collector or county trustee at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they 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.

(e) *Owner-occupied property*: When the Owner of an owner-occupied residential property fails or refuses to remedy the condition within ten (10) days after receiving the notice, the Code Official shall immediately cause the condition to be abated or removed, with the costs to be assessed against the owner. Any abatement costs for a violation of this Ordinance shall not be issued during any period of a declared emergency issued by the Mayor during the term of such emergency. Subsection (d) shall apply to the collection of costs against the owner of an owner-occupied residential property, except that the municipality shall wait until cumulative charges for remediation equal or exceed five hundred dollars (\$500.00) before filing the notice with the Hamilton County Register of Deeds Office 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 collectible as provided in Subsection (d) for these charges.

(f) *Hearing and appeal*: A Person aggrieved by the determination made in Subsection (a) may request a hearing within ten (10) days following the receipt of the notice. Failure to make the request within this time shall without exception constitute a waiver of the right to a hearing. A request for a hearing shall be directed to the Code Official, who shall schedule a hearing in City Court within a reasonable time. Any person aggrieved by an order of the City Court may seek judicial review in Hamilton County Circuit Court of said order within ten (10) days, excluding Sundays. The time period established in Subsection (d) shall be stayed during the pendency of a hearing.

(Ord. No. 13442, § 1, 3-12-19)

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

Passed on second and final reading: January 12, 2021

  
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CHAIRPERSON

APPROVED:  DISAPPROVED:

  
\_\_\_\_\_  
MAYOR

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