

May 14, 2014

City of Centerville Tennessee  
Mayor Gary Jacobs  
102 East Swan Street  
Centerville, Tennessee 37033

VIA ELECTRONIC MAIL

Dear Mayor Jacobs:

When we last met, you mentioned a desire to find a way to address dilapidated structures in the downtown with the goal of saving historic buildings – demolition was not a desired outcome. Accordingly, I am able to suggest two approaches to address the situation: (1) adoption of a slum clearance ordinance or (2) adoption of demolition by neglect ordinance.

Slum Clearance Ordinance - If a building is unsafe, the city is empowered to order the owner to repair the structure and failing action by the owner, to declare it unfit for human occupancy/use and proceed to either cause (1) its repair or (2) proceed to demolition under authority of TCA § 13-21-101 *et seq.* To do so, however, requires passage of a local ordinance under authority of this slum clearance statute which to my understanding has not been enacted in Centerville. As noted, authority is granted to the city under this statute to cause an unsafe structure to be “repaired, altered, or improved” {TCA § 13-21-103(4)}. Caution should be taken in this regard however; best practice is to tread lightly with the city proceeding to cause its repair only upon absolute necessity, and then only using a contractor hired to undertake the repair rather than city crews. The use of city crews will open your liability exposure wider, can place the city in an untenable position should a “problem” occur to the building while city crews are working on the site; and can create other public relation and appearance problems best avoided by the city.

I have enclosed a slum clearance ordinance adopted in Forest Hills as an example if you intend to advance your authorities in this area. In addition, I have enclosed an ordinance from Knoxville establishing a municipal administrative hearing officer (AHO). TCA Title 6, Chapter 54, Part 10 authorizes a municipality to create an administrative hearing officer program to adjudicate building and property maintenance code violations. Administrative hearing officers are not subject to the \$50.00 fine limitation imposed by the Tennessee Constitution and may levy a penalty of up to \$500.00 per offense per day for violations on commercial properties and up to \$500 cumulatively for violations on residential properties. The AHO program could be a useful tool in Centerville to process code and property violations for unsafe structures and other building and property code violations in the future.

Demolition by Neglect Ordinance - Tennessee Code Annotated Title 13, Chapter 7, Part 4 authorizes a governing body to enact an ordinance to prevent the demolition by neglect of any designated landmark or any building or structure within an established historic zone or district {TCA §

Mayor Gary Jacobs  
May 14, 2014  
Page 2

13-7-407(b)}. To enact such an ordinance, the governing board must establish a historic district (TCA §13-7-402); create a historic zoning commission (TCA §13-7-403); and adopt a set of review guidelines guiding the construction, alteration, repair, rehabilitation, relocation or demolition of any building, structure, or improvement to real estate in the district (TCA §13-7-406). The demolition by neglect ordinance can include a provision, as is found in the slum clearance ordinance, authorizing the city to have performed and complete the necessary remedial work to prevent further demolition by neglect and to defray the cost thereof. The city will also have greater control over the type of construction and other property improvements made in a historic district under this authority.

I have enclosed sample demolition by neglect ordinances from Kingsport (Chapter 114, Article VIII) and Knoxville (Chapter 6, Article VII). An example of a review guideline from the City of Kingsport is also attached. Others can be found on the Kingsport website at the following link: <http://development.kingsporttn.gov/planning/historiczoning>.

Should the passage of a condemnation by neglect ordinance take place, please be aware that the ability of the town to proceed with the repair or demolition of a structure located within a historic district under a slum clearance ordinance is precluded [TCA§13-7-402(c)].

Please let me know if you have any questions or require any additional assistance on this matter.

Very truly yours,



Jeffrey J. Broughton  
Municipal Management Consultant

Cc: Josh Jones