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# Removal of Abandoned Property

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Dear Reader:

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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Table of Contents

<b>Removal of Abandoned Property .....</b>	<b>3</b>
<b>Private Acts of 2001 Chapter 45 .....</b>	<b>3</b>

# Removal of Abandoned Property

## Private Acts of 2001 Chapter 45

**SECTION 1.** (a) If it is determined by the official or board designated by resolution of the County Legislative Body that any owner of record of real property has created, maintained or permitted to be maintained on such property any of the following conditions to the extent that the health, safety, or welfare of other citizens is endangered or the infestation of rodents and other harmful animals is encouraged, such official or board of the county shall provide notice to the owner of record of the property to remedy the condition immediately. Such conditions include:

- (1) the growth of trees, shrubs, vines, grass, or any combination of the preceding elements;
- (2) debris or abandoned property; or
- (3) unoccupied buildings, which have been abandoned and are in a state of disrepair to the extent provided in this subsection.

(b) The notice shall be given by United States mail, addressed to the last known address of the owner of record. The notice shall state that the owner of such property is entitled to a hearing conducted in accordance with subsection (d) of this act. The notice shall be written in plain language and contain, but not be limited to, the following elements:

- (1) A brief statement of this act which shall contain the consequences of failing to remedy the noted condition;
- (2) The person, office, address and telephone number of the official or board giving notice;
- (3) A cost estimate for remedying the noted condition which shall be in conformity with the standards of cost in the county; and
- (4) A place wherein the notified party may return a copy of the notice, indicating the desire for a hearing.

(c) If the property owner fails or refuses to remedy the condition within thirty (30) days after such notice is issued, the official or board designated pursuant to subsection (a) shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards and the cost thereof assessed against the owner of the property. The costs shall be a lien upon the property in favor of the county and shall be placed upon the tax rolls of the county as a lien upon the property to be collected in the same manner as county taxes are collected.

(d)

- (1) The official or board designated pursuant to subsection (a) shall promulgate rules and regulations necessary for the administration and enforcement of this act; such rules and regulations shall also provide for a hearing upon request of the person aggrieved by the determination made pursuant to subsection (a). The rules and regulations shall be subject to approval by the County Legislative Body of Haywood County.

The hearing procedures shall give the property owner an opportunity to be heard and shall be conducted in a manner to ensure due process to the parties. A request for a hearing shall be made within fifteen (15) days following the receipt of the notice issued pursuant to subsection (a). Failure to make such request within the time specified shall without exception constitute a waiver of the right to a hearing.

- (2) Any person aggrieved by an order or act of the official or board designated pursuant to subsection (a) may seek judicial review of the order or act by appeal to Circuit or Chancery Court in Haywood County. The time period established in subsection (c) shall be stayed during the pendency of the hearing and appeal.

**SECTION 2.** The provisions of this act are in addition and supplemental to, and not in substitution for, authority otherwise provided to counties by general law or private acts.

**SECTION 3.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the County Legislative Body of Haywood County. Its approval or nonapproval shall be proclaimed by the presiding officer of the County Legislative Body and certified by him to the Secretary of State.

**SECTION 4.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 3.

Passed: May 17, 2001.

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