

**City of Clarksville**  
**Title 8 Chapter 1, Section 8-112**

**Sec. 8-112. - Removal of vegetation and debris from certain lots.**

(a)

If it is determined by the appropriate department or building official or such official's designee that any owner of record of real property has created, maintained or permitted to be maintained on such property the growth of trees, vines, grass, underbrush, and/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 appropriate department or person shall provide notice to the owner of record to remedy the condition immediately. 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 the property is entitled to a hearing. The notice shall be written in plain language and shall also include, but not be limited to, 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)

Cost estimate for remedying the noted condition which shall be in conformity with the standards of cost in the community.

(4)

A place wherein the notified party may return a copy of the notice indicating the desire for a hearing.

(b)

(1)

If the person fails or refuses to remedy the condition within ten (10) days after receiving the notice, the building official 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 city may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The city may bring one action for debt against more than one or all of the owners of properties against whom such costs have been assessed, and the fact that multiple owners have been joined in one 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 of Montgomery 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 City of Clarksville 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.

(2)

If the person who is the owner of record is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewerage, or other materials, the ten-day period of the first sentence of this subsection shall be twenty (20) days, excluding Saturdays, Sundays, and legal holidays.

(c)

(1)

The building official may make any rules and regulations necessary for the administration and enforcement of this section. A hearing shall be provided upon request of the person aggrieved by the determination made pursuant to subsection (a). A request for a hearing shall be made within ten (10) days following the receipt of the notice issued pursuant to subsection (b). Failure to make the request within this time shall without exception constitute a waiver of the right to a hearing.

(2)

Any person aggrieved by an order or act of the building official under the provisions of this subsection may seek judicial review of the order or act. The time period established in subsection (b) shall be stayed during the pendency of a hearing.

(d)

Reserved.

(e)

Pursuant to paragraph (c) above, an administrative fee of one hundred fifty dollars (\$150.00) shall be assessed to any owner of property who fails to remedy the condition for which notice was given to defray the cost to the city to remedy the condition on behalf of the owner.

*(Ord. No. 1-1999-00, 8-5-99; Ord. No. 3-2005-06, 8-4-05)*

**Sec. 8-113. - Penalty for violation.**

Any city law enforcement officer or any codes enforcement officer is hereby empowered to issue a citation to any person for any violation of any of the provisions of this chapter. Citations so issued may be delivered in person to the violator or they may be delivered by registered mail to the person so charged if he cannot be readily found. Any citation so delivered or mailed shall direct the alleged violator to appear in city court on a specific day and at a specific hour stated upon the citation; and the time so specified shall be not less than seventy-two (72) hours after its delivery in person to the alleged violator, or less than ten (10) days of mailing of same. Citations issued for violation of any of the provisions of this chapter shall be tried in the city court. The city court judge shall determine whether a violation has occurred and shall assess a civil monetary fine as penalty against any person convicted of violating any of the provisions of this chapter, said fine to be in an amount of fifty dollars (\$50.00) for each violation. Each day of violation shall be deemed a separate violation.

*(Ord. No. 1-1999-00, 8-5-99; Ord. No. 100-2010-11, 7-7-11)*