

ORDINANCE NO. 00-47

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF SPRING HILL, TENNESSEE BY CREATING A HOUSING BOARD OF ADJUSTMENTS AND APPEALS

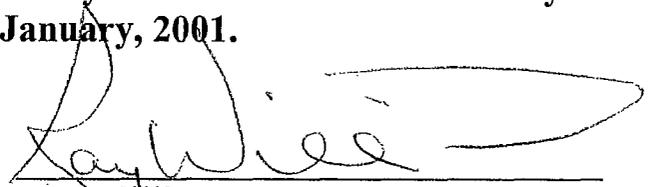
WHEREAS, the Board of Mayor and Aldermen of the City of Spring Hill may, pursuant to it's charter and general laws of the State of Tennessee, enact regulatory ordinances protecting and promoting the general welfare, health and safety of it's citizens.

BE IT THEREFORE ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF SPRING HILL, TENNESSEE:

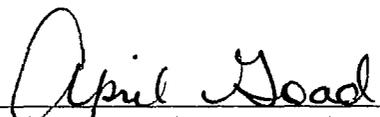
That Title 2, be and is, hereby amended by the addition of Chapter 3, Housing Board of Adjustments and Appeals attached hereto and made a part of this Ordinance;

BE IT FURTHER ENACTED, that this ordinance shall take effect from and after it's adoption, the public welfare requiring it.

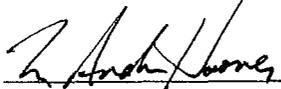
Passed and adopted by the Board of Mayor and Aldermen of the City of Spring Hill, Tennessee on the 16th day of January, 2001.


Ray Williams, Mayor

ATTEST:


April Goad, City Recorder

LEGAL FORM APPROVED:


M. Andrew Hoover, City Attorney

Passed on 1st Reading December 18, 2000

Passed on 2nd Reading January 16, 2001

CHAPTER 3

HOUSING BOARD OF ADJUSTMENTS AND APPEALS

SECTION

3-101. Where the literal application of the requirements of this Code would appear to cause undue hardship on an owner or tenant or when it is claimed that the true intent and meaning of this Code or any of the regulations therein have been misconstrued or wrongly interpreted, the owner of such building or structure, or his duly authorized agent, may appeal the decision of the Housing Official to the Housing Board of Adjustments and Appeals, as set forth in 3-109.

3-102. Appointment

There is hereby created by the applicable governing body a Board to be known as the Housing Board of Adjustments and Appeals, which shall consist of not less than three members appointed by the governing body. The members shall be residents of the governed area. The Spring Hill Regional Planning Commission shall serve as the Board, until such time as new members are appointed. Members of the Board shall be appointed for 3 year terms. Any one or more members of said Board shall be subject to removal or replacement by the appointing authority at any time for cause of stated charges after a public hearing before the appointing authority, and a vacancy on said Board shall be filled by the appointing authority for the unexpired term of such vacancy. The members of said Board shall serve without compensation.

3-103. As soon as practical after their appointment, the members of the Housing Board of Adjustments and Appeals shall meet and organize by electing a Chairman, Vice-Chairman, and Secretary. Thereafter officers of the Board shall be elected by the members at the first annual meeting of the Board.

3-104. Meetings

The Board shall meet at regular intervals to be determined by the chairman but in any event the Board shall meet within 10 days after notice of appeal has been received. Reasonable notice of the place, time and date of such meetings shall be given all the members of the Board and all interested parties in each case to be heard by the Board.

3-105. Records

All minutes of the Board meetings shall be public records and the secretary of the Board shall keep all records and perform such additional duties as the Board may deem proper.

3-106. Duties

The duties of the Housing Board of Adjustments and Appeals shall be:

1. To consider and determine appeals whenever it is claimed that the true intent and meaning of this Code or any of its regulations have been misconstrued or wrongly interpreted.
2. To permit, in appropriate cases where the application of the requirement of this Code in the allowance of the stated time for the performance of any action required hereunder would appear to cause undue hardship on an owner, one or more extensions of time, not to exceed 120 days each, from the date of such decision of the Board. Applications for additional extensions of time shall be filed with the Housing Official not less than 30 days prior to the expiration of the current extension.
3. An appeal should not be considered where an appeal case has been previously decided involving the same premises.

3-107. Procedure

The Housing Board of Adjustments and Appeals shall establish its own rules of procedure for accomplishment of its duties and functions, provided that such rules shall not be in conflict with the provisions of this Code and the laws of the state.

3-108. Decisions

All decisions of the Housing Board of Adjustments and Appeals to vary the application of any provision of this Code or to modify an order of the Housing Official shall specify in what manner such variance or modification is made, the condition upon which it is made, and the reasons therefor. Every decision shall be in writing and shall indicate the vote upon the decision. A copy of all decisions shall be promptly filed in the office of the Housing Official and shall be open to public inspection. The Secretary shall notify the appellant in writing of the final action of the Board.

3-109. Appeals

Any person receiving written notice from the Housing Official of deficiencies in his property under this Code may within 30 days following the date of such notice enter an appeal in writing to the Housing Board of Adjustments and Appeals. Such appeal shall state the location of the property, the date of the notice of violations, and the number of such notice. The appellant must state the variance or modification requested, the reasons therefor, and the hardship or conditions upon which the appeal is made.

3-110. VIOLATIONS AND PENALTIES

Any person, firm, corporation or agent, who shall violate a provision of this Code, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, demolish or move any structure, or has erected, constructed, altered, repaired, moved or demolished a building or structure in violation of this Code shall be prosecuted within the limits provided by state or local laws. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, or continued and upon conviction of any such violation such person shall be punished within the limits and as provided by state laws.

3-111. Validity

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code.