

TITLE 2

BOARDS AND COMMISSIONS, ETC.¹

CHAPTER

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4. TRANSIT AUTHORITY.
5. VACANT PROPERTY REVIEW COMMISSION AND ACQUISITION OF VACANT PROPERTIES.
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CHAPTER 1

RECREATION AND PARKS BOARD

SECTION

- 2-101. Creation; membership; vacancies.
- 2-102. Organization.
- 2-103. Duties and powers.
- 2-104. Executive director of parks and recreation; other employees.
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2-101. Creation; membership; vacancies. Under the provisions of Tennessee Code Annotated, § 11-24-103, there is hereby established a recreation and parks board. This board shall consist of five (5) persons serving without pay who shall be elected by the city council. The term of office shall be for five (5)

¹Charter references

Board of utility commissioners: §§ 66-73

Library board of trustees. § 39.

(Also see Tennessee Code Annotated, title 10, ch. 4).

School board: § 20.

Municipal code references

Building and other utilities, etc., codes advisory/appeals board: title 12, chapter 1, particularly § 12-103.

Board of utility commissioners: title 18, chapter 1.

Municipal planning commission: title 14, chapter 1.

Sign board of appeals: title 14, chapter 4, particularly § 14-413.

years or until their successors are elected and qualified, except that the members of such board first elected shall be elected for such terms that the term of one (1) member shall expire annually thereafter. Vacancies on such board occurring otherwise than by expiration of term shall be filled by the city council for the unexpired term. Members shall not be eligible to succeed themselves until the expiration of five (5) years. (1995 Code, § 2-101)

2-102. Organization. Immediately after their election, members of the recreation and parks board shall meet and organize by electing one of their members president and such other officers as may be necessary. The board shall have the power to adopt bylaws, rules and regulations for the proper conduct of public recreation for the city. (1995 Code, § 2-102)

2-103. Duties and powers. The recreation and parks board shall provide, conduct, and supervise public playgrounds, athletic fields, recreation centers, and other recreation facilities and activities on any of the properties owned or controlled by the city, except Rothrock Field Municipal Stadium, or on other properties with the consent of the owners and authorities thereof. It shall have the power to conduct any form of recreation or cultural activity that will employ the leisure of the people in a constructive and wholesome manner. (1995 Code, § 2-103)

2-104. Executive director of parks and recreation; other employees. The recreation and parks board shall make recommendations to the city council of an individual to act as executive director of recreation and parks and such other personnel as the board deems necessary, together with what compensation each employee of the board shall receive. (1995 Code, § 2-104)

2-105. Other duties; annual report. Annually the recreation and parks board shall submit a budget to the city council for its approval. The recreation and parks board may also solicit or receive any gift or bequests of money or other personal property or any donation to be applied, principal or income, for either temporary or permanent use for playgrounds or other recreational purposes. (1995 Code, § 2-105)

2-106. Costs defrayed by tax levy. To defray the cost of the maintenance and conduct of the recreation system presently owned or to be acquired in the future by the city, there shall be levied upon all of the real and personal property within the corporate limits, a tax in an amount to be determined annually by the city council of the city, and the proceeds therefrom

shall be designated as a "special playground and recreation tax."¹ (1995 Code, § 2-106)

¹State law reference
Tennessee Code Annotated, § 11-24-108.

CHAPTER 2**KEEP JACKSON BEAUTIFUL COMMISSION****SECTION**

- 2-201. Created; duties.
- 2-202. Directors.
- 2-203. Fiscal year.
- 2-204. Organization.
- 2-205. Meetings.
- 2-206. Finances.

2-201. Created; duties. There is hereby created the Keep Jackson Beautiful Commission (KJB), whose duties shall be to study, investigate, develop, and recommend plans for improving the health, sanitation, safety and cleanliness of the city by beautifying the streets, highways, alleys, lots, yards and other similar places in the city; to aid in the prevention of fires, disease and other casualties by the removal and elimination of trash and other debris from the streets, highways, alleys, lots, yards, plots and other similar places; to encourage the placing, planting and preservation of trees, flowers, plants, shrubbery, and other objects of ornamentation in the city; to advise with and recommend plans with other agencies of the city for the beautification of the city; and to otherwise promote public interest in the general improvement of the city. Nothing herein, however, shall be construed to abridge or change the powers and duties of other commissions, departments, boards and like agencies of the city. The Keep Jackson Beautiful Commission shall implement to the extent feasible the "city beautiful system" developed by "Keep America Beautiful, Inc.," such system being here adopted as a general statement of the policy of the city. (1995 Code, § 2-201, as amended by Ord. #2000-49, Dec. 2000, and replaced by Ord. #2019-029, Nov. 2019)

2-202. Directors. The affairs of the Keep Jackson Beautiful Commission shall be governed by a board of directors consisting of eleven (11) directors. Directors shall serve three-year terms; of the original directors, three (3) shall be elected for one year, four (4) shall be elected for two (2) years, and four (4) shall be elected for a three-year term. Directors can be reelected for subsequent terms. All directors shall be elected by the city council upon the recommendation of the mayor of the city. Directors shall serve without compensation. The board of directors shall annually elect one director to serve as chairperson for the ensuing year. In the event a vacancy occurs in such office, the mayor shall fill such vacancy in the same manner. The mayor shall be an ex officio member of the board of directors. (1995 Code, § 2-202, as amended by Ord. #2000-49, Dec. 2000, and replaced by Ord. #2019-029, Nov. 2019)

2-203. Fiscal year. The fiscal year of the commission shall be July 1st to June 30th. (1995 Code, § 2-203, as replaced by Ord. #2019-029, Nov. 2019)

2-204. Organization. The Keep Jackson Beautiful Commission shall be organized as follows:

(1) **Board of directors.** The board shall elect a vice-chairperson. The KJB Coordinator shall serve as secretary. Nomination of officers to be so elected shall be made from the floor at the last regular meeting of the year with the election to follow immediately. A candidate receiving the majority of votes shall be elected and serve for one (1) year or until a successor is elected. Vacancy in office, except the chairperson, shall be filled immediately by regular election procedures. The chairperson shall preside at all meetings.

The vice-chairperson shall act in the absence and with the same powers of the chairperson.

The secretary shall keep the minutes of the meeting, call the roll and keep attendance records.

(2) **KJB coordinator.** The KJB coordinator shall be a person selected and employed by the mayor.

(3) **Standing subcommittees.** The board may from time to time create subcommittees as needed. The chairperson of each subcommittee shall be appointed by the KJB coordinator.

(4) **Bylaws.** The board of directors may establish such bylaws as it deems necessary, such bylaws not to be inconsistent with the provisions of this section. (1995 Code, § 2-204, as amended by Ord. #2000-49, Dec. 2000, and replaced by Ord. #2019-029, Nov. 2019)

2-205. Meetings. The commission shall hold regular public meetings on such dates and at such time as the board of directors may determine. Special meetings may be called at the request of the chair or the request of three (3) or more members of the board of directors. Notice of all special meetings shall be given at least three (3) days prior to such meeting, which notice shall state the time, place and purpose of such meeting. (1995 Code, § 2-205, as amended by Ord. #2000-49, Dec. 2000, and replaced by Ord. #2019-029, Nov. 2019)

2-206. Finances. The finances of the commission shall be under the supervision of the Planning Director, whose duty it shall be to establish an account for the Keep Jackson Beautiful Commission and to control and supervise same as other city funds. The Planning Director must approve all expense vouchers submitted in connection with the Keep Jackson Beautiful Commission. (1995 Code, § 2-206, as amended by Ord. #2000-49, Dec. 2000, and replaced by Ord. #2019-029, Nov. 2019)

CHAPTER 3

CITY TREE BOARD

SECTION

- 2-301. Creation and establishment.
- 2-302. Duties and responsibilities.
- 2-303. Definitions.
- 2-304. Species of trees to be planted.
- 2-305. Regulations.
- 2-306. Protection of utilities.
- 2-307. Maintenance.
- 2-308. Topping prohibited.
- 2-309. Nuisances prohibited.
- 2-310. Tree trimmer requirements.

2-301. Creation and establishment. There is hereby created and established for the City of Jackson a board to be known as the City Tree Board. This board shall consist of the mayor of the City of Jackson (ex-officio), the director of the parks and recreation department (ex-officio), a member of the Keep Jackson Beautiful Commission, and four (4) other members at-large to be appointed by the City Council upon the recommendation of the mayor of the City of Jackson. The term of office of such at large board members shall be three (3) years. The terms of the original directors, one (1) shall be elected for one year, two (2) shall be elected for two (2) years, and two (2) shall be elected for a three-year term. Directors can be reelected for subsequent terms. Any at-large vacancy on the board shall be filled by appointment of the mayor for the unexpired term. Members of this board shall serve without compensation. (1995 Code, § 2-301, as replaced by Ord. #2019-028, Nov. 2019)

2-302. Duties and responsibilities. It shall be the duty and responsibility of the city tree board to study, investigate, counsel, and develop a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs located within public rights-of-way in the City of Jackson or in city parks or on any other publicly owned property within the City of Jackson. The board shall make recommendations to the superintendent of grounds and landscaping of the City of Jackson in connection with any of the above mentioned areas of responsibility. The board shall designate the superintendent of grounds and landscaping of the Parks and Recreation Department of the City of Jackson as its enforcement officer under the terms of this chapter. The board shall choose its own officers, make its own rules and regulations and keep a record of its proceedings. A majority of the members shall constitute a quorum for the transaction of business. The board shall not obligate the City of Jackson financially except as specifically authorized by the

city council and within such monetary limits as the city council may from time to time establish for this board. (1995 Code, § 2-302, as replaced by Ord. #2019-028, Nov. 2019)

2-303. Definitions. (1) "Park trees." Park trees are defined as trees, shrubs, bushes and all other woody vegetation located in public parks or on other areas of land owned by the City of Jackson.

(2) "Street trees." Street trees are defined as trees, shrubs, bushes and all other woody vegetation located on land which is a public right-of-way of any street, avenue or alley within the City of Jackson. (1995 Code, § 2-303, as replaced by Ord. #2019-028, Nov. 2019)

2-304. Species of trees to be planted. The board shall recommend as to the selection of trees to be planted on public property. (1995 Code, § 2-304, as replaced by Ord. #2019-028, Nov. 2019)

2-305. Regulations. The city tree board may make such regulations concerning the spacing, distance from curb and sidewalk, distance from street corners and fireplugs as the board may determine to be proper, subject to the approval of the City Council of the City of Jackson. (1995 Code, § 2-305, as replaced by Ord. #2019-028, Nov. 2019)

2-306. Protection of utilities. No street tree may be planted on public right-of-way or publicly owned property in such a manner as to interfere with overhead utility wires or with underground waterline, sewerline, transmission line or other utility, and before any such street trees shall be so planted approval of the Jackson Energy Authority must be acquired. (1995 Code, § 2-306, as replaced by Ord. #2019-028, Nov. 2019)

2-307. Maintenance. The city tree board shall have the right to prune, maintain, and remove trees, plants and shrubs from the rights-of-way, streets, alleys, avenues, lanes, squares and other public grounds as may be necessary to preserve or enhance the symmetry and beauty of such public areas or to protect utilities from damage. (1995 Code, § 2-307, as replaced by Ord. #2019-028, Nov. 2019)

2-308. Topping prohibited. It shall be unlawful for any person, firm, or corporation to top any street tree or park tree located on public property without prior written approval of the city tree board, except in emergency situations for the protection of life or property or the preservation of utility lines and improvements from damage. Topping is defined as the severe cutting back of limbs to stubs larger than three inches (3") in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. (1995 Code, § 2-308, as replaced by Ord. #2019-028, Nov. 2019)

2-309. Nuisances prohibited. It shall be unlawful for the owner of any tree:

(1) To allow the branches of such tree to overhang a public right-of-way within the City of Jackson in such a way as to obstruct the light from any street lamp or interfere with powerlines or to obstruct the view at any street intersection;

(2) To allow overhanging branches of a tree to be nearer the surface of the street or sidewalk than ten feet (10');

(3) To permit any limb of a tree which is dead, diseased, or otherwise dangerous, because of being broken or decayed, to remain in such tree, thereby endangering the public below.

Such conditions are hereby declared a public nuisance which may be abated by the city tree board for the protection of the public. (1995 Code, § 2-309, as replaced by Ord. #2019-028, Nov. 2019)¹

2-310. Tree trimmer requirements. Any person or firm that receives payment for providing tree trimming or removal services within the City of Jackson must have a valid City of Jackson business license, liability insurance in the amount of one hundred thousand dollars (\$100,000.00) for property damage and personal injury. Copies of the license and insurance must be provided to the city forester requesting a letter of approval to provide trimming and removal services within the City of Jackson.

(1) Any person or firm that removes limbs or trees that require the use of ladders, climbing hooks, bucket trucks, mechanical lifts, ropes, any type of equipment extensions, or similar items will be required to have in their possession at all times copies of their approval letter, business license, and proof of insurance.

(2) All approved tree trimmers will be required to remove all waste from all work sites and transport it to the landfill for disposal.

(3) Property owners are excluded from these requirements when trimming trees at their primary residence. (Ord. #2004-016, April 2004, as replaced by Ord. #2019-028, Nov. 2019)

¹Municipal code reference

Other projections over city streets, etc: title 16, chapter 2.

Signs, etc., projecting over city streets: title 14, chapter 4, particularly § 14-406.

CHAPTER 4

TRANSIT AUTHORITY¹

SECTION

- 2-401. Jackson Transit Authority--created.
- 2-402. Board of directors; composition; appointment; terms; meetings.
- 2-403. Employment of personnel; power to enter into contracts.
- 2-404. Establishment of rates.
- 2-405. Accounting; reports, audits, etc.
- 2-406. Insurance.
- 2-407. Eligibility of employees for retirement benefits.

2-401. Jackson Transit Authority--created. There should be and is hereby created the Jackson Transit Authority which authority is hereby charged with the duty and responsibility of operating within the City of Jackson and its environs an "urban transit facility" for the providing of mass public transportation for passengers, under the conditions and limitations hereinafter set out. (1995 Code, § 2-401)

2-402. Board of directors; composition; appointment; terms; meetings. The management of the Jackson Transit Authority is hereby vested in a board of directors consisting of seven (7) members all of whom shall be citizens of the City of Jackson and shall serve without compensation. The initial appointment of such directors shall be for terms of one (1), two (2), three (3), four (4) and five (5) years, and annually thereafter directors shall be elected for five (5) year terms. Directors shall be selected by a majority vote of the city council upon the recommendation of the mayor. In the event of vacancy caused by death, resignation or other reason the remainder of the unexpired term shall be filled in like manner. The City Council of the City of Jackson shall have the authority, for cause and after public hearing, to remove a director from office.

Immediately upon appointment the board of directors shall meet and elect a president, vice-president and secretary of the authority. The board of directors shall cause complete and accurate minutes to be kept in a permanent bound minute book of all proceedings had by such board. The board shall establish regular meeting dates at least monthly and more often if required for the proper transaction of its affairs. (1995 Code, § 2-402, as amended by Ord. #1999-040, July 1999)

¹Municipal code reference

Passenger vehicles for hire: title 9, chapter 3.

2-403. Employment of personnel; power to enter into contracts.

The board of directors shall be and is hereby empowered to employ such personnel as may be necessary from time to time for the proper operation of an "urban transit facility," to discharge employees from time to time as may be required, and to make such rules and regulations as are necessary and proper for the efficient and proper operation of the system. The authority shall have no power to borrow money or to pledge the credit of the City of Jackson, nor shall such authority make any purchase or enter into any contract involving obligations in excess of five thousand dollars (\$5,000.00), without the prior approval of the City Council of the City of Jackson expressed upon the minutes of such city council. (1995 § 2-403)

2-404. Establishment of rates. The Jackson Transit Authority shall from time to time recommend to the City Council of the City of Jackson a schedule of rates to be established for the carrying of passengers, and the city council shall approve or modify such rates as may be in its discretion justified, it being the purpose of this public service to provide mass transportation in the most efficient manner, at the lowest possible cost to the public and on a self-sustaining basis if possible. The City Council of the City of Jackson may review such rates from time to time on its own initiative. The Jackson transit authority shall only charge such rates as have been approved by the City Council of the City of Jackson. (1995 Code, § 2-404)

2-405. Accounting; reports, audits, etc. The board of directors of the Jackson Transit Authority shall immediately after organization formulate and submit to the city council a system of accounting for the handling of the finances of the Jackson Transit Authority, such accounting method to reflect complete and accurate details of the handling of the authority's funds, to provide a monthly check of such account by a certified public accountant to be selected by the city council, to provide quarterly reports of the financial condition of the Jackson Transit Authority to the city council, to provide an indemnity bond for all persons handling funds of such system and to provide an annual audit by the certified public accountant referred to herein. (1995 Code, § 2-405)

2-406. Insurance. The board of directors of the Jackson Transit Authority shall at once formulate and recommend to the City Council of the City of Jackson a program of necessary insurance, and such insurance shall forthwith be placed by the city council. (1995 Code, § 2-406)

2-407. Eligibility of employees for retirement benefits. Employees of the Jackson Transit Authority, to the extent eligible under the provisions of the City of Jackson Retirement Plan, shall have benefits provided therein and shall make the contributions required under the provisions of such plan. (1995 Code, § 2-407)

CHAPTER 5

**VACANT PROPERTY REVIEW COMMISSION
AND ACQUISITION OF VACANT PROPERTIES**

SECTION

- 2-501. Findings, purpose and policy.
- 2-502. Definitions.
- 2-503. Establishment of vacant property review commission.
- 2-504. Acquisition by eminent domain authorized.
- 2-505. Certification of property as blighted or deteriorated--notification of owner.
- 2-506. Eminent domain proceedings--findings required.
- 2-507. Conflicts of interest.

2-501. Findings, purpose and policy. (1) Findings. It is hereby found by the City Council for the City of Jackson that:

(a) There exist blighted and deteriorated properties in the neighborhoods of the city which cause the deterioration of those and contiguous neighborhoods and constitute a serious and growing menace which is injurious to the public health, safety, morals and general welfare of the residents of the city, and are beyond remedy and control solely by regulatory process in exercise of the police power:

(b) The existence of blighted and deteriorated properties, both residential and commercial, within neighborhoods of the city, and the growth and spread of blight and deterioration or the threatened deterioration of other neighborhoods and properties in the city:

(i) Contributes substantially and increasingly to the spread of disease and crime, and to losses by fire and accident;

(ii) Necessitate expensive and disproportionate expenditures of public funds for the preservation of the public health and safety, for crime prevention, correction, prosecution and punishment, for the treatment of juvenile delinquency, for the maintenance of adequate police, fire and accident protection, and for other public services and facilities;

(iii) Constitute an economic and social liability;

(iv) Substantially impair or arrest the sound growth of the community;

(v) Retard the provision of decent, safe and sanitary housing and public accommodations;

(vi) Depreciate assessable values;

(vii) Cause an abnormal exodus of families and businesses from these neighborhoods; and

(viii) Are detrimental to the health, the well-being and the dignity of many residents of these neighborhoods of the city;

(c) This menace cannot be effectively dealt with by private enterprise without the aids provided herein; and

(d) The benefits which would result from eliminating the blighted properties that cause the blight and deterioration of neighborhoods will accrue to the inhabitants of the neighborhoods in which these conditions exist and to the inhabitants of the city generally.

(2) Policy and purpose. It is hereby declared that the policy of the City of Jackson consistent with the laws of the State of Tennessee is:

(a) To protect and promote the health, safety, and welfare of the people of the city by eliminating the blight and deterioration of neighborhoods through the elimination of blighted and deteriorated properties within these neighborhoods; and

(b) To eliminate blight and deterioration and to prepare such properties for sale or lease, for development or redevelopment, such actions constituting a public use and purpose for which public money may be expended and private property acquired, and such actions are governmental functions in the interest of the health, safety, and welfare of the people of Tennessee. (Ord. #2001-044, Oct. 2001)

2-502. Definitions. As used in this part, unless the context otherwise requires:

(1) "Blighted" or "deteriorated" property means any vacant structure or vacant or unimproved lot or parcel, whether residential, commercial or industrial, in a predominantly built-up neighborhood:

(a) Which because of physical condition or use is regarded as a public nuisance at common law or has been declared a public nuisance in accordance with local housing, building, plumbing, fire or related codes;

(b) Which because of physical condition, use or occupancy is considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations, and unsafe fences or structures;

(c) Which, because it is dilapidated, unsanitary, unsafe, vermin-infested or lacking in the facilities and equipment required by the housing code of the municipality, has been designated by the appropriate agency or department responsible for enforcement of the code as unfit for human habitation;

(d) Which is a fire hazard, or is otherwise dangerous to the safety of persons or property;

(e) From which the utilities, plumbing, heating, sewerage or other facilities have been disconnected, destroyed, removed, or rendered ineffective so that the property is unfit for its intended use;

(f) Which by reason of neglect or lack of maintenance has become a place for accumulation of trash and debris, or a haven for rodents or other vermin;

(g) Which has been tax delinquent for a period of at least three (3) years; or

(h) Which has not been rehabilitated within the time constraints placed upon the owner by the appropriate code enforcement agency;

(2) "Blighted" or "deteriorated" does not apply to any property used for agricultural purposes;

(3) "City" means the City of Jackson.

(4) "Redevelopment" means the planning or re-planning, design or redesign, acquisition, clearance, development and disposal, or any combination of these, of a property in the preparation of such property for residential, commercial, industrial, and related uses, as may be appropriate or necessary;

(5) "Residential, commercial, industrial, and related use" means residential or commercial or industrial property for sale, lease or rental uses; such related uses include, but are not limited to, park and recreation areas, neighborhood community service, parking lots or structures, and any use which is consistent with and/or complementary to the existing properties in the area; and

(6) "Vacant property review commission" means a commission established by this chapter to review vacant properties to make a written determination of blight and deterioration. (Ord. #2001-044, Oct. 2001)

2-503. Establishment of vacant property review commission.

(1) Establishment. Pursuant to Tennessee Code Annotated, § 13-21-203, et seq., there is established a vacant property review commission ("commission") which shall certify properties as blighted or deteriorated to the city council and shall be appointed by the mayor and approved by the city council and shall possess all powers and shall exercise all of the duties set forth under this chapter and the applicable provisions of the Tennessee Code Annotated.

(2) Number and appointment of commission members. The commission shall consist of five (5) members and all members of the commission appointed by the mayor and approved by the city council shall be residents of the City of Jackson and shall be initially appointed as follows and thereafter to serve four (4) year terms:

(a) One (1) member for two (2) year term.

(b) Two (2) members for three (3) year terms.

(c) Two (2) members for four (4) year terms.

Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Continued absence of any member from regular meetings of the commission shall, at the discretion of the

mayor, render any such member liable to immediate removal from office. No officer or employee of the city whose duties include enforcement of local housing, building, plumbing, fire or related codes shall be appointed to the commission.

(3) Quorum. Three (3) members of the commission shall constitute a quorum. A commission member shall not act in a case which he/she has a personal interest.

(4) Chairman and secretary. The commission shall elect from its members a chairman to preside over meetings and shall present or designate a commission member to present reports to the city council on blighted or vacant property as required by these provisions of the code. The commission shall also elect a secretary to record and retain the minutes and records relating to the meetings and actions taken by the commission. (Ord. #2001-044, Oct. 2001)

2-504. Acquisition by eminent domain authorized. (1) The city may acquire by eminent domain pursuant to Tennessee Code Annotated, title 29, chapters 16 and 17, any property determined to be blighted or deteriorated pursuant to this chapter, and shall have the power to hold, clear, manage or dispose of property so acquired for residential, commercial, industrial and related use, pursuant to the provisions of this plan. (Ord. #2001-044, Oct. 2001)

2-505. Certification of property as blighted or deteriorated—notification of owner. (1) The city council shall not institute eminent domain proceedings pursuant to this part unless the commission has certified that the property is blighted or deteriorated. A property which has been referred to the commission by an agency of the city as blighted or deteriorated may only be certified to the city council as blighted or deteriorated after the commission has determined that:

(a) The owner of the property or designated agent has been sent an order by the appropriate agency of the municipality to eliminate the conditions which are in violation of local codes or law;

(b) The property is vacant;

(c) The property is blighted and deteriorated;

(d) The commission has notified the property owner or designated agent that the property has been determined to be blighted or deteriorated and the time period for correction of such condition has expired and the property owner or agent has failed to comply with this notice; and

(e) The planning commission of the city has determined that the reuse of the property for residential, commercial, industrial and related use is in keeping with the comprehensive plan of redevelopment within the city.

(2) The findings required by subsection (a) shall be in writing and included in the report prepared by the commission to the city council.

(3) The commission shall notify the owner of the property or a designated agent that a determination of blight or deterioration has been made and that failure to eliminate the conditions causing the blight shall render the property subject to condemnation by the city under this chapter. Notice shall be mailed to the owner or designated agent by certified mail, return receipt requested. However, if the address of the owner or designated agent is unknown and cannot be ascertained by the commission in the exercise of reasonable diligence, copies of the notice shall be posted in a conspicuous place on the property affected. The written notice sent to the owner or the owner's agent shall describe the conditions that render the property blighted and deteriorated, and shall demand abatement of the conditions within ninety (90) days of the receipt of such notice.

(4) An extension of the ninety (90) day time period may be granted by the commission if the owner or designated agent demonstrates that such period is insufficient to correct the conditions cited in the notice. (Ord. #2001-044, Oct. 2001)

2-506. Eminent domain proceedings--findings required. (1) The city council may authorize the city to institute eminent domain proceedings pursuant to Tennessee Code Annotated, title 29, chapters 16 and 17 against any property which has been certified as blighted or deteriorated by the commission if it finds that:

(a) Such property has deteriorated to such an extent as to constitute a serious growing menace to the public health, safety and welfare;

(b) Such property is likely to continue to deteriorate unless corrected;

(c) The continued deterioration of such property may contribute to the blighting or deterioration of the area immediately surrounding the property; and

(d) The owner of such property has failed to correct the deterioration of the property. (Ord. #2001-044, Oct. 2001)

2-507. Conflicts of interest. (1) No officer or employee of the city, or of the vacant property review commission, who in the course of such officer's or employee's duties is required to participate in the determination of property blight or deterioration, shall acquire any interest in any property declared to be blighted or deteriorated.

(2) If any such officer or employee owns or has a financial interest, direct or indirect, in any property certified to be blighted or deteriorated, the officer or employee shall immediately disclose, in writing, such interest to the commission and to the city council, and such disclosure shall be entered in the minutes of the commission and of the city council.

(3) Failure to so disclose such interest shall constitute misconduct in office.

(4) No payment shall be made to any officer or employee for any property or interest therein acquired by the city from such officer or employee unless the amount of such payment is fixed by court order in eminent domain proceedings, or unless payment is unanimously approved by the city council. (Ord. #2001-044, Oct. 2001)

CHAPTER 6

COMMUNITY REDEVELOPMENT AGENCY

SECTION

- 2-601. Created.
- 2-602. Composition; terms; vacancies; compensation; removal.
- 2-603. Purpose.
- 2-604. Meetings and officers.
- 2-605. Powers and duties.
- 2-606. Rules and regulations.
- 2-607. Report to planning department.

2-601. Created. There is hereby created and established a board for the Community Redevelopment Agency. The board is hereby established shall exercise all of the powers of the Community Redevelopment Agency as provided in the Community Redevelopment Act of 1998. (Ord. #2009 005, April 2009)

2-602. Composition; terms; vacancies; compensation; removal. The board of directors (board) shall consist of seven (7) members in which all powers of the CRA are vested. All directors shall be residents of Madison County, Tennessee. The directors shall serve as such without compensation except that they shall be reimbursed for their actual expenses incurred in and about the performance of their duties.

The board shall consist of seven (7) members. Five (5) of those members, one (1) of which must be a serving city council member, shall be nominated by the city mayor, subject to approval of the city council, and two (2) members, one (1) of which must be a serving county commissioner, shall be nominated by the county mayor, subject to the approval of the Madison County Commission.

The terms of office of the board shall be three members for three (3) years-- two (2) city selected and one (1) county selected; three (3) members for two (2) years -- two (2) city selected and one (1) county selected; and one (1) member for one (1) year -- city selected. Thereafter, each member shall be nominated by the respective mayor for a three (3) year term, subject to approval by the appropriate legislative body, or until their successor is appointed and qualified. In the event of a vacancy, whether by reason of resignation, death, or other cause, the respective mayor, with approval of the appropriate legislative body, may appoint a successor for such member only for the vacating member's unexpired term.

The directors shall serve as such without compensation except that they shall be reimbursed for their actual expenses incurred in and about the performance of their duties.

The governing body may remove a director for inefficiency, neglect of duty, or misconduct in office only after a hearing and only if he or she has been

given a copy of the charges at least ten (10) days prior to such hearing and has had an opportunity to be heard in person or by counsel. In addition, if any committee member is absent for three (3) consecutive meetings, the chairman shall notify the governing body that appointed the member of the absences. The governing body shall hold a hearing to determine if there is sufficient cause for removal. The member shall be given a copy of the charges for at least ten (10) days prior to such hearing. The member shall be given an opportunity to be heard in person or by counsel before being officially removed. Upon a member being removed, the governing body that removed the member shall appoint a new member to fill the vacant seat at its next, eligible, regularly scheduled meeting. Nothing in this section however, shall preclude the reappointment of the removed member. (Ord. #2009 005, April 2009, as replaced by Ord. #2009 011, July 2009)

2-603. Purpose. The purpose for which the CRA is created is to plan, finance and implement development and redevelopment plans and projects which will eliminate or prevent the effects of slum and blight within the corporate limits of the City of Jackson by using some or all of the powers identified and allowed under the State of Tennessee Community Redevelopment Act of 1998.

It has been found and declared that there exist slum and blighted areas which constitute a serious and growing menace, injurious to the public health, safety, morals and welfare of the residents of the City of Jackson; that the existence of such areas contributes to the spread of crime, constitutes an economic and social liability imposing burdens which decrease the tax base and reduce tax revenues, substantially impairs or arrests sound growth, retards the provision of housing accommodations, aggravates traffic problems and that the prevention and elimination of slums and blight is a matter of concern in order that the City of Jackson shall not continue to be endangered by such area.

It is further found and declared that certain slum or blighted areas, or portions thereof, may require acquisition, clearance, and disposition subject to use restrictions, as provided in the State of Tennessee Community Redevelopment Act of 1998, since the prevailing conditions of decay may make impracticable the reclamation of the area by conservation or rehabilitation; that other areas or portions thereof may, through the means provided through the State of Tennessee Community Redevelopment Act of 1998 may be susceptible to conservation or rehabilitation; therefore slum or blighting conditions may be eliminated, remedied or prevented.

It is further found that the powers conferred by the State of Tennessee Community Redevelopment Act of 1998 to the Redevelopment Agency are for public uses and purposes for which public money may be expended and the power of eminent domain and police power exercised.

It is further found that the preservation or enhancement of the tax base from which a taxing authority realizes tax revenues is essential to its existence

and financial health; that tax increment financing is an effective method of achieving such preservation and enhancement in areas in which such tax base is declining; that community redevelopment in such areas, when completed, will enhance such tax base and provide increased tax revenues to all affected taxing authorities.

It is further found that there exists in Jackson a shortage of housing affordable to residents of low or moderate income, including the elderly; that the existence of such condition affects the health, safety and welfare of the residents of the City of Jackson and retards their growth and economic and social development; and that the elimination or improvement of such condition is a matter of public purpose. (Ord. #2009 005, April 2009)

2-604. Meetings and officers. The place, date, and time of the holding of regular meetings of the board if directors shall be set by the board and may be changed from time to time, by resolution, without a requirement of an amendment to these bylaws and without any requirement of further notice to the directors. The regular meeting in April of each year shall constitute the annual meeting of the board of directors.

Special meetings of the board of directors may be called by the chairman or any two (2) directors, by giving at least five (5) days written notice to each director. Notice shall be deemed given when delivered to a director by hand or by facsimile or similar means of transmission or then deposited in the United States mail, postage prepaid, addressed to a director at his or her address of record as maintained by the secretary of the CRA.

It shall be the policy of the CRA to comply with all laws relating to meetings of public bodies, to the extent applicable, including requirements of public notice. Regular or special meetings, (other than special meetings called by board members other than the chairman), may be canceled by the chairman, without the necessity for public notice of such cancellation, if the chairman shall determine that there is no business to come before such meeting.

All resolutions shall be in writing and shall be copied in a journal of the proceedings of the board of directors of the redevelopment agency.

The chairman shall have the power to appoint such committees as the chairman, in his or her discretion, may deem advisable; said committees shall have the power to recommend a course of conduct to the board but shall have no extraordinary powers to act.

The board shall meet, at least, quarterly at such time and place as the board may fix by board resolution. Such meetings shall be open to the public. Notices of such meetings shall be placed on the City of Jackson website at least forty-eight hours (48) prior to such meetings. Special meetings upon notice may be called from time to time by the chairman, or at the request of the majority of the members of the board. A majority of the members of the board shall constitute a quorum for the transaction of business. The board shall cause a proper record to be kept of the proceedings. For this purpose the board shall

appoint a secretary who shall be a member of the board. The board shall also appoint a treasurer who shall be a member of the board. The chairman and vice chairman of the board shall be appointed by the governing body from among the board membership to serve for a term of one (1) year or to the end of the term of said chairman if less than one (1) year is remaining, with the right of succession for one (1) additional term only at the option of the governing body. (Ord. #2009 005, April 2009)

2-605. Powers and duties. The board shall have all powers necessary and requisite to effectuate the purpose of the board as set out above in § 2-603. (Ord. #2009 005, April 2009)

2-606. Rules and regulations. The board, by majority vote of the total membership of the board, is empowered to establish written rules and regulations as they may deem advisable. (Ord. #2009 005, April 2009)

2-607. Report to planning department. It shall be the duty of the board to file written reports, both periodically and final, on all individual projects with the director of planning in a timely manner. (Ord. #2009 005, April 2009)

CHAPTER 7

REDEVELOPMENT TRUST FUND FOR DISTRICT 2

SECTION

- 2-701. Definitions.
- 2-702. Short title.
- 2-703. Creation of redevelopment trust fund.
- 2-704. Depository account.
- 2-705. Annual funding of the redevelopment trust fund.
- 2-706. Discretion to grant exemptions.
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- 2-708. Bonds and notes--limited obligations.
- 2-709. Expenditures from redevelopment trust fund.
- 2-710. Use of surplus funds.
- 2-711. Reports.
- 2-712. Incorporation of powers and authority under the act.

2-701. Definitions. The following capitalized terms or phrases shall have the meanings hereafter set forth:

- (1) "City" means the City of Jackson, Tennessee.
- (2) "County" means Madison County, Tennessee.
- (3) "Agency" means the Community Redevelopment Agency, as created under Code of Ordinances for City of Jackson, title 2, chapter 6.
- (4) "Redevelopment plan" or "plan" means that certain "Redevelopment Plan-Center City Revitalization Project-District 2" together with all attachments and appendices thereto, adopted by the city pursuant to resolutions of the Council of the City of Jackson dated September 7, 2010.
- (5) "Plan area" means the geographical area designated as such in the redevelopment plan and specifically includes all tax parcels described therein.
- (6) "Redevelopment trust fund" or "trust fund" means the redevelopment trust fund hereby created pursuant to the requirements of the Act and this chapter. (as added by Ord. #2010-016, Nov. 2010)

2-702. Short title. The ordinance comprising this chapter shall be known as the "Redevelopment Trust Fund Ordinance--District 2." (as added by Ord. #2010-016, Nov. 2010)

2-703. Creation of redevelopment trust fund. There is hereby created, for the use and benefit of the agency, a redevelopment trust fund. Any funds allocated and deposited to the redevelopment trust fund shall be used by the agency for the financing or refinancing of any community development it undertakes pursuant to the redevelopment plan. (as added by Ord. #2010-016, Nov. 2010)

2-704. Depository account. The redevelopment trust fund may be maintained at any bank or other financial institution having offices located within the county as determined by the agency. No other agency moneys or funds shall be placed into the redevelopment trust fund except as permitted by the Act. (as added by Ord. #2010-016, Nov. 2010)

2-705. Annual funding of the redevelopment trust fund. The annual funding of the redevelopment trust fund shall be in an amount not less than the increment in the income, proceeds, revenues, and funds of the city and/or county, or other taxing authority, derived from or held in connection with the undertaking and carrying out of community development under the Act. Such increment (the "Increment") shall be determined annually and shall be that amount equal to ninety-five percent (95%) of the difference between:

(1) The amount of ad valorem taxes levied each year by each taxing authority exclusive of any amount from any debt service millage, on taxable real property contained within the geographic boundaries the plan area or any future community development plan area duly approved and adopted as such pursuant to the requirements of the Act; and

(2) The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for each taxing authority, exclusive of debt service millage, upon the total of the assessed value of the taxable real property in the plan area as shown by the most recent assessment roll used in connection with the taxation of such property by each taxing authority prior to the effective date of the ordinance comprising this chapter.

Pursuant to the requirements of the Act, each taxing authority shall, by January 1 of each year, commencing January 1, 2011, appropriate to the trust fund for so long as any indebtedness pledging increment revenues to the payment thereof is outstanding (but not to exceed thirty (30) years) a sum that is no less than the increment accruing to such taxing authority. If the redevelopment plan is amended or modified pursuant to the Act, each such taxing authority shall make the annual appropriation for a period not to exceed thirty (30) years after the effective date of the amendment of the redevelopment plan. (as added by Ord. #2010-016, Nov. 2010)

2-706. Discretion to grant exemptions. Subject to the requirements of the Act, the city and/or county shall have the power to exempt from the requirements of § 2-705 any special district, other than the city and/or county, that levies ad valorem taxes within the plan area, provided such grant of exemption is otherwise lawful. (as added by Ord. #2010-016, Nov. 2010)

2-707. Term of redevelopment trust fund. The redevelopment trust fund shall remain in existence for thirty (30) years after the date of the adoption of the redevelopment trust fund; provided that if the redevelopment plan is

amended in accordance with the provisions of the Act, the redevelopment trust fund shall remain in existence for at least thirty (30) years after the effective date of such modification or amendment. Notwithstanding the foregoing, the obligation of the taxing authorities to fund the redevelopment trust fund annually shall continue until all loans, advances, and indebtedness, if any, and interest thereon, of the agency incurred as a result of redevelopment in the plan area or other approved community redevelopment area have been paid. Upon termination of the redevelopment trust fund, any remaining moneys in the redevelopment trust fund shall be returned to each taxing authority which paid the increment in the proportion that the amount of the payment of such taxing authority bears to the total amount paid into the redevelopment trust fund by all taxing authorities. (as added by Ord. #2010-016, Nov. 2010)

2-708. Bonds and notes--limited obligations. The revenue bonds and notes of every issue under this chapter and the Act are payable solely out of revenues pledged to and received by the agency and deposited to the redevelopment trust fund. The lien created by such bonds or notes shall not attach until the revenues referred to herein are deposited in the redevelopment trust fund at the times, and to the extent that, such revenues accrue. The holders of such bonds or notes have no right to require the imposition of any tax or the establishment of any rate of taxation in order to obtain the amounts necessary to pay and retire such bonds or notes. Revenue bonds issued under the provisions of this chapter and the Act shall not be deemed to constitute a debt, liability, or obligation of either the city or county, other local taxing authority, or the State of Tennessee or any political subdivision thereof, nor shall same constitute a pledge of the faith and credit of the city, county, other local taxing authority, or the State of Tennessee or any political subdivision thereof, but shall be payable solely from the revenues provided therefor. All such revenue bonds shall contain on the face thereof a statement to the effect that the agency shall not be obligated to pay the same or the interest thereon except from revenues of the agency held for that purpose and that neither the faith and credit nor the taxing power of the city, county, other local taxing authority, or the State of Tennessee or any political subdivision thereof is pledged to the payment of the principal of, or the interest on, such bonds. (as added by Ord. #2010-016, Nov. 2010)

2-709. Expenditures from redevelopment trust fund. Moneys in the trust fund may be expended from time to time for the following purposes, when directly related to financing or refinancing or redevelopment in the plan area or other community redevelopment area pursuant to the redevelopment plan or lawful amendments thereto:

(1) Administrative and overhead expenses necessary or incidental to the implementation of the redevelopment plan adopted by the agency or other governing body.

(2) Expenses of redevelopment planning, surveys, and financial analysis, including the reimbursement to a governing body or the agency for such expenses incurred before the plan was approved and adopted.

(3) The acquisition of real property in the plan area.

(4) The clearance and preparation of any redevelopment area for redevelopment and relocation of site occupants as provided in section 17 of the Act.

(5) The repayment of principal and interest or any redemption premium for loans, advances, bonds, bond anticipation notes, and any other form of indebtedness.

(6) All expenses incidental to or connected with the issuance, sale, redemption, retirement, or purchase of any agency bonds, bond anticipation notes, or other form of indebtedness, including funding of any reserve, redemption, or other fund or account provided for in the ordinance or resolution authorizing such bonds, notes, or other form of indebtedness.

(7) The development of affordable housing with the plan area. (as added by Ord. #2010-016, Nov. 2010)

2-710. Use of surplus funds. On the last day of the fiscal year of the agency, any money which remains in the trust fund after the payment of expenses pursuant to the preceding section for such year shall be:

(1) Returned to each taxing authority which paid the increment in the proportion that the amount of the payment of such taxing authority bears to the total amount paid into the trust fund by all taxing authorities within the plan area for that year;

(2) Used to reduce the amount of any indebtedness to which increment revenues are pledged;

(3) Deposited into an escrow account for the purpose of later reducing any indebtedness to which increment revenues are pledged; or

(4) Appropriated to a specific redevelopment project pursuant to the redevelopment plan which project will be completed within three (3) years from the date of such appropriation. (as added by Ord. #2010-016, Nov. 2010)

2-711. Reports. The agency shall provide for an independent financial audit of the trust fund each fiscal year and a report of such audit. Such report shall describe the amount and source of deposits into, and the amount and purpose of withdrawals from, the trust fund during such fiscal year and the amount of principal and interest paid during such year on any indebtedness to which is pledged increment revenues and the remaining amount of such indebtedness. The agency shall provide a copy of the report to each taxing authority which shall have contributed to the trust fund. (as added by Ord. #2010-016, Nov. 2010)

2-712. Incorporation of powers and authority under the Act. The city, the county and agency are each hereby authorized to exercise such other powers and authority as set forth in the Act subject, however, to the requirements of and obligations imposed under the Act. (as added by Ord. #2010-016, Nov. 2010)