

SENATE BILL 413

By Hatcher

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 5; Title 6; Title 7; Title 13, Chapter 7; Title 62
and Title 68, relative to zoning violations.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 1, Part 4, is amended by adding the following as a new section:

(a) The executive officer of a state department or agency, or an officer of this state, with the authority to approve a license, permit, or certificate necessary for the operation of a private business in this state, upon receipt of written notice from the zoning authority of a local government that a business operating within the jurisdiction of the local government is not in compliance with a zoning ordinance, resolution, or other law of the local government, may revoke or suspend such license, permit, or certificate of the private business if the written notice provided by the zoning authority:

(1) Is received by the state department, agency, or officer no later than thirty (30) days after the issuance or renewal of the respective license, permit, or certificate; and

(2) Such written notice provides proof satisfactory through documentation that the business is not in compliance with the zoning ordinance, resolution, or other law.

(b) A revocation or suspension issued under subsection (a) must be mailed to the address of record of the owner of the business, return receipt requested, and becomes effective when the state department, agency, or officer receives the receipt of proof of delivery of the written notice of revocation or suspension.

(c)

(1) If a zoning authority receives proof satisfactory that the owner of a business comes into compliance with the zoning ordinance, resolution, or law resulting in the revocation or suspension of a license, permit, or certification, the zoning authority shall notify the applicable state department, agency, or officer and, upon receipt of such notice, the state department, agency, or officer shall reinstate the license, permit, or certificate.

(2) The owner of a business for which a license, permit, or certificate has been revoked or suspended under this section may appeal the revocation or suspension in accordance with the Uniform Administrative Procedures Act, codified in title 4, chapter 5, part 3.

(d) If the applicable state department or agency finds proof satisfactory that the owner of a business was:

(1) Not in compliance with the zoning ordinance, resolution, or law upon receiving the written notice, the department or agency may charge the owner an additional reinstatement fee for reinstatement of the license, permit, or certificate in an amount not to exceed the original cost of the license, permit, or certificate; or

(2) In compliance with the zoning ordinance, resolution, or law upon receiving the written notice, the department or agency may require the zoning authority of the local government to pay the reinstatement fee under subdivision (d)(1) for reinstatement of the license, permit, or certificate.

(e) As used in this section:

(1) "Local government" means a county, incorporated city or town, or metropolitan government; and

(2) "Zoning authority" means a regional, local, or historic zoning commission or board with jurisdiction under state law to enact zoning ordinances, resolutions, or laws applicable to a particular local government.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it, and applies to violations of local zoning ordinances, resolutions, and laws occurring or continuing to occur on or after the effective date of this act.