ORDINANCE 2026-16

AN ORDINANCE TO AMEND THE FAIRVIEW DEVELOPMENT CODE, ARTICLE 8, ADMINISTRATION, PROCEDURE, & ENFORCEMENT, SECTION 8.5.4.D(4)(a), NOTICE AND PUBLIC HEARING, TO UPDATE THE RESPONSIBILITY FOR PREPARING AND MAILING REQUIRED PUBLIC NOTICES

WHEREAS, Section 8.5.4.D, Notice and Public Hearing, of the Fairview Development Code establishes various methods for providing notice to the public based upon the type of development application or project; and

WHEREAS, Section 8.5.4.D(4)(a) of the Fairview Development Code currently places responsibility upon the City for creating and mailing required letter notices; and

WHEREAS, the Board of Commissioners finds that the responsibility for preparing and mailing required notices should be assigned to the applicant for the applicable development application; and

WHEREAS, requiring the applicant to prepare and mail the required notices will establish a more efficient process for providing notice to affected property owners and other parties entitled to notice while reducing the administrative and financial burden on the City; and

WHEREAS, the applicant shall be responsible for all costs associated with preparing, printing, addressing, and mailing the required notices; and

WHEREAS, the Fairview Planning Commission reviewed the proposed amendment and provided a **positive recommendation** to the Board of Commissioners for approval of the amendment to Section 8.5.4.D(4)(a), Notice and Public Hearing; and

WHEREAS, the Board of Commissioners has reviewed the proposed amendment and finds that it is appropriate and in the best interest of the City of Fairview and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF FAIRVIEW, TENNESSEE, AS FOLLOWS:

SECTION 1. AMENDMENT TO FAIRVIEW DEVELOPMENT CODE.

The Fairview Development Code, **Article 8, Administration, Procedure, & Enforcement, Section 8.5.4.D(4)(a), Notice and Public Hearing**, is hereby amended to provide that the **applicant for the applicable development application shall be responsible for preparing and mailing all required written notices** to property owners and other parties entitled to notice under the Fairview Development Code.

The applicant shall be responsible for:

1. Preparing and addressing the required notices in accordance with the form, content, and timing requirements established by the Fairview Development Code;
2. Printing and mailing the required notices by certified mail within the timeframe required by the Fairview Development Code;
3. Paying all costs associated with preparing, printing, addressing, and mailing the required notices; and
4. Providing the City with documentation demonstrating that the required notices were mailed in accordance with the applicable requirements prior to the scheduled public hearing or other required action.

The applicant shall be solely responsible for ensuring that all required notices are properly prepared and mailed within the required timeframe.

Failure of the applicant to properly mail the required notices within the prescribed timeframe may result in the postponement or rescheduling of the applicable public hearing or consideration of the development application.

SECTION 2. CITY RESPONSIBILITIES.

Nothing in this Ordinance shall relieve the City of its responsibility for determining the applicable notice requirements or otherwise administering the notice provisions of the Fairview Development Code.

SECTION 3. CODIFICATION.

The City Recorder is hereby authorized and directed to incorporate the amendments adopted by this Ordinance into the official Fairview Development Code and to make such formatting, numbering, and other non-substantive revisions as may be necessary to codify this amendment.

SECTION 4. SEVERABILITY.

If any section, subsection, paragraph, sentence, clause, phrase, or provision of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any remaining portion of this Ordinance.

SECTION 5. REPEAL AND CONFLICT.

All ordinances or portions of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall become effective upon final passage and as otherwise provided by law.

Approved by the Board of Commissioners:

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Lisa Anderson, Mayor

ATTEST:

_____
Rachel Jones, City Recorder

LEGAL FORM APPROVED:

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Patrick M. Carter, City Attorney

Passed 1st Reading: October 1, 2026

Public Hearing: November 5, 2026

Passed 2nd Reading: _____

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