

BMA MEETING MINUTES

September 14, 2023

BMA MEETING
6:00 PM

Roll Call

Mayor Williams called the meeting to order at 6:00 PM. Roll Call for attendance: Alderman Burnette, yes; Alderman Meyer, absent; Vice-Mayor Povlin, yes; Alderman White, yes; Mayor Williams, yes; In addition to staff and member of the press.

Approval of Agenda

A motion was made to approve the agenda as presented. Moved by Vice-Mayor Povlin, seconded by Alderman White; voting yes, Mayor Williams, Vice-Mayor Povlin, Aldermen Burnette and White; Alderman Meyer was absent; motion passed.

Approval of Minutes

Motion was made to approve the minutes of August 24, 2023, with a small amendment. Moved by Vice-Mayor Povlin, seconded by Alderman Burnette; voting yes, Mayor Williams, Vice-Mayor Povlin, Aldermen Burnette and White; Alderman Meyer was absent; motion passed.

Mayor's Report

Daughters of the American Revolution & Constitution Week Proclamations
Schools Donation Presentation

Ordinances

Public Hearing and Second Reading

Ordinance 23-13, Ordinance to amend the Capital Investment Program Budget for Fiscal Year 2023-2024, passed by Ordinance 23-07

Motion was made to approve Ordinance 23-13 on second and final reading. Moved by Vice-Mayor Povlin; roll call vote: Alderman Burnette, yes; Alderman White; Vice-Mayor Povlin, yes; Mayor Williams, yes; Alderman Meyer was absent; motion passed.

First Reading

Ordinance 23-12, an ordinance on first reading to amend the Farragut Municipal Code V, Chapter 14, Nuisances and Property Maintenance (Town of Farragut, Applicant)

Motion was made to approve Ordinance 23-12 on first reading. Dian Hall, 668 Borchardt Blvd spoke during citizen forum. Moved by Vice-Mayor Povlin; roll call vote: Alderman Burnette, yes; Alderman White; Vice-Mayor Povlin, yes; Mayor Williams, yes; Alderman Meyer was absent; motion passed.

Ordinance 23-14, Ordinance to amend the State Street Aid and Insurance Fund Budgets for Fiscal Year 2023-2024, passed by Ordinance 23-07

Motion was made to approve Ordinance 23-14 on first reading. Moved by Vice-Mayor Povlin; roll call vote: Alderman Burnette, yes; Alderman White; Vice-Mayor Povlin, yes; Mayor Williams, yes; Alderman Meyer was absent; motion passed.

Business Items

Approval of Resolution R-2023-09 Safety Partners Grant

Motion was made to approve Resolution R-2023-09 Safety Partners Grant. Moved by Vice-Mayor Povlin, seconded by Alderman Burnette; voting yes, Mayor Williams, Vice-Mayor Povlin, Alderman Burnette and White; Alderman Meyer was absent; motion passed.

Approval of Resolution R-2023-10 Property Conservation Grant

Motion was made to approve Resolution R-2023-10 Property Conservation Grant. Moved by Vice-Mayor Povlin, seconded by Alderman Burnette; voting yes, Mayor Williams, Vice-Mayor Povlin, Alderman Burnette and White; Alderman Meyer was absent; motion passed.

Approval of Resolution R-2023-11 Driver Safety Grant

Motion was made to approve Resolution R-2023-11 Driver Safety Grant. Moved by Vice-Mayor Povlin, seconded by Alderman White; voting yes, Mayor Williams, Vice-Mayor Povlin, Alderman Burnette and White; Alderman Meyer was absent; motion passed.

Approval of Resolution R-2023-12 Cyber Grant

Motion was made to approve Resolution R-2023-12 Cyber Grant. Moved by Vice-Mayor Povlin, seconded by Alderman Burnette; voting yes, Mayor Williams, Vice-Mayor Povlin, Alderman Burnette and White; Alderman Meyer was absent; motion passed.

Town Administrator's Report

David Smoak, Town Administrator, announced there would be a community meeting about the property on McFee Road on September 25 from 6:00-7:00 PM at the Community Center.

Citizens Forum

The following citizens spoke during citizens forum:

Pat Lee, 405 Ensign Lane

Michael Wilson, 412 Eisenhower Street

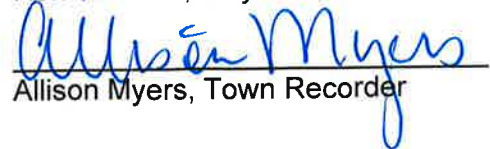
Kimberlie Parks, Concord Hills

Mike Mitchell, 716 Brixworth Blvd

The meeting adjourned at 7:05 PM.



Ron Williams, Mayor



Allison Myers, Town Recorder



FARRAGUT BOARD OF MAYOR AND ALDERMEN
Farragut Town Hall
11408 Municipal Center Drive

AGENDA
September 14, 2023

BEER BOARD
5:55 PM

BMA MEETING
6:00 PM

- I. Roll Call**
- II. Approval of Agenda**
- III. Approval of Minutes**
 - A. August 24, 2023**
- IV. Mayor's Report**
 - A. Daughters of the American Revolution & Constitution Week Proclamations**
 - B. Schools Donation Presentation**
- V. Ordinances**
 - A. Public Hearing and Second Reading**
 - 1. Ordinance 23-13, Ordinance to amend the Capital Investment Program Budget for Fiscal Year 2023-2024, passed by Ordinance 23-07**
 - B. First Reading**
 - 1. Ordinance 23-12, an ordinance on first reading to amend the Farragut Municipal Code, Chapter 14, Nuisances and Property Maintenance (Town of Farragut, Applicant)**
 - 2. Ordinance 23-14, Ordinance to amend the State Street Aid and Insurance Fund Budgets for Fiscal Year 2023-2024, passed by Ordinance 23-07**

11408 MUNICIPAL CENTER DRIVE | FARRAGUT, TN 37934 | 865.966.7057 |
WWW.TOWNOFFARRAGUT.ORG

It is the policy of the Town of Farragut not to discriminate on the basis of race, color, natural origin, gender, gender identity, sexual orientation, age, religion, disability or veteran status pursuant to Title VI of the Civil Rights Act of 1964, Public Law 93-112 and 101-336 in its hiring, employment practices and programs. To request accommodations due to disabilities, please call 865-966-7057 in advance of the meeting

VI. Business Items

- A. Approval of Resolution R-2023-09 Safety Partners Grant
- B. Approval of Resolution R-2023-10 Property Conservation Grant
- C. Approval of Resolution R-2023-11 Driver Safety Grant
- D. Approval of Resolution R-2023-12 Cyber Grant

VII. Town Administrator's Report

VIII. Town Attorney's Report

IX. Citizens Forum

This meeting can be viewed live on the Farragut YouTube Channel and the Town of Farragut website www.townoffarragut.org/livestream.

The meeting will be held at the Farragut Town Hall, 11408 Municipal Center Drive

The Board of Mayor and Aldermen welcomes and invites Farragut residents to participate in public meetings.

At the end of each business meeting, there will be time reserved for public comment under the Citizen Forum agenda item. If you are interested in speaking, please fill out a blue comment card and turn it in to the Town Recorder or staff member. This time is set aside specifically for comments on items that are not on the Board of Mayor and Aldermen regular agenda for the meeting. Each speaker will be given five (5) minutes to speak on his/her topic.

During the regular agenda portion of the meeting there may be an allowance for public comment for each agenda item. The Mayor may recognize individuals for public comment based on the following guidelines.

1. The Mayor shall maintain and control the meeting to provide a professional and objective environment;
2. Any Farragut resident interested in speaking should fill out a blue comment card stating which agenda item they would like to comment on and turn in to the Town Recorder or a staff member;
3. Speakers shall come to the podium and identify themselves by name and street address;
4. Public comment shall be limited to five (5) minutes per individual. Time for public comment may be amended at the discretion of the Mayor. Time is not transferable to other speakers;
5. Speakers should strive to avoid redundancy; each speaker should have their own original viewpoint;
6. Comments shall address issues, not individuals or personalities;
7. Comments may support or oppose issues or measures, but the motives of those with differing views shall not be questioned or attacked;
8. Personal attacks and malicious comments shall not be tolerated;
9. An applicant, and/or their representative(s), for an item on the regular agenda shall be afforded the time necessary to present their request and respond to questions. The five (5) minute limitation shall not apply. However, the Mayor may ask an applicant to stay on point in order to facilitate the efficiency of the meeting.

Each speaker will be asked if they can agree to abide by the Comment Protocol. If so, please be prepared to speak when your name is called.



FARRAGUT BEER BOARD

September 14, 2023

5:55 PM

- I. Approval of Minutes
 - A. August 24, 2023
- II. Beer Permit
 - A. Approval of Class 6, Farragut Business Alliance HARVESTFEST Event



FARRAGUT BEER BOARD

August 24, 2023
MINUTES

Approval of Minutes

Motion was made to approve the minutes of March 9, 2023, as presented. Moved by Alderman Meyer, seconded by Vice-Mayor Povlin voting yes, Mayor Williams, Vice-Mayor Povlin, Aldermen Burnette, Meyer and White, no nays, motion passed.

Beer Permit

Approval of Class 6, Special Occasion beer permit for St. John Neumann Church Harvesting for Him Fall Festival

Motion was made to approve the Class 6, Special Occasion beer permit for St. John Neumann Church Harvesting for Him Fall Festival, October 22, 2023. Moved by Alderman Meyer, seconded by Vice-Mayor Povlin voting yes, Mayor Williams, Vice-Mayor Povlin, Aldermen Burnette, Meyer and White, no nays, motion passed.

Approval of Class 6, Special Occasion beer permit for Alzheimer's Tennessee/ Mind Yer P's & Q's Oktoberfest Event

Motion was made to approve the Class 6, Special Occasion beer permit for Alzheimer's Tennessee/ Mind Yer P's & Q's Oktoberfest Event, September 29-October 1, 2023. Moved by Alderman Meyer, seconded by Vice-Mayor Povlin voting yes, Mayor Williams, Vice-Mayor Povlin, Aldermen Burnette, Meyer and White, no nays, motion passed.

Drew Burnette, Chairman

Allison Myers, Town Recorder

REPORT TO THE BEER BOARD

PREPARED BY: Allison Myers, Town Recorder

SUBJECT: Approval of a Class 6, special occasion beer permit for the Farragut Business Alliance Harvest Fest, October 22, 2023

DISCUSSION:

The Farragut Business Alliance is planning a Harvest Fest event and is requesting a special occasion beer permit. The Town's Municipal Code governing special occasion beer permits is below.

Sec. 8-212. - Special occasion beer permit.

The special occasion beer permit request shall be made on such form as the board shall prescribe and/or furnish and shall be accompanied by a non-refundable application fee of one hundred dollars (\$100.00).

- (1) The beer board is authorized to issue a special occasion beer permit to bona fide charitable or nonprofit organizations for special events.
- (2) The special occasion beer permit shall not be issued for longer than one (1) forty-eight-hour period, unless otherwise specified by the beer board, subject to the limitations on the hours, imposed by law.
- (3) The application for the special occasion beer permit shall state whether the applicant is a charitable or nonprofit organization, include documents showing evidence of the type of organization, and state the location of the premise upon which alcoholic beverages shall be served and the purpose for the request of the license.
- (4) For purposes of this section:

Bona fide charitable or nonprofit organization means any corporation or other legal entity which has been recognized as exempt from federal taxes under section 501(c) of the Internal Revenue Code.
- (5) No charitable or nonprofit organization possessing a special occasion beer permit shall purchase, for sale or distribution, beer from any source other than a licensee as provided pursuant to state law.
- (6) Failure of the special occasion permittee to abide by the conditions of the permit and all laws of the State of Tennessee and the Town of Farragut will result in a denial of a special occasion beer permit for the sale of beer for a period of two (2) years.

The Farragut Business Alliance is a nonprofit organization and is requesting the permit for Sunday, October 22, 2023, from 2:00-6:00 PM. If the event date changes, the approval of this special event permit is valid until December 31, 2023. The FBA is also requesting the \$100 application fee be waived as the Town is an event sponsor of the event.

RECOMMENDATION BY:

Allison Myers, Town Recorder, for approval.

PROPOSED MOTION:

Motion to waive the \$100 application fee and approve the special occasion beer permit for the Harvest Fest for October 22, 2023, and valid through December 31, 2023.

BOARD ACTION:

MOTION BY: _____ **SECONDED BY:** _____

APPLICATION FOR BEER PERMIT

STATE OF TENNESSEE

TOWN OF FARRAGUT

I hereby make application for a permit to sell, store, manufacture, or distribute Beer under the provisions of Tennessee Code Annotated Section 57-5-101 et seq. and base my application upon the answers to the following questions:

1. Reason for application: New Business ____ New Ownership ____ Name Change ____ Other ____
2. Type of permit requested, please circle all that apply:

Class 1 On-Premise

Class 2 On-Premise, Other

Class 3 On-Premise, Hotel/Motel

Class 4 On-Premise, Tavern

Class 5 Off-Premise

Class 6, Special Occasion

3. Name of Applicant(s) (Owner(s) of Business) Farragut Business Alliance
dba SHOP FARRAGUT

4. Type of applicant (check one):
Person ____ Firm ____ Corporation ☒ Joint-Stock Company ____ Syndicate ____ Other ____

5. List all persons, firms, corporations, joint-stock companies, syndicates, or associations having at least a 5% ownership interest in the business:

6. Applicant's present home address:

Justice Valley Street Farragut, TN 37934

7. Date of Birth ____ Home Telephone Number 865-307-2486
Business Telephone Number 865-307-2486 Social Security Number ____

8. Representative Email Address: steve@shopfarragut.com

9. Under what name will the business operate? SHOP FARRAGUT

10. Business address same

Business Telephone number same

11. Specify the identity, email and physical address of the person to receive annual privilege tax notices and any other communication from the Town:

Stephen F. Krempasky, Executive Director

404 Justice Valley Street, Farragut, TN 37934

12. Information of any manager, other than the applicant:

Name: _____ Birth Date: _____

Address: _____

Phone Number: _____

13. Has any person having at least a 5% ownership interest, any of the managers, or any other employee of the business, been convicted of any violation of the beer or alcoholic beverage laws or any crime within the last ten (10) years: ____ Yes ____ No. If yes, give particulars of each charge, court, and date convicted.

14. Have you or your organization ever had a Beer Permit revoked, suspended, or denied in the State of Tennessee? NO If so, specify, where, when, and why:

15. Name and address of property owner, if other than the business owner:

Davis Overton, - White Realty, PO Box 10028, Knoxville, TN 37939

16. What is the name and address of the Church (or other place of worship) nearest to your business?

FAITH LUTHERAN 225 Jamestown Blvd.

17. What is the name and address of the school nearest to your business?

Farragut High School

18. Special Occasion Event Name: HARVESTFEST

Location of the special occasion event: Village Green Shopping Center

Event Date & Times: Sunday October 22, 2023 2-6 PM

Representative name & phone number: Steve Krempasky 865-307-2486

Have you received a special event permit to hold the event in the Town of Farragut? pending

19. Tennessee Sales Tax Number: _____

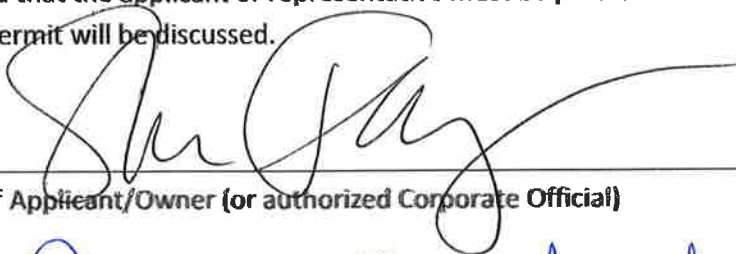
20. Town of Farragut Business License Number _____

I certify that I am knowledgeable of the laws prohibiting the sale of beer to minors and that this application contains true information to the best of my knowledge and belief.

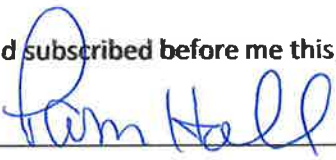
I understand that this application is subject to the Tennessee Public Records Act and shall be open for inspection and reproduction by any citizen. Tennessee Code Annotated 10-7-503.

I understand that by submitting this application, a background investigation shall be conducted and any and any and all documents related to my request shall become public records.

I understand that the applicant or representative must be present at the beer board meeting in which the permit will be discussed.


Signature of Applicant/Owner (or authorized Corporate Official)

Sworn to and subscribed before me this 29 day of August, 2023


Notary Public

My Commission Expires: My Commission Expires October 7, 2024

Notice: A non-refundable \$250 fee must accompany this application. Any applicant making false statement in this application shall forfeit his/her permit and shall not be eligible to receive any permit for a period of ten years.

A privilege tax of \$100 is imposed on the business of selling, distributing, storing or manufacturing beer in this state effective January 1, 1994 and each successive January 1. Any holder of a beer permit issued after January 1, 1994 shall pay a pro rata portion of this annual tax when the permit is issued.

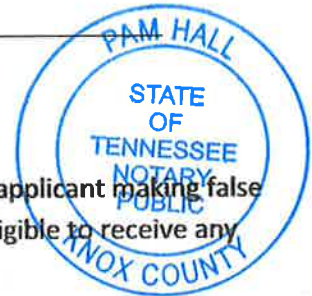
FOR OFFICE USE ONLY

Application is hereby: Approved _____ Denied _____

On this date: _____, 20__

Beer Board Chairman

Town Recorder



BMA MEETING MINUTES

August 24, 2023

BMA WORKSHOP

Property Maintenance

5:00 PM

Holley Marlowe presented suggested changes to the Property Maintenance ordinance.

BMA MEETING

6:00 PM

Roll Call

Mayor Williams called the meeting to order at 6:00 PM. Roll Call for attendance: Alderman Burnette, yes; Alderman Meyer, yes; Vice-Mayor Povlin, yes; Alderman White, yes; Mayor Williams, yes; In addition to staff and member of the press.

Approval of Agenda

A motion was made to amend the proposed agenda by adding item VI.F. Appointment of Representative to the Knox County Growth Policy Coordinating Committee. Moved by Vice-Mayor Povlin, seconded by Alderman Meyer; voting yes; Mayor Williams, Vice-Mayor Povlin, Aldermen Burnette, Meyer and White; no nays; motion passed.

Approval of Minutes

Motion was made to approve the amended minutes of August 10, 2023. Moved by Vice-Mayor Povlin, seconded by Alderman Meyer; voting yes; Mayor Williams, Vice-Mayor Povlin, Aldermen Burnette, Meyer and White; no nays; motion passed.

Mayor's Report

Ordinances

Public Hearing and Second Reading

Ordinance 23-11, an ordinance to amend the Farragut Municipal Code, Appendix A- Zoning, Chapter 3, Section XX., Community Service District (S-1), to require a concept layout plan in association with a rezoning request to S-1 (Town of Farragut, Applicant)

Motion was made to approve Ordinance 23-11 on second and final reading. Moved by Alderman Meyer, seconded by Vice-Mayor Povlin; roll call vote, Alderman Burnette, yes; Alderman Meyer, yes; Vice-Mayor Povlin, yes; Alderman White, yes; Mayor Williams, yes; motion passed.

First Reading

Ordinance 23-13, Ordinance to amend the Capital Investment Program Budget for Fiscal Year 2023-2024, passed by Ordinance 23-07

Motion was made to approve Ordinance 23-13 on first reading. Moved by Alderman Meyer, seconded by Vice-Mayor Povlin; roll call vote, Alderman Burnette, yes; Alderman Meyer, yes; Vice-Mayor Povlin, yes; Alderman White, yes; Mayor Williams, yes; motion passed.

Business Items

Approval of a Special Event Permit for St. John Newmann Catholic Church & Schools Mustang Miles 5K Event

Motion was made to approve the Special Event Permit for St. John Newmann Catholic Church & Schools Mustang Miles 5K Event. Moved by Alderman Meyer, seconded by Alderman White; voting yes; Mayor Williams, Vice-Mayor Povlin, Aldermen Burnette, Meyer and White; no nays; motion passed.

Approval of Resolution R-2023-07, Amended FY2024 Fee Resolution

Motion was made to approve Resolution R-2023-07, Amended FY2024 Fee Resolution. Moved by Vice-Mayor Povlin, seconded by Alderman Meyer; voting yes; Mayor Williams, Vice-Mayor Povlin, Aldermen Burnette, Meyer and White; no nays; motion passed.

Approval of amendment of to the rental agreement for temporary modular office space from VESTA Modular for Town Hall Renovations

Motion was made to approve the amendment of to the rental agreement for temporary modular office space from VESTA Modular for Town Hall Renovations. Moved by Vice-Mayor Povlin, seconded by Alderman Meyer; voting yes; Mayor Williams, Vice-Mayor Povlin, Aldermen Burnette, Meyer and White; no nays; motion passed.

Approval of Change Order No. 1, Contract 2022-07, Town of Farragut ATMS Project.

Motion was made to approve Change Order No. 1, Contract 2022-07, Town of Farragut ATMS Project, an increase of \$115,350.07. Moved by Vice-Mayor Povlin, seconded by Alderman Meyer; voting yes; Mayor Williams, Vice-Mayor Povlin, Aldermen Burnette, Meyer and White; no nays; motion passed.

Rejection of bids for Contract No. 2023-15, Security Gates at McFee Park

Motion was made to Reject the bids for Contract No. 2023-15, Security Gates at McFee Park. Moved by Vice-Mayor Povlin, seconded by Alderman Meyer; voting yes; Mayor Williams, Vice-Mayor Povlin, Aldermen Burnette, Meyer and White; no nays; motion passed.

Appointment of Representative to the Knox County Growth Policy Coordinating Committee

Motion was made to approve Town Administrator, David Smoak, to represent the Town of Farragut on the Knox County Growth Policy Coordinating Committee. Moved by Vice-Mayor Povlin, seconded by Alderman Meyer; voting yes; Mayor Williams, Vice-Mayor Povlin, Aldermen Burnette, Meyer and White; no nays; motion passed.

Citizens Forum

The following citizens spoke during citizens forum:

Michale Wilson, 412 Eisenhower Street-Pending parkland purchase questions

Pat Lee, 405 Ensign Lane- Pending parkland purchase questions

Judy Gerharat, 219 Chowning Dr.-Thanked the Public Works department for their efforts after the latest storm by clearing trees from local roads.

The meeting adjourned at 7:29 PM.

Ron Williams, Mayor

Allison Myers, Town Recorder

Town of Farragut

PROCLAMATION

WHEREAS, The National Society Daughters of the American Revolution (NSDAR), founded October 11, 1890, and incorporated by an act of Congress in 1896, is headquartered in Washington, D.C., acting as a nonprofit, non-political, volunteer women's service organization; and

WHEREAS, The DAR motto is God, Home and Country, and members are dedicated to promoting patriotism, preserving American history, and securing America's future through better education for its children; and

WHEREAS, DAR members support these goals by engaging in worthy service endeavors to include supporting scholarship programs in our schools, honoring Veterans in our communities, developing memorials highlighting our nation's achievements, and participating in naturalization ceremonies for our new citizens; and

WHEREAS, The DAR boasts 190,000 members in 3,000 chapters across the United States and throughout the world, with more than 1,000,000 women serving as members since the DAR was established in 1890; and

WHEREAS, The Town of Farragut recognizes the Andrew Bogle, Bonny Kate, Cavett Station, Emory Road and Samuel Frazier Chapters on this 133rd Anniversary of the founding of the DAR;

NOW, THEREFORE, I, Ron Williams, Mayor of the Town of Farragut, do hereby proclaim October 11, 2023, as

DAUGHTERS of the AMERICAN REVOLUTION DAY

and urge all citizens to join me in this observance.

Signed this 14th day of September 2023.

Ron Williams, Mayor

Town of Farragut

P R O C L A M A T I O N

Constitution Week 2023

WHEREAS: September 17, 2023, marks the two hundred and thirty-sixth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS: It is fitting and proper to officially recognize this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS: Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

NOW, THEREFORE, I, Ron Williams, Mayor of the Town of Farragut do hereby proclaim September 17 through 23, 2023 to be

CONSTITUTION WEEK

in the Town of Farragut and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

Signed this 14th day of September 2023.

Ron Williams, Mayor

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Allison Myers, Town Recorder/Treasurer

SUBJECT: Ordinance 23-13, Ordinance to amend the Capital Investment Program Budget for Fiscal Year 2023-2024, passed by Ordinance 23-07

INTRODUCTION:

The purpose of this agenda item is to approve Ordinance 23-13 on second and final reading to amend the Fiscal Year 2024 Capital Investment Program Budget.

DISCUSSION:

The **Capital Investment Program** will be amended by increasing the appropriated expenditures from \$17,267,500 to \$23,125,681, an increase of \$5,858,181 for the CMAQ Town-Wide Signal System Upgrade. This amendment is needed to budget for the expenditure in the current fiscal year.

The expenditure for the CMAQ project was budgeted in previous fiscal years. The original project budget was \$6,810,000 which included the Town of Farragut appropriating \$100,000 for ADA improvements and \$100,000 for the estimated cost of the fiber strand upgrade to the project. An additional \$15,000 is needed from CIP reserves to completely fund the fiber strand upgrade. The amended budget for the CMAQ project will be \$6,825,000. The Town's cost share is \$215,000 of the overall project with the remaining \$6,610,000 being 100% funded through the Congestion Mitigation Air Quality grant.

FINANCIAL SECTION: Capital Investment Program

Account Number: 310-43985-9060

FY2024 Budget

\$17,267,500

Requested Amendment

\$5,858,181

FY2024 Amended Budget

\$23,125,681

Approved By: A. Myers

RECOMMENDATION BY: Allison Myers, Town Recorder/Treasurer, for approval.

PROPOSED MOTION: Motion to approve Ordinance 23-13 on second and final reading.

BOARD ACTION:

MOTION BY: _____ **SECONDED BY:** _____

<u>VOTE/TOTAL</u>	<u>BURNETTE</u>	<u>MEYER</u>	<u>POVLIN</u>	<u>WHITE</u>	<u>WILLIAMS</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

ORDINANCE	23-13
PREPARED BY	Myers
1 ST READING	August 24, 2023
2 nd READING	September 14, 2023
PUBLISHED IN	Farragut Press
DATE	

**AN ORDINANCE OF THE TOWN OF FARRAGUT, TENNESSEE AMENDING THE FISCAL
YEAR 2023-2024 CAPITAL INVESTMENT PROGRAM BUDGET, PASSED BY
ORDINANCE 23-07**

WHEREAS, the Town of Farragut adopted the fiscal year 2023-24 budget by passage of Ordinance Number 23-07 on June 8, 2023; and

WHEREAS, pursuant to the Tennessee State Constitution, Section 24 of Article II, no public money shall be expended except pursuant to appropriations made by law; and

WHEREAS, expenses for the Capital Investment Fund will be greater than budgeted; and

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF FARRAGUT, TENNESSEE THAT CHANGES BE MADE TO THE FISCAL YEAR 2023-2024 BUDGET AS FOLLOWS:

SECTION 1. Ordinance 23-07 is hereby amended by:

The **Capital Investment Program** will be amended by increasing the appropriated expenditures from \$17,267,500 to \$23,125,681, an increase of \$5,858,181. The \$5,858,181 increase has been budgeted in previous fiscal years for the CMAQ project. An additional \$15,000 is needed for the project and will be funded from the Capital Investment Fund balance. Most of the expenditures will be made in FY24.

The original project budget is \$6,810,000 which includes \$100,000 for ADA upgrades and \$100,000 for the estimated cost of the fiber strand upgrade to the project. An additional \$15,000 is requested for the fiber strand upgrade. The amended budget for the CMAQ project will be \$6,825,000. The Town is responsible for \$215,000 of the project with the remaining \$6,610,000 being 100% funded through the Congestion Mitigation Air Quality grant.

SECTION 2. The Board of Mayor and Aldermen authorizes the Town Recorder to make said changes in the accounting system.

SECTION 3. This ordinance shall take effect after its final passage and publication, the public welfare requiring it.

Ron Williams, Mayor

Allison Myers, Town Recorder

REPORT TO THE BOARD OF MAYOR AND ALDERMEN WORKSHOP

PREPARED BY: Holley Marlowe, Code Enforcement Officer

SUBJECT: Ordinance 23-12, an ordinance on first reading to amend the Farragut Municipal Code, Chapter 14, Nuisances and Property Maintenance (Town of Farragut, Applicant)

INTRODUCTION: This amendment deletes Articles 1 and 2 of the Farragut Municipal Code, Chapter 14, Nuisance and Property Maintenance Ordinance, and replaces them with the language included below to provide updates and additional definitions. The updated articles also enhance the language of specific sections and provide clarification to achieve more efficient and effective enforcement. The Town attorney has reviewed and supports the proposed changes.

BACKGROUND: The Board adopted Ordinance 20-02 amending Chapter 14, Nuisances and Property Maintenance, on February 13, 2020, to allow a greater degree of clarity and consistency in our enforcement approach. The proposed amendments to Chapter 14 stem from real world application of the provisions and address issues that have adversely affected the effective enforcement of this chapter.

DISCUSSION: Included in this packet is a clean copy of Ordinance 23-12 and a version of Chapter 14, Articles 1 and 2, which highlight the proposed changes and their evolution.

Per the discussion during the August 24 2023, BOMA workshop, I have removed “electrical” from Section 14-52 (E) (1D).

As reviewed during the workshop discussion, some of the more notable changes are as follows:

Article 1.

Section 14-5 Definitions.

- Add the 2018 International Property Maintenance Code (IPMC) definition for “Approved”, “Brush”, and “Code Official.”
- The definition of “Garbage” “and “Rubbish” are combined into one all-encompassing term “Garbage.”
- Update the definition of “Junk,” “Major Recreational Equipment,” and “Weeds.”

Article 2.

Division 2- Exterior Property Areas

- **Section 14-33 Weeds**
Update section to clarify what the Town considers weeds. The update allows flexibility for areas that are considered natural undisturbed areas such as sinkholes, buffer areas, riparian zones, and the like.
- **Section 14-37 Accessory Structures**
Add “storage buildings” and “swimming pools” for clarity and ease of enforcement as these are accessory structures the Town commonly receives complaints about.
- **Section 14-39 Garbage Junk, Litter, and Containers**
Update section to clarify the difference between garbage and shipping/storage containers and note when it is acceptable to temporarily have a garbage or shipping/storage container on a property within the Town.

- **Section 14-40 Brush and Tree Debris**

Add section to effectively enforce the removal of brush and tree debris which is a common complaint in the Town.

Division 3 - Vehicles, Trailers, and Major Recreational Equipment

- Amend the title of the section to remove “Motor”.
- **Section 14-52 Vehicles, Trailers, and Major Recreational Equipment**

Update language to encompass residential and non-residential properties and to provide clarity on acceptable parking and condition of vehicles, trailers, and major recreational equipment within the Town.

RECOMMENDATION BY:

PROPOSED MOTION:

MOTION BY: _____ **SECONDED BY:** _____

<u>VOTE/TOTAL</u>	<u>WILLIAMS</u>	<u>WHITE</u>	<u>POVLIN</u>	<u>MEYER</u>	<u>BURNETTE</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

Areas in **Red** strikethrough reflect language to be removed.

Areas in **Blue** reflect language to be added.

Areas in **Green** are a brief explanation of the amendments.

ORDINANCE: 23-12

PREPARED BY: Marlowe

REQUESTED BY: Staff

1ST READING:

2ND READING:

PUBLISHED IN: _____

DATE: _____

AN ORDINANCE TO AMEND CHAPTER 14, NUISANCES AND PROPERTY MAINTENANCE, OF THE FARRAGUT MUNICIPAL CODE:

WHEREAS, The Board of Mayor and Aldermen of the Town of Farragut, Tennessee, wishes to amend Chapter 14, Nuisances and Property Maintenance, of the Farragut Municipal Code,

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, that the Farragut Municipal Code is hereby amended as follows:

SECTION 1.

The Farragut Municipal Code, Chapter 14, Nuisances and Property Maintenance, is amended by deleting the chapter in its entirety and substituting the following in lieu thereof:

Chapter 14- NUISANCES & PROPERTY MAINTENANCE

ARTICLE 1- General

Sec. 14-1. Scope

The provisions of this chapter shall **specify** ~~govern~~ the minimum conditions and **govern** the responsibilities of persons for **the** maintenance of structures, equipment, and exterior property, both residential and commercial.

{Language updated for clarification}

Sec. 14-2. Responsibility

The owner or occupant of the premises shall maintain the structures and exterior property in compliance with the requirements of this chapter. A person shall not occupy as owner-occupant or permit another person to occupy premises that are not in a sanitary and safe condition and that do not comply with the requirements of

this chapter. Occupants of a dwelling unit are responsible for keeping in a clean, sanitary, and safe condition that part of the dwelling unit or premises they occupy and control.

Sec. 14-3. Vacant structures and land

Vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure, and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect public health or safety.

Sec. 14-4. Violation

Any person who shall violate a provision of this chapter, or fail to comply therewith, or with any of the requirements thereof, may be prosecuted within the limits provided by local laws. Each day that a violation continues shall be deemed a separate offense [and subject to a separate penalty](#).

{Added to clarify that each offense is subject to a separate penalty.}

Sec. 14-5. Definitions

For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meanings given herein:

[**Approved**](#) means acceptable to the code official.

{This definition is being added to coincide with the already adopted International Property Maintenance Code and to clarify enforcement of Chapter 14.}

[**Approved Natural Areas**](#) means an area that may include, but not necessarily be limited to, open space lots where physical improvements (other than linear pedestrian/bicycle facilities) are not planned, detention basins, major platted drainage areas, sinkholes, farms with agricultural uses (as defined in the Farragut Zoning Ordinance), buffer strips, forested areas, wetlands, areas that include conservation easements, and other similar areas as determined by the Town code enforcement officer.

{This definition is being added to coincide with the Weeds ordinance Chapter 14, Sec 14-33 to clarify what areas do not require regular mowing.}

[**Brush**](#) means woody material, whether dead or alive, that has been trimmed or fallen from trees, shrubs, or bushes.

{This definition is being added to clearly define what the town considers brush. Currently brush is only listed as a component of the junk definition, which can be very confusing to citizens when they receive a notice of violation for junk, and it is actually a brush pile. Brush is a property maintenance issue because it creates rodent harborage and poses a fire threat.}

[**Code Official**](#) means the official who is charged with the administration and enforcement of this code, or any duly authorized representative as designated by the town administrator.

{This definition is being added to coincide with the already adopted International Property Maintenance Code and to clarify enforcement of Chapter 14.}

Dwelling or Dwelling Unit means any building or structure, or part thereof, used and occupied for human occupation or use or intended to be used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

Front Yard means the space between the public right of way or street and the nearest projection of a residential dwelling.

~~**Garbage** means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.~~

Garbage means wasted or spoiled food and other refuse from a kitchen or household, putrescible, and non-putrescible solid wastes (except body wastes), both combustible and non-combustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, glass, bedding, crockery, rubbish, street cleanings, dead animals, abandoned vehicles, solid market and industrial wastes, and similar materials.

{The updated “garbage” definition combines the definitions of Garbage, Rubbish, and Refuse because they are all similar in nature and are typically interchangeable terms.}

Inoperable Vehicle means a vehicle that cannot be driven upon the public streets for reason including but not limited to being neglected, unlicensed, wrecked, abandoned, in a state of disrepair or deterioration, or incapable of being moved under its own power.

~~**Junk** means any accumulation of items including but not limited to; scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed, or other use or disposition. Unregistered or inoperable vehicles, tires, vehicle parts, equipment, equipment parts. Paper, cardboard, rags, metal, glass, building materials, household appliances, machinery, machinery parts, brush, wood, lumber, and other similar items shall constitute junk.~~

Junk means any accumulation of items including, but not limited to, scrap, waste, reclaimable material, debris, unregistered or inoperable vehicles, tires, vehicle parts, equipment parts. paper, plastic, plastic bags, cardboard, rags, metal, glass, building materials, household appliances, furniture, machinery, machinery parts, brush, wood, lumber, and other similar items whether or not being stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed, or any other use or disposition.

{Updating the junk definition by rearranging verbiage for clarity, adding unregistered or inoperable vehicles, and to remove the phrase “shall constitute junk.”}

Litter means “garbage,” ~~“refuse,”~~ or “junk”, ~~and “rubbish”~~ as defined herein and all other waste materials which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety, and welfare.

{Update to this definition removes “refuse” and “rubbish” as their definitions have been combined with garbage.}

Major Recreational Equipment means boats, boat trailers, travel trailers, tent trailers, pick-up campers, or coaches (designed to be mounted on automotive vehicles), motorized dwellings, **all-terrain vehicles (ATV)**, **jet skis**, and the like.

{Updating definition to include “all-terrain vehicles” and “jet skis” because they are also considered major recreational equipment.}

Newspaper means any newspaper of general circulation as defined by general law, any newspaper duly entered with the post office department of the United States, in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and, in addition thereto, shall mean and include any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.

Nuisance means the existence within the corporate limits of the Town of conditions which violate the provisions of this chapter, and which endanger the public health, safety, or welfare.

Park means a park, reservation, playground, beach, recreation center or any other public area in the Town, owned or used by the Town and devoted to active or passive recreation.

~~**Private premises** means any dwelling, house, building, or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule, or mailbox belonging or appurtenant to such dwelling, house, building, or other structure.~~

{Removing definition because the term is not used in this chapter.}

Public place means any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds, and buildings.

~~**Refuse** means all putrescible and non-putrescible solid wastes (except body wastes), including garbage, rubbish, street cleanings, dead animals, abandoned vehicles, and solid market and industrial wastes.~~

{Removing definition because it has been combined with “Garbage” definition.}

~~**Rubbish** means non-putrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, glass, bedding, crockery and similar materials.~~

{Removing definition because it has been combined with “Garbage” definition.}

Rodent harborage means any condition which provides shelter or protection for rodents, or which favors their habitation, multiplication, and/or continued existence.

{Adding definition to clarify what the Town considers rodent harborage.}

Shipping/Storage container means any container which exceeds 100 gallons (13.37 cubic feet) in capacity originally designed for or used in the packaging, shipping, storing, movement or transportation of freight, articles, goods, or commodities and/or originally designed for or capable of being mounted or moved by rail, truck, or ship by means of being mounted on a chassis or similar transport device.

{Adding definition to clarify what the Town considers a Shipping/Storage container. The addition of this definition will coincide with the addition of section 14-40 to allow ease of enforcement for unsightly/undesired storage containers.}

Tenant means a person, corporation, partnership, or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

Tree debris means all parts of a tree that has been cut down or has fallen naturally, and include, but is not limited to, trunk, roots, branches, and foliage.

{This definition provides additional clarity and separates the definition of tree debris from brush. Tree debris would encompass trees that have fallen and remnants of trees that have been cut but not fully removed from a property. Debris is currently considered part of the junk definition and therefore considered litter which has proven difficult to enforce, because citizens do not commonly consider tree debris to be litter.}

Vehicle means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

~~**Weeds** means any plant or plant residue not cultivated for agricultural purposes or human consumption.~~

Weeds means any plant or plant residue which is kept in an unmanaged or overgrown condition.

{This definition removes agricultural purposes and adds unmanaged or overgrown condition. The definition will coincide with the updated sec 14-33 to help manage the enforcement of removal of unsightly and hazardous weeds.}

Secs. 14-6 – 14-16. Reserved

ARTICLE 2. Property Maintenance

Division 1- General

Sec. 14-17. Authority

This article is adopted under general authority granted in T.C.A § 6-2-201(22), (23) and (25), under the specific statutory authorities set forth herein.

Sec. 14-18. Administration

The Town Administrator or his/her designee shall have authority to administer and enforce the provisions of this article.

Secs. 14-19 – 14-29. Reserved

Division 2- Exterior Property Areas

Sec. 14-30. Sanitation and Safety

Exterior property and premises shall be maintained in a clean, safe, and sanitary condition. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition.

{Adding “and Safety” to title, because it can be confusing when a notice of violation lists “sanitation”, but the issue is actually a safety concern.}

Sec. 14-31. Grading and drainage

Premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon. Approved retention areas and reservoirs shall not be considered a violation of this section.

Sec.14-32. Sidewalks and driveways

Sidewalks, walkways, walking trails, greenways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

Sec. 14-33. Weeds

~~No owner, or agent of such owner of any lot, place or area within one hundred (100) feet of an occupied building which building is located within in the Town, shall permit on such lot, place or area, or upon any sidewalk, driveway, trail, greenway or path abutting the same, any weeds, grass, or deleterious, unhealthful growths, or noxious matter, that may be growing, lying, or located thereon to exceed a height of twelve (12) inches. This section does not apply to the owner or operator of an operating farm.~~

No owner, occupant or agent of any property, lot, tract, or parcel of land (improved or unimproved) within the Town, shall maintain such property, including swale or retention areas, sidewalks, greenway paths, waterways, or right of ways abutting such property, in such a manner that there is an accumulation or untended growth of weeds, grass, undergrowth, deleterious or unhealthful growths, or other dead or living plant life that may be growing, lying, or located thereon to exceed a height of twelve (12) inches. This section does not apply to the owner or operator of an operating farm or an approved natural area.

{This section is being updated in conjunction with the weeds definition to clarify what the Town considers weeds. The update allows flexibility for areas that are considered natural areas such as sink holes, buffer areas, riparian zones, and the like.}

Sec. 14-34. Rodent Harborage

~~(A) Structures and exterior property shall be kept free from rodent harborage and infestation.~~

~~(B) The owner or occupant of any property or structure shall be responsible for pest elimination.~~

Structures and exterior property shall be kept free from rodent harborage and infestation. The owner or occupant of any property or structure shall be responsible for pest elimination.

{This update combines “A” and “B” into one statement for ease of understanding.}

Sec. 14-35. Pest Elimination

Structures shall be kept free from insect and rodent infestation. Structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent re-infestation.

{Moved Pest Elimination up from sec. 14-40 to follow rodent harborage because the two are similar in nature.}

Sec. 14-36. Exhaust vents

Pipes, ducts, conductors, fans, or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors, or other gaseous or particulate wastes directly on abutting or adjacent public or private property or that of another tenant.

Sec. 14-37. Accessory Structures

Accessory structures, including **storage buildings**, detached garages, fences, walls, **swimming pools** and other such structures shall be maintained structurally sound and in good repair.

{This update adds two accessory structures, storage buildings and swimming pools, to the ordinance because the Town frequently receives complaints about these specific types of accessory structures.}

Sec. 14-38. Defacement of property

~~(A) A person shall not willfully or wantonly damage, mutilate, or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.~~

~~(B) It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.~~

A person shall not willfully or wantonly damage, mutilate, or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

{This update combines “A” and “B” into one statement for ease of understanding.}

~~**Sec. 14-39. Rubbish, garbage, junk, litter, and storage containers (Portable On-demand Storage Containers)**~~

Sec. 14-39 Garbage, Junk, Litter, and Containers

~~(A) Accumulation of rubbish, garbage, junk, and litter. Exterior property and premise, and the interior of every structure, shall be free from any accumulation of rubbish, garbage, junk, and litter.~~

(A) Accumulation of garbage, junk, and litter. Exterior property and premises shall be kept free from any visible accumulation of garbage, junk, and/or litter.

{This update provides clarity for the areas of a premises that should be kept clear of garbage, junk, and litter.

“Property” refers to the entirety of the land, buildings, structures, equipment, etc., owned by the landowner.

“Premises” refers to only that portion of the property and/or components of it that are the subject of the lease.

(B) Disposal of ~~Rubbish~~ Garbage, Junk, and Litter

(1) Every occupant of a structure shall dispose of all ~~rubbish~~, garbage, junk, and litter in a clean and sanitary manner by placing such materials in approved containers

(2) Storage facilities. The owner of every occupied premises shall supply approved containers for ~~rubbish~~, garbage, junk, and litter and the owner of the premises shall be responsible for the removal of such materials.

~~(3) Refrigerators. Appliances. Refrigerators~~ Appliances and similar equipment not in operation shall not be discarded, abandoned, or stored on premises.

{Updating to encompass all appliances because refrigerators are not the only appliances that can be dangerous or unsightly if they are present on a premises.

Removing the term “rubbish” from this section for consistency}

~~(C) Containers~~

~~(1) The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.~~

~~(2) Every occupant of a residential dwelling unit shall provide, and at all times utilize, a leakproof container provided with a close-fitting cover for the storage of materials until removed from the premises for disposal. Such containers shall not exceed a capacity of one hundred (100) gallons.~~

~~(3) An owner or occupant of a residential dwelling unit may temporarily store a garbage or rubbish container on the premises that exceeds a capacity of one hundred (100) gallons under the following conditions:~~

~~(a) For a period of not more than thirty (30) consecutive days; or~~

~~(b) While in possession of a valid and active building permit issued by the Town~~

~~(4) Such containers provided for in Sec. 14-39C (3a) or Sec. 14-39C (3b) shall not be placed on public streets, sidewalks, walking trails, stormwater drainage facilities, or public property.~~

(C) Containers

(1) No owner, occupant, or agent of any property, including any lot, tract, or parcel of land (improved or unimproved) within the Town is permitted to utilize a container which exceeds a capacity of one hundred (100) gallons (13.37 cubic feet) as a dwelling, for any accessory use, building, or structure or for any agricultural use, building or structure; unless:

a) The container is used in accordance with Sec. 14-39C (2c) or 14-39C (3a) as provided for in sections 14-39C (2c) or 14-39C (3a) of this chapter; or

b) The container has been properly engineered for such use and meets all zoning and building code requirements.

(2) Garbage Containers -

(a) The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leakproof containers with close-fitting covers for the storage of such materials until removed from the premises for disposal.

(b) Every occupant of a residential dwelling unit shall provide, and at all times utilize, a leakproof container with a close-fitting cover for the storage of materials until removed from the premises for disposal. Such containers shall not exceed a capacity of one hundred (100) gallons (13.37 cubic feet).

(c) An owner or occupant of a property within the Town may temporarily store a garbage container on the premises that exceeds a capacity of one hundred (100) gallons (13.37 cubic feet) under the following conditions:

(1) For a period not more than thirty (30) consecutive days; or

(2) While in possession of a valid and active building permit issued by the Town.

(3) Shipping/Storage Containers

(a) An owner or occupant of a residential dwelling unit may temporarily utilize a shipping/storage container on the premises that exceeds a capacity of one hundred (100) gallons (13.37 cubic feet) under the following conditions:

(1) For a period of not more than thirty (30) consecutive days; or

(2) While in possession of a valid and active building permit issued by the Town

(4) Such containers provided for in Sec. 14-40C (2c) or Sec. 14-40C (3a) shall not be placed on public streets, sidewalks, walking trails, stormwater drainage facilities, or public property.

{This section is being replaced and broken down to clarify the difference between shipping/ storage containers and garbage containers.}

(D) Litter

(1) **Litter in public places.** No person shall throw or deposit litter in or upon any street, sidewalk, or other public place within the Town except in public receptacles, in private receptacles for collection, or in official dumps.

(2) **Obstruction of drainage ditches, swales, etc.** It shall be a violation of this division for any person to place yard clippings, leaves, wood or ~~rubbish~~ garbage in any drainage ditch, swale, culvert, or other storm water drainage way.

{Removing “rubbish” replacing with garbage for consistency throughout the chapter.}

(3) **Depositing litter or leaves and grass clippings into gutters or on sidewalks prohibited.** No person shall sweep into or deposit in any gutter, street, or other public place within the Town the accumulation of litter, yard clippings, leaves, wood, mulch or ~~rubbish~~ garbage from any building, lot, or public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter and yard clippings.

{Removing “rubbish” replacing with garbage for consistency throughout the chapter.}

(4) Litter thrown by persons in vehicles. No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the Town, or upon private property.

(5) Truck loads causing litter. No person shall drive or move any truck or other vehicle within the Town unless such vehicle is so constructed or loaded as to prevent any load, contents, or litter from being blown or deposited upon any street, alley, or other public place.

(6) Litter in parks. No person shall throw or deposit litter in any park within the Town except in public receptacles. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.

(7) Litter in lakes and fountains. No person shall throw or deposit litter in any fountain, pond, lake, stream, bay or any other body of water in a park or elsewhere within the Town.

(8) Litter on private property. No person shall throw or deposit litter on any occupied or open or vacant private property of another within the Town and no person shall throw or deposit ashes, yard clippings, leaves and/or wood on any occupied or open or vacant private property of another within the Town without permission of the owner of such property.

{Section 14-39 (D) “Litter” was formerly Section 14-34 Litter. Moved to subsection of 14-39 because the section covers Garbage, Junk, Litter, and Containers}

~~Sec. 14-40. Pest Elimination~~

~~Structures shall be kept free from insect and rodent infestation. Structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent re-infestation.~~

Sec 14-40 – Brush and Tree Debris

No owner, occupant, or agent of any property, including any lot, tract, or parcel of land (improved or unimproved) in this Town shall maintain such property, including swale or retention areas, sidewalks, greenway paths, waterways, or right of ways abutting such property, in such a manner that there is any accumulation of brush or tree debris on such property for a period exceeding ten (10) days.

{The Town receives complaints involving brush and tree debris that are difficult to enforce under the current ordinance, because brush and wood are defined as litter or junk. The added section would help clarify that an accumulation of tree debris or brush is a violation. This is due to risk of brush fire, being a place for rodent and vermin habitation, along with being unsightly when accumulated.}

Secs. 14-41 – 14-51. Reserved

Division 3- ~~Motor~~ Vehicles, Trailers, and Major Recreational Equipment

Sec. 14-52. ~~Motor~~ Vehicles, Trailers, and Major Recreational Equipment

{Removing term “motor” to match definition and vehicle related ordinances.}

(A) Except as provided for in other regulations, inoperable or unregistered vehicles, trailers, or major recreational equipment, shall not be parked, kept, or stored on any premises, and vehicles shall not at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled.

{Adding “trailers and major recreational equipment” to this section because when they are inoperable or unregistered, they can become an attractive nuisance for children or vagrants.}

(B) Painting of vehicles is prohibited unless conducted inside an approved spray booth.

(C) A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

(D) ~~In residential areas,~~ Vehicles, trailers, and major recreational equipment shall be parked or stored only on approved surfaces, including but not limited to, concrete, asphalt, or paver stones. The approved surface area must exceed the length and width of the vehicle, trailer, or major recreational equipment to be parked upon it. Placing pavers, concrete, or asphalt under only the tires of the vehicle, trailer or major recreation equipment does not meet compliance of this section.

{Removing “residential areas” from this area because this is a commonly reported issue in areas other than residential. This also adds clarity for the expectations of an approved area in which these items are being stored.}

~~**(E)** No major recreational equipment or trailers shall be parked or stored in any front yard of any lot in a residential district. However, such equipment may park on residential premises for a period not to exceed twenty-four (24) hours during loading or unloading. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot or in any location not approved for such use.~~

(E) No major recreational equipment or trailers shall be parked or stored in a front yard within any residential zoning district, except where such equipment or trailer is parked on an approved surface for loading and/or unloading for a period not to exceed 48 hours.

(1) All major recreational equipment or trailers parked or stored on any property, other than during loading and/or unloading as described above, shall meet the following requirements:

- A)** All such equipment and trailers must be maintained in a clean, safe, and sanitary condition, must not be significantly damaged or continuously under repair, and all tires must remain inflated.
- B)** All major recreational equipment requiring registration must be registered to an owner of the property.
- C)** All pop-outs, extensions, stairs and awnings and similar appurtenances must be closed.
- D)** All hookups, including but not limited to sewer, water, cable must be disconnected.

(2) No major recreational equipment or trailers shall be used for any use, including but not limited to living, sleeping, or housekeeping purposes when parked or stored on any lot or location not approved by the Town for such use.

(3) No major recreational equipment or trailers shall be parked or stored on any public street, greenway, trail, walking path or public property.

{This section is being deleted and restructured to clarify the requirements for major recreational equipment and trailers and to improve enforcement when such equipment appears to be used for living, sleeping, housekeeping, and other prohibited uses. The timeframe for loading/ unloading is being increased to 48 hours to allow a more reasonable timeframe for citizens to load/ unload their major recreational equipment}

~~(F) No major recreational equipment or trailers shall be parked or stored on any public street, greenway, trail, walking path, or public property.~~

{This section has been moved to become subsection (E3) for better flow because it pertains to major recreational equipment}

(F) In approved parking lots, the parking of vehicles, trailers, and major recreational equipment shall only be permitted within designated parking spaces. The property owner or agent shall not permit parking of vehicles, trailers, or recreational equipment outside of designated parking spaces and is responsible for ensuring parking compliance.

{The addition of this section is intended to prevent parking that prohibits the safe flow of traffic through approved parking lots.}

Secs. 14-53 – 14-63. Reserved

Division 4 - Exterior of Structures

Sec. 14-64. Exterior of Structures

(A) General Conditions. The exterior of a structure shall be maintained in good repair, structurally sound, and sanitary so as not to pose a threat to the public health, safety, or welfare.

(B) Unsafe Conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings (building permit may be required):

{Adding “Building permit may be required” because it can be confusing for a citizen to receive a notice of violation that has a deadline to repair an unsafe condition, often if they receive the notice, they try to repair it quickly to avoid a citation to municipal court. Adding this phrase may prevent unpermitted repairs from being completed and additional fines or permit fees from being assessed.}

- (1) The nominal strength of any structural member is exceeded by nominal loads, the load effects, or the required strength.
- (2) The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects.
- (3) Structures or components thereof that have reached their limit state.
- (4) Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or watertight.
- (5) Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects.
- (6) Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or not capable of supporting all nominal loads and resisting all load effects.
- (7) Exterior walls that are not anchored to supporting and supported elements are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.
- (8) Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue, or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects.
- (9) Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, or not properly anchored or are incapable of supporting all nominal loads and resisting all load effects.
- (10) Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
- (11) Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
- (12) Exterior stairs, decks, porches, balconies, and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
- (13) Chimneys, cooling towers, smokestacks, and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
- (14) **Protective treatment.** Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks, and fences, shall be maintained in good condition.

Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated, and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors, and skylights, shall be maintained weather resistant and watertight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

(15) Premises identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall not be less than four (4) inches in height with a minimum stroke width of one half (0.5) inches.

(16) Structural Members. Structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.

(17) Foundation walls. Foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

(18) Exterior Walls. Exterior walls shall be free from holes, breaks, and loose rotting materials, and maintained weatherproof and properly surface coated where required to prevent deterioration.

(19) Roofs and drainage. The roof and flashing shall be sound, tight, and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

(20) Decorative features. Cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

(21) Overhang extensions. Overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay, or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(22) Stairways, decks, porches, and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

(23) Chimneys and towers. Chimneys, cooling towers, smokestacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. Exposed faces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(24) Handrails and guards

(a) Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

(b) Every exterior and interior flight of stairs having more than four risers shall have on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp, or other walking surface that is more than thirty (30) inches above the floor or grade below shall have guards.

(c) Handrails shall be not less than thirty (30) inches in height or more than forty-two (42) inches in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces.

(d) Guards shall not be less than thirty (30) inches in height above the floor of the landing, balcony, porch, deck, ramp, or other walking surface.

(25) Window, skylight, and door frames. Every window, skylight, door, and frame shall be kept in sound condition, good repair, and weather tight.

(a) Glazing

Glazing materials shall be maintained free from cracks and holes.

(b) Openable windows

Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

(26) Insect Screens. Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged, or stored shall be supplied with approved tightly fitting screens of minimum sixteen (16) mesh per inch, and every screen door used for insect control shall have a self-closing device in good working condition.

(27) Doors. Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units shall tightly secure the door. Locks on means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge, or effort, except where the door hardware conforms to that permitted in the International Building Code.

(28) Basement Hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain, and surface drainage water.

(29) Guards for basement windows. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

(30) Building Security. Doors, windows, or hatchways for dwelling units shall be provided with devices designed to provide security for the occupants and property within.

(a) Doors. Doors providing access to a dwelling unit that is rented, leased, or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of one (1) inch. Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

(b) Windows. Operable windows located in whole or in part within 6 feet above ground level or walking surface below that provide access to a dwelling unit that is rented, leased, or let shall be equipped with a window sash locking device.

(c) Basement hatchways. Basement hatchways that provide access to a dwelling unit that is rented, leased, or let shall be equipped with devices that secure the units from unauthorized entry.

(31) Gates. Exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

(C) Demolition. Demolition of unsafe conditions shall be permitted in lieu of repair where approved by the public officer or his/her designee.

Secs. 14-65 – 14-75. Reserved

Division 5. Enforcement

Sec. 14-76. Enforcement

(A) Complaint. A complaint about any violation of the provisions of this article may be reported to the Town office by any person observing the violation. The complainant shall identify himself/herself to the Town office prior to any action being taken by the Town Administrator or his/her designee.

(B) Notice of Violation. Once a complaint is received, the Town Administrator or his/her designee is hereby authorized and empowered to investigate the complaint and, if the complaint is found by the Town Administrator or his/her designee to be a condition that is a violation of this article, then, and in the discretion of the Town Administrator or his/her designee, a citation and summons to municipal court may be issued, or a written notice may be sent to the owner or agent of such owner of any such lot, place, or area within the Town to repair, abate, destroy, and/or remove any such nuisances or unsafe conditions on such owner's property, or upon the sidewalk abutting same. Such notice may be served personally upon the owner or his/her agent, occupant, or tenant, may be mailed regular first class, or certified, or registered mail to the owner or occupant at his/her last known address, or as otherwise authorized by the laws of The State of Tennessee.

Nothing in this section or part shall preclude the Town Administrator or his/her designee from issuing a citation or summons to municipal court immediately upon investigation and verification that a violation of this article exists.

(C) Action for noncompliance.

(1) Upon either the Town Administrator's or his/her designee's election to issue a citation and summons to municipal court, or the failure, neglect, or refusal of any owner or agent to repair, abate, destroy and/or remove such nuisances or unsafe conditions located upon such owner's property, or upon the sidewalk or street abutting same, within the time frame specified according to the notice provided for in subsection (B) of this section, or in the event the same is returned in the mail to the Town because of inability to make delivery thereof, provided the same was properly addressed to the last known address of such owner, or agent, a citation or summons to municipal court may be issued to the owner or agent so notified for violation of this article.

Nothing in this section or part shall preclude the Town Administrator or his/her designee from issuing a citation or summons to municipal court immediately upon investigation and verification that a violation of this article exists.

(2) If the owner or agent is found by the municipal court to have violated this article and shall fail to remedy such conditions within ten (10) consecutive days of the date of the conviction, *or, if the finding of a violation of this article is timely appealed to the Knox County Circuit Court, upon an order from Knox County Circuit Court finding a violation of this article becomes final, if the owner or agent fails to remedy such conditions within ten (10) consecutive days of the date the Knox County Circuit Court Order becoming final,* ~~unless the finding of a violation has been appealed to the Knox County Circuit Court,~~ the Town Administrator or his/her designee is authorized to take such action as is necessary to remedy the conditions and abate the nuisance. Upon completion of such work, the reasonable cost thereof, including the cost for inspections, notifications, and other incidental and administrative costs in connection therewith, shall be paid by the owner or agent of said property and said costs shall be billed to the owner or agent of said property. If the bill is not fully paid within sixty (60) days after the date of said bill, the total amount of the bill shall be certified by the town recorder and collected in the manner provided by law.

{This information is being added to clarify the appeal process}

Secs. 14-77 – Sec. 14-87. Reserved

SECTION 2.

This ordinance shall take effect from and after its final passage and publication, the public welfare requiring it.

Ron Williams, Mayor

Allison Myers, Town Recorder

Clean Copy

ORDINANCE: 23-12

PREPARED BY: Marlowe

REQUESTED BY: Staff

1ST READING:

2ND READING:

PUBLISHED IN: _____

DATE: _____

AN ORDINANCE TO AMEND CHAPTER 14, NUISANCES AND PROPERTY MAINTENANCE, OF THE FARRAGUT MUNICIPAL CODE:

WHEREAS, The Board of Mayor and Aldermen of the Town of Farragut, Tennessee, wishes to amend Chapter 14, Nuisances and Property Maintenance, of the Farragut Municipal Code,

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, that the Farragut Municipal Code is hereby amended as follows:

SECTION 1.

The Farragut Municipal Code, Chapter 14, Nuisances and Property Maintenance, is amended by deleting the chapter in its entirety and substituting the following in lieu thereof:

Chapter 14- NUISANCES & PROPERTY MAINTENANCE

ARTICLE 1- General

Sec. 14-1. Scope

The provisions of this chapter shall specify the minimum conditions and govern the responsibilities of persons for the maintenance of structures, equipment, and exterior property, both residential and commercial.

Sec. 14-2. Responsibility

The owner or occupant of the premises shall maintain the structures and exterior property in compliance with the requirements of this chapter. A person shall not occupy as owner-occupant or permit another person to occupy premises that are not in a sanitary and safe condition and that do not comply with the requirements of this chapter. Occupants of a dwelling unit are responsible for keeping in a clean, sanitary, and safe condition that part of the dwelling unit or premises they occupy and control.

Sec. 14-3. Vacant structures and land

Vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure, and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect public health or safety.

Sec. 14-4. Violation

Any person who shall violate a provision of this chapter, or fail to comply therewith, or with any of the requirements thereof, may be prosecuted within the limits provided by local laws. Each day that a violation continues shall be deemed a separate offense and subject to a separate penalty.

Sec. 14-5. Definitions

For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meanings given herein:

Approved means acceptable to the code official.

Approved Natural Areas means an area that may include, but not necessarily be limited to, open space lots where physical improvements (other than linear pedestrian/bicycle facilities) are not planned, detention basins, major platted drainage areas, sinkholes, farms with agricultural uses (as defined in the Farragut Zoning Ordinance), buffer strips, forested areas, wetlands, areas that include conservation easements, and other similar areas as determined by the Town code enforcement officer.

Brush means woody material, whether dead or alive, that has been trimmed or fallen from trees, shrubs, or bushes.

Code Official means the official who is charged with the administration and enforcement of this code, or any duly authorized representative as designated by the town administrator.

Dwelling or Dwelling Unit means any building or structure, or part thereof, used and occupied for human occupation or use or intended to be used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

Front Yard means the space between the public right of way or street and the nearest projection of a residential dwelling.

Garbage means wasted or spoiled food and other refuse from a kitchen or household, putrescible, and non-putrescible solid wastes (except body wastes), both combustible and non-combustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, glass, bedding, crockery, rubbish, street cleanings, dead animals, abandoned vehicles, solid market and industrial wastes, and similar materials.

Inoperable Vehicle means a vehicle that cannot be driven upon the public streets for reason including but not limited to being neglected, unlicensed, wrecked, abandoned, in a state of disrepair or deterioration, or incapable of being moved under its own power.

Junk means any accumulation of items including, but not limited to, scrap, waste, reclaimable material, debris, unregistered or inoperable vehicles, tires, vehicle parts, equipment parts, paper, plastic, plastic bags, cardboard, rags, metal, glass, building materials, household appliances, furniture, machinery, machinery parts, brush,

wood, lumber, and other similar items whether or not being stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed, or any other use or disposition.

Litter means “garbage,” or “junk” as defined herein and all other waste materials which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety, and welfare.

Major Recreational Equipment means boats, boat trailers, travel trailers, tent trailers, pick-up campers, or coaches (designed to be mounted on automotive vehicles), motorized dwellings, all-terrain vehicles (ATV), jet skis, and the like.

Newspaper means any newspaper of general circulation as defined by general law, any newspaper duly entered with the post office department of the United States, in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and, in addition thereto, shall mean and include any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.

Nuisance means the existence within the corporate limits of the Town of conditions which violate the provisions of this chapter, and which endanger the public health, safety, or welfare.

Park means a park, reservation, playground, beach, recreation center or any other public area in the Town, owned or used by the Town and devoted to active or passive recreation.

Public place means any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds, and buildings.

Rodent harborage means any condition which provides shelter or protection for rodents, or which favors their habitation, multiplication, and/or continued existence.

Shipping/Storage container means any container which exceeds 100 gallons (13.37 cubic feet) in capacity originally designed for or used in the packaging, shipping, storing, movement or transportation of freight, articles, goods, or commodities and/or originally designed for or capable of being mounted or moved by rail, truck, or ship by means of being mounted on a chassis or similar transport device.

Tenant means a person, corporation, partnership, or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

Tree debris means all parts of a tree that has been cut down or has fallen naturally, and include, but is not limited to, trunk, roots, branches, and foliage.

Vehicle means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

Weeds means any plant or plant residue which is kept in an unmanaged or overgrown condition.

Secs. 14-6 – 14-16. Reserved

ARTICLE 2. Property Maintenance

Division 1- General

Sec. 14-17. Authority

This article is adopted under general authority granted in T.C.A § 6-2-201(22), (23) and (25), under the specific statutory authorities set forth herein.

Sec. 14-18. Administration

The Town Administrator or his/her designee shall have authority to administer and enforce the provisions of this article.

Secs. 14-19 – 14-29. Reserved

Division 2- Exterior Property Areas

Sec. 14-30. Sanitation and Safety

Exterior property and premises shall be maintained in a clean, safe, and sanitary condition. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition.

Sec. 14-31. Grading and drainage

Premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon. Approved retention areas and reservoirs shall not be considered a violation of this section.

Sec.14-32. Sidewalks and driveways

Sidewalks, walkways, walking trails, greenways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

Sec. 14-33. Weeds

No owner, occupant or agent of any property, lot, tract, or parcel of land (improved or unimproved) within the Town, shall maintain such property, including swale or retention areas, sidewalks, greenway paths, waterways, or right of ways abutting such property, in such a manner that there is an accumulation or untended growth of weeds, grass, undergrowth, deleterious or unhealthful growths, or other dead or living plant life that may be growing, lying, or located thereon to exceed a height of twelve (12) inches. This section does not apply to the owner or operator of an operating farm or an approved natural area.

Sec. 14-34. Rodent Harborage

Structures and exterior property shall be kept free from rodent harborage and infestation. The owner or occupant of any property or structure shall be responsible for pest elimination.

Sec. 14-35. Pest Elimination

Structures shall be kept free from insect and rodent infestation. Structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent re-infestation.

Sec. 14-36. Exhaust vents

Pipes, ducts, conductors, fans, or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors, or other gaseous or particulate wastes directly on abutting or adjacent public or private property or that of another tenant.

Sec. 14-37. Accessory Structures

Accessory structures, including storage buildings, detached garages, fences, walls, swimming pools and other such structures shall be maintained structurally sound and in good repair.

Sec. 14-38. Defacement of property

A person shall not willfully or wantonly damage, mutilate, or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

Sec. 14-39 Garbage, Junk, Litter, and Containers

(A) Accumulation of garbage, junk, and litter. Exterior property and premises shall be kept free from any visible accumulation of garbage, junk, and/or litter.

(B) Disposal of-Garbage, Junk, and Litter

(1) Every occupant of a structure shall dispose of all garbage, junk, and litter in a clean and sanitary manner by placing such materials in approved containers

(2) Storage facilities. The owner of every occupied premises shall supply approved containers for garbage, junk, and litter and the owner of the premises shall be responsible for the removal of such materials.

(3) Appliances. Appliances and similar equipment not in operation shall not be discarded, abandoned, or stored on premises.

(C) Containers

(1) No owner, occupant, or agent of any property, including any lot, tract, or parcel of land (improved or unimproved) within the Town is permitted to utilize a container which exceeds a capacity of one hundred (100) gallons (13.37 cubic feet) as a dwelling, for any accessory use, building, or structure or for any agricultural use, building or structure; unless:

a) The container is used in accordance with Sec. 14-39C (2c) or 14-39C (3a) as provided for in sections 14-39C (2c) or 14-39C (3a) of this chapter; or

b) The container has been properly engineered for such use and meets all zoning and building code requirements.

(2) Garbage Containers -

(a) The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leakproof containers with close-fitting covers for the storage of such materials until removed from the premises for disposal.

(b) Every occupant of a residential dwelling unit shall provide, and at all times utilize, a leakproof container with a close-fitting cover for the storage of materials until removed from the premises for disposal. Such containers shall not exceed a capacity of one hundred (100) gallons (13.37 cubic feet).

(c) An owner or occupant of a property within the Town may temporarily store a garbage container on the premises that exceeds a capacity of one hundred (100) gallons (13.37 cubic feet) under the following conditions:

(1) For a period not more than thirty (30) consecutive days; or

(2) While in possession of a valid and active building permit issued by the Town.

(3) Shipping/Storage Containers

(a) An owner or occupant of a residential dwelling unit may temporarily utilize a shipping/storage container on the premises that exceeds a capacity of one hundred (100) gallons (13.37 cubic feet) under the following conditions:

(1) For a period of not more than thirty (30) consecutive days; or

(2) While in possession of a valid and active building permit issued by the Town

(4) Such containers provided for in Sec. 14-40C (2c) or Sec. 14-40C (3a) shall not be placed on public streets, sidewalks, walking trails, stormwater drainage facilities, or public property.

(D) Litter

(1) ***Litter in public places.*** No person shall throw or deposit litter in or upon any street, sidewalk, or other public place within the Town except in public receptacles, in private receptacles for collection, or in official dumps.

(2) ***Obstruction of drainage ditches, swales, etc.*** It shall be a violation of this division for any person to place yard clippings, leaves, wood or garbage in any drainage ditch, swale, culvert, or other storm water drainage way.

(3) ***Depositing litter or leaves and grass clippings into gutters or on sidewalks prohibited.*** No person shall sweep into or deposit in any gutter, street, or other public place within the Town the accumulation of litter, yard clippings, leaves, wood, mulch or garbage from any building, lot, or public or private

sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter and yard clippings.

(4) *Litter thrown by persons in vehicles.* No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the Town, or upon private property.

(5) *Truck loads causing litter.* No person shall drive or move any truck or other vehicle within the Town unless such vehicle is so constructed or loaded as to prevent any load, contents, or litter from being blown or deposited upon any street, alley, or other public place.

(6) *Litter in parks.* No person shall throw or deposit litter in any park within the Town except in public receptacles. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.

(7) *Litter in lakes and fountains.* No person shall throw or deposit litter in any fountain, pond, lake, stream, bay or any other body of water in a park or elsewhere within the Town.

(8) *Litter on private property.* No person shall throw or deposit litter on any occupied or open or vacant private property of another within the Town and no person shall throw or deposit ashes, yard clippings, leaves and/or wood on any occupied or open or vacant private property of another within the Town without permission of the owner of such property.

Sec 14-40 – Brush and Tree Debris

No owner, occupant, or agent of any property, including any lot, tract, or parcel of land (improved or unimproved) in this Town shall maintain such property, including swale or retention areas, sidewalks, greenway paths, waterways, or right of ways abutting such property, in such a manner that there is any accumulation of brush or tree debris on such property for a period exceeding ten (10) days.

Secs. 14-41 – 14-51. Reserved

Division 3- Vehicles, Trailers, and Major Recreational Equipment

Sec. 14-52. Vehicles, Trailers, and Major Recreational Equipment

(A) Except as provided for in other regulations, inoperable or unregistered vehicles, trailers, or major recreational equipment, shall not be parked, kept, or stored on any premises, and vehicles shall not at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled.

(B) Painting of vehicles is prohibited unless conducted inside an approved spray booth.

(C) A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

(D) Vehicles, trailers, and major recreational equipment shall be parked or stored only on approved surfaces, including but not limited to, concrete, asphalt, or paver stones. The approved surface area must exceed the length and width of the vehicle, trailer, or major recreational equipment to be parked upon it. Placing pavers,

concrete, or asphalt under only the tires of the vehicle, trailer or major recreation equipment does not meet compliance of this section.

(E) No major recreational equipment or trailers shall be parked or stored in a front yard within any residential zoning district, except where such equipment or trailer is parked on an approved surface for loading and/or unloading for a period not to exceed 48 hours.

(1) All major recreational equipment or trailers parked or stored on any property, other than during loading and/or unloading as described above, shall meet the following requirements:

- A)** All such equipment and trailers must be maintained in a clean, safe, and sanitary condition, must not be significantly damaged or continuously under repair, and all tires must remain inflated.
- B)** All major recreational equipment requiring registration must be registered to an owner of the property.
- C)** All pop-outs, extensions, stairs and awnings and similar appurtenances must be closed.
- D)** All hookups, including but not limited to sewer, water, cable must be disconnected.

(2) No major recreational equipment or trailers shall be used for any use, including but not limited to living, sleeping, or housekeeping purposes when parked or stored on any lot or location not approved by the Town for such use.

(3) No major recreational equipment or trailers shall be parked or stored on any public street, greenway, trail, walking path or public property.

(F) In approved parking lots, the parking of vehicles, trailers, and major recreational equipment shall only be permitted within designated parking spaces. The property owner or agent shall not permit parking of vehicles, trailers, or recreational equipment outside of designated parking spaces and is responsible for ensuring parking compliance.

Secs. 14-53 – 14-63. Reserved

Division 4 - Exterior of Structures

Sec. 14-64. Exterior of Structures

(A) General Conditions. The exterior of a structure shall be maintained in good repair, structurally sound, and sanitary so as not to pose a threat to the public health, safety, or welfare.

(B) Unsafe Conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings (building permit may be required):

- (1) The nominal strength of any structural member is exceeded by nominal loads, the load effects, or the required strength.
- (2) The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects.
- (3) Structures or components thereof that have reached their limit state.
- (4) Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or watertight.
- (5) Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects.
- (6) Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or not capable of supporting all nominal loads and resisting all load effects.
- (7) Exterior walls that are not anchored to supporting and supported elements are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.
- (8) Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue, or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects.
- (9) Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, or not properly anchored or are incapable of supporting all nominal loads and resisting all load effects.
- (10) Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
- (11) Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
- (12) Exterior stairs, decks, porches, balconies, and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
- (13) Chimneys, cooling towers, smokestacks, and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
- (14) **Protective treatment.** Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks, and fences, shall be maintained in good condition.

Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated, and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors, and skylights, shall be maintained weather resistant and watertight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

(15) Premises identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall not be less than four (4) inches in height with a minimum stroke width of one half (0.5) inches.

(16) Structural Members. Structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.

(17) Foundation walls. Foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

(18) Exterior Walls. Exterior walls shall be free from holes, breaks, and loose rotting materials, and maintained weatherproof and properly surface coated where required to prevent deterioration.

(19) Roofs and drainage. The roof and flashing shall be sound, tight, and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

(20) Decorative features. Cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

(21) Overhang extensions. Overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay, or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(22) Stairways, decks, porches, and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

(23) Chimneys and towers. Chimneys, cooling towers, smokestacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. Exposed faces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(24) Handrails and guards

- (a)** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
- (b)** Every exterior and interior flight of stairs having more than four risers shall have on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp, or other walking surface that is more than thirty (30) inches above the floor or grade below shall have guards.
- (c)** Handrails shall be not less than thirty (30) inches in height or more than forty-two (42) inches in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces.
- (d)** Guards shall not be less than thirty (30) inches in height above the floor of the landing, balcony, porch, deck, ramp, or other walking surface.

(25) Window, skylight, and door frames. Every window, skylight, door, and frame shall be kept in sound condition, good repair, and weather tight.

(a) Glazing

Glazing materials shall be maintained free from cracks and holes.

(b) Openable windows

Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

(26) Insect Screens. Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged, or stored shall be supplied with approved tightly fitting screens of minimum sixteen (16) mesh per inch, and every screen door used for insect control shall have a self-closing device in good working condition.

(27) Doors. Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units shall tightly secure the door. Locks on means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge, or effort, except where the door hardware conforms to that permitted in the International Building Code.

(28) Basement Hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain, and surface drainage water.

(29) Guards for basement windows. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

(30) Building Security. Doors, windows, or hatchways for dwelling units shall be provided with devices designed to provide security for the occupants and property within.

(a) Doors. Doors providing access to a dwelling unit that is rented, leased, or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of one (1) inch. Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

(b) Windows. Operable windows located in whole or in part within 6 feet above ground level or walking surface below that provide access to a dwelling unit that is rented, leased, or let shall be equipped with a window sash locking device.

(c) Basement hatchways. Basement hatchways that provide access to a dwelling unit that is rented, leased, or let shall be equipped with devices that secure the units from unauthorized entry.

(31) Gates. Exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

(C) Demolition. Demolition of unsafe conditions shall be permitted in lieu of repair where approved by the public officer or his/her designee.

Secs. 14-65 – 14-75. Reserved

Division 5. Enforcement

Sec. 14-76. Enforcement

(A) Complaint. A complaint about any violation of the provisions of this article may be reported to the Town office by any person observing the violation. The complainant shall identify himself/herself to the Town office prior to any action being taken by the Town Administrator or his/her designee.

(B) Notice of Violation. Once a complaint is received, the Town Administrator or his/her designee is hereby authorized and empowered to investigate the complaint and, if the complaint is found by the Town Administrator or his/her designee to be a condition that is a violation of this article, then, and in the discretion of the Town Administrator or his/her designee, a citation and summons to municipal court may be issued, or a written notice may be sent to the owner or agent of such owner of any such lot, place, or area within the Town to repair, abate, destroy, and/or remove any such nuisances or unsafe conditions on such owner's property, or upon the sidewalk abutting same. Such notice may be served personally upon the owner or his/her agent, occupant, or tenant, may be mailed regular first class, or certified, or registered mail to the owner or occupant at his/her last known address, or as otherwise authorized by the laws of The State of Tennessee.

Nothing in this section or part shall preclude the Town Administrator or his/her designee from issuing a citation or summons to municipal court immediately upon investigation and verification that a violation of this article exists.

(C) Action for noncompliance.

(1) Upon either the Town Administrator's or his/her designee's election to issue a citation and summons to municipal court, or the failure, neglect, or refusal of any owner or agent to repair, abate, destroy and/or remove such nuisances or unsafe conditions located upon such owner's property, or upon the sidewalk or street abutting same, within the time frame specified according to the notice provided for in subsection (B) of this section, or in the event the same is returned in the mail to the Town because of inability to make delivery thereof, provided the same was properly addressed to the last known address of such owner, or agent, a citation or summons to municipal court may be issued to the owner or agent so notified for violation of this article.

Nothing in this section or part shall preclude the Town Administrator or his/her designee from issuing a citation or summons to municipal court immediately upon investigation and verification that a violation of this article exists.

(2) If the owner or agent is found by the municipal court to have violated this article and shall fail to remedy such conditions within ten (10) consecutive days of the date of the conviction, or, if the finding of a violation of this article is timely appealed to the Knox County Circuit Court, upon an order from Knox County Circuit Court finding a violation of this article becomes final, if the owner or agent fails to remedy such conditions within ten (10) consecutive days of the date the Knox County Circuit Court Order becoming final the Town Administrator or his/her designee is authorized to take such action as is necessary to remedy the conditions and abate the nuisance. Upon completion of such work, the reasonable cost thereof, including the cost for inspections, notifications, and other incidental and administrative costs in connection therewith, shall be paid by the owner or agent of said property and said costs shall be billed to the owner or agent of said property. If the bill is not fully paid within sixty (60) days after the date of said bill, the total amount of the bill shall be certified by the town recorder and collected in the manner provided by law.

Secs. 14-77 – Sec. 14-87. Reserved

SECTION 2.

This ordinance shall take effect from and after its final passage and publication, the public welfare requiring it.

Ron Williams, Mayor

Allison Myers, Town Recorder

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Allison Myers, Town Recorder/Treasurer

SUBJECT: Ordinance 23-14, an ordinance on first reading, to amend the State Street Aid and Insurance Fund Budgets for Fiscal Year 2023-2024, passed by Ordinance 23-07

INTRODUCTION:

The purpose of this agenda item is to approve Ordinance 23-14 on first reading to amend the Fiscal Year 2024 State Street Aid and Insurance Fund Budgets.

DISCUSSION:

The **State Street Aid Fund** will be amended by increasing the appropriated expenditures from \$1,535,000 to \$2,585,000, an increase of \$1,050,000. For the past few years, in hopes of receiving better bids, the resurfacing contract has provided for a more flexible and longer construction season. The resurfacing of the Town's streets typically spans multiple fiscal years. The resurfacing balance for FY23 was \$1,050,000. The remaining invoices for the previous year's contract have been paid in the current fiscal year so the balance will be transferred from FY2023 to FY2024.

FINANCIAL SECTION: State Street Aid Fund

Account Number: State Street Aid Fund

<u>FY2024 Budget</u>	<u>Requested Amendment</u>	<u>FY2024 Amended Budget</u>
\$1,535,000	\$1,050,000	\$2,585,000

Approved By: A. Myers

The **Insurance Fund** will be amended by increasing the appropriated expenditures from \$100,000 to \$125,000, an increase of \$25,000.

- **\$25,000** – FY24 Contribution to the Supplemental Retirement Plan. The Actuarial Determination for the plan year beginning July 1, 2023, based on a 2-year amortization of the plan's unfunded liability is \$45,543. With interest through the end of the year, the contribution will need to be \$24,493.

FINANCIAL SECTION: Insurance Fund

Account Number: Insurance Fund

<u>FY2024 Budget</u>	<u>Requested Amendment</u>	<u>FY2024 Amended Budget</u>
\$100,000	\$25,000	\$125,000

Approved By: A. Myers

RECOMMENDATION BY: Allison Myers, Town Recorder/Treasurer, for approval.

PROPOSED MOTION: Motion to approve Ordinance 23-14 on first reading.

ORDINANCE	23-14
PREPARED BY	Myers
1 ST READING	September 14, 2023
2 ND READING	September 28, 2023
PUBLISHED IN	Farragut Press
DATE	

AN ORDINANCE OF THE TOWN OF FARRAGUT, TENNESSEE AMENDING THE FISCAL YEAR 2023-2024 STATE STREET AID AND INSURANCE FUND BUDGETS, PASSED BY ORDINANCE 23-07

WHEREAS, the Town of Farragut adopted the fiscal year 2023-24 budget by passage of Ordinance Number 23-07 on June 8, 2023; and

WHEREAS, pursuant to the Tennessee State Constitution, Section 24 of Article II, no public money shall be expended except pursuant to appropriations made by law; and

WHEREAS, expenses for the State Street Aid and Insurance Fund budgets will be greater than budgeted; and

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF FARRAGUT, TENNESSEE THAT CHANGES BE MADE TO THE FISCAL YEAR 2023-2024 BUDGET AS FOLLOWS:

SECTION 1. Ordinance 23-07 is hereby amended by:

The **State Street Aid Fund** will be amended by increasing the appropriated expenditures from \$1,535,000 to \$2,585,000, an increase of \$1,050,000. The resurfacing of the Town's streets typically spans multiple fiscal years. The resurfacing balance for FY23 was \$1,050,000. The remaining invoices for the previous year's contract have been paid in the current fiscal year so the balance will be transferred from FY2023 to FY2024.

The **Insurance Fund** will be amended by increasing the appropriated expenditures from \$100,000 to \$125,000, an increase of \$25,000 for the FY24 Contribution to the Supplemental Retirement Plan.

SECTION 2. The Board of Mayor and Aldermen authorizes the Town Recorder to make said changes in the accounting system.

SECTION 3. This ordinance shall take effect after its final passage and publication, the public welfare requiring it.

Ron Williams, Mayor

Allison Myers, Town Recorder

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Jennifer Hatmaker, Executive Assistant / Risk Manager

SUBJECT: Resolution R-2023-09 authorizing the Town to participate in the Public Entity Partners "Safety Partners" Matching Grant Program.

INTRODUCTION: The Town's worker's compensation coverage provider, Public Entity Partners, offers an annual matching grant for employee safety equipment and training. The objective of the grant program is to help members purchase safety items designed to reduce workers compensation claims.

BACKGROUND: The Town currently has an excellent safety record that is due, in part, to the consistent use of safety equipment. In the last five years, there have been six OSHA recordable accidents resulting in 25 days of lost work time. Much of our safety equipment is required by Tennessee Occupational Health and Safety (TOSHA) for employees performing their daily work tasks.

DISCUSSION: Proper safety equipment can prevent employee injuries. Employee injuries may result in lost time from work, reduced efficiency, and increasing the worker's compensation premium. Most importantly, employee injuries negatively impact the employee. This grant will help purchase needed employee safety devices and equipment that can mitigate the safety hazard for multiple Town departments.

If awarded the Safety Partners Matching Grant, Public Entity Partners will match what the Town spends on approved safety devices and equipment with the maximum reimbursement based on a Priority Classification Matrix as determined by Public Entity Partners. The grant requires that the attached Resolution be passed by the governing body to authorize participation in the grant program and for the expenditure of funds for safety equipment. Expenditures for safety equipment are included in the Town's annual budget.

FINANCIAL SECTION: Funding is already included in the approved FY2023-2024 budget. Reimbursement of up to \$1,500 will be requested.

RECOMMENDATION BY: Jennifer Hatmaker, Executive Assistant / Risk Manager

PROPOSED MOTION: Approval of Resolution R-2023-09 authorizing the Town to participate in the Public Entity Partners "Safety Partners" Matching Grant Program.

BOARD ACTION:

MOTION BY: _____ **SECONDED BY:** _____

<u>VOTE/TOTAL</u>	<u>BURNETTE</u>	<u>MEYER</u>	<u>POVLIN</u>	<u>WHITE</u>	<u>WILLIAMS</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____



Town of Farragut, Tennessee

RESOLUTION: R-2023-09

A RESOLUTION BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF FARRAGUT AUTHORIZING THE TOWN TO PARTICIPATE IN THE PUBLIC ENTITY PARTNERS “SAFETY PARTNERS” MATCHING GRANT PROGRAM

WHEREAS, the safety and well-being of the employees of the Town of Farragut is of the greatest importance; and

WHEREAS, all efforts shall be made to provide a safe and hazard-free workplace for the Town of Farragut employees; and

WHEREAS, The Public Entity Partners seeks to encourage the establishment of a safe workplace by offering a “*Safety Partners*” *Matching Grant Program*; and

WHEREAS, the Town of Farragut now seeks to participate in this important program.

NOW, THEREFORE, be it resolved by the Board of Mayor and Aldermen of the Town of Farragut, Tennessee the following:

SECTION 1. That the Town of Farragut is hereby authorized to submit an application for the “*Safety Partners*” *Matching Grant Program* through Public Entity Partners.

SECTION 2. That the Town of Farragut is further authorized to provide a matching sum for any monies provided by this grant.

Resolved this 14^h day of September in the year 2023.

Ron Williams, Mayor

Allison Myers, Town Recorder

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Jenn Hatmaker, Executive Assistant / Risk Manager

SUBJECT: Resolution R-2023-10, authorizing the Town to participate in the Public Entity Partners Property Conservation Matching Grant Program.

INTRODUCTION: The Town's property insurance coverage provider, Public Entity Partners, offers an annual matching grant for security equipment and devices. The objective of the grant program is to help members purchase items designed to protect insured property from damage and loss.

DISCUSSION: Proper security equipment can help prevent harm to Town employees and citizens, protect Town property from damage, and may assist the Town in the recovery of stolen property or monetary reimbursement from an at-fault party for damages. Security cameras will help prevent and record vandalism, theft, damage, and general misconduct on Town owned property. Additionally, cameras and equipment will act as a deterrent to such conduct, assist the Town in pursuing legal action when merited, and help protect the Town from false claims of wrongdoing or negligence.

If awarded the Property Conservation Matching Grant, Public Entity Partners will match what the Town spends on approved items to help protect insured property from damage or loss, with the maximum reimbursement amount based on a Property Coverage Classification Matrix as determined by Public Entity Partners. The grant requires the attached Resolution be passed by the governing body to authorize participation in the grant program.

FINANCIAL SECTION: Funding is already included in the approved FY2023-2024 budget. Reimbursement of up to \$4,000 will be requested.

RECOMMENDATION BY: Jennifer Hatmaker, Executive Assistant / Risk Manager

PROPOSED MOTION: Approval of Resolution R-2023-10 authorizing the Town to participate in the Public Entity Partners Property Conservation Matching Grant Program.

BOARD ACTION:

MOTION BY: _____ **SECONDED BY:** _____

<u>VOTE/TOTAL</u>	<u>BURNETTE</u>	<u>MEYER</u>	<u>POVLIN</u>	<u>WHITE</u>	<u>WILLIAMS</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____



Town of Farragut, Tennessee

RESOLUTION: R-2023-10

**A RESOLUTION BY THE BOARD OF MAYOR AND ALDERMEN OF THE
TOWN OF FARRAGUT AUTHORIZING THE TOWN TO PARTICIPATE IN
THE PUBLIC ENTITY PARTNERS'S "PROPERTY CONSERVATION"
MATCHING GRANT PROGRAM**

WHEREAS, the safety and well-being of the employees of the Town of Farragut is of the greatest importance; and

WHEREAS, all efforts shall be made to provide a safe and hazard-free workplace for the Town of Farragut employees; and

WHEREAS, The Public Entity Partners seeks to encourage the establishment of a safe workplace by offering a "*Property Conservation*" *Matching Grant Program*; and

WHEREAS, the Town of Farragut now seeks to participate in this important program.

NOW, THEREFORE, be it resolved by the Board of Mayor and Aldermen of the Town of Farragut, Tennessee the following:

SECTION 1. That the Town of Farragut is hereby authorized to submit an application for the "*Property Conservation*" *Matching Grant Program* through Public Entity Partners.

SECTION 2. That the Town of Farragut is further authorized to provide a matching sum for any monies provided by this grant.

Resolved this 14th day of September in the year 2023.

Ron Williams, Mayor

Allison Myers, Town Recorder

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Jennifer Hatmaker, Executive Assistant / Risk Manager

SUBJECT: Resolution R-2023-11 authorizing the Town to participate in the Public Entity Partners “James L. Richardson Driver Safety” Matching Grant Program.

INTRODUCTION: The Town’s insurance coverage provider, Public Entity Partners, offers an annual matching grant for training or equipment purchases related to driver safety. The objective of the grant program is to help members address training needs and safety concerns for employees that operate Town vehicles and purchase items designed to reduce automobile liability claims. The grant is a 50/50 matching grant for training and driver safety related purchases and 100% reimbursement for Motor Vehicle Record checks.

BACKGROUND: A Motor Vehicle Record (MVR) check is performed on every Town employee who is authorized to drive Town vehicles to complete their daily job duties or to attend training events and conferences. The MVR check provides information on the employee’s driving history so that the Town can determine if these employees are eligible to drive Town vehicles.

The MVR check provides information such as, but not limited to, moving violations, violations involving drugs or alcohol, reckless driving violations, a suspended or revoked license, an at-fault accident resulting in serious injury or fatality, or if the employee left the scene of an accident.

In addition to MVR checks, the Town plans to purchase replacement items for a driving course and training materials for driver safety.

DISCUSSION: Proper training and equipment can help protect Town staff and vehicles by encouraging safer driving habits and reduce the number of automobile liability claims. Employee involved accidents may result in lost time from work, reduced efficiency, and increase the Town’s insurance premium.

If awarded the Driver Safety Matching Grant, Public Entity Partners will match what the Town spends on approved training or equipment purchases related to driver safety with the maximum reimbursement amount based on a Priority Classification Matrix as determined by Public Entity Partners. The grant requires that the attached Resolution be passed by the governing body to authorize participation in the grant program.

FINANCIAL SECTION: Funding is already included in the approved FY2023-2024 budget. Reimbursement of up to \$1,000 will be requested.

RECOMMENDATION BY: Jennifer Hatmaker, Executive Assistant / Risk Manager

PROPOSED MOTION: Approval of Resolution R-2023-11 authorizing the Town to participate in the Public Entity Partners “James L. Richardson Driver Safety” Matching Grant Program.

BOARD ACTION:

MOTION BY: _____ **SECONDED BY:** _____

<u>VOTE/TOTAL</u>	<u>BURNETTE</u>	<u>MEYER</u>	<u>POVLIN</u>	<u>WHITE</u>	<u>WILLIAMS</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____



Town of Farragut, Tennessee

RESOLUTION: R-2023-11

**A RESOLUTION BY THE BOARD OF MAYOR AND ALDERMEN OF THE
TOWN OF FARRAGUT AUTHORIZING THE TOWN TO PARTICIPATE IN
THE PUBLIC ENTITY PARTNERS “JAMES L. RICHARDSON DRIVER
SAFETY” MATCHING GRANT PROGRAM**

WHEREAS, the safety and well-being of the employees of the Town of Farragut is of the greatest importance; and

WHEREAS, all efforts shall be made to provide a safe and hazard-free workplace for the Town of Farragut employees; and

WHEREAS, The Public Entity Partners seeks to encourage the establishment of a safe workplace by offering a “*Driver Safety*” *Matching Grant Program*; and

WHEREAS, the Town of Farragut now seeks to participate in this important program.

NOW, THEREFORE, be it resolved by the Board of Mayor and Aldermen of the Town of Farragut, Tennessee the following:

SECTION 1. That the Town of Farragut is hereby authorized to submit an application for the “*Driver Safety*” *Matching Grant Program* through Public Entity Partners.

SECTION 2. That the Town of Farragut is further authorized to provide a matching sum for any monies provided by this grant.

Resolved this 14th day of September in the year 2023.

Ron Williams, Mayor

Allison Myers, Town Recorder

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Jennifer Hatmaker, Executive Assistant / Risk Manager

SUBJECT: Resolution R-2023-12 authorizing the town to participate in the Public Entity Partners Cyber Security Matching Grant Program.

INTRODUCTION: The Town's insurance coverage provider, Public Entity Partners, offers a matching grant for purchases related to cyber security. The objective of the grant program is to help members with purchases related to cyber security tools, training, and services to help protect from ransomware and social engineering attacks and allow members to increase their ability to qualify for Cyber Security Insurance coverage.

DISCUSSION: Proper employee training can help employees recognize fraudulent emails, emails with dangerous links, and potential social engineering tactics. In addition to training, implementing safeguards and services such as multi-factor authentication to access emails and computers, endpoint detection and response to monitor devices for suspicious activity and threats, maintaining proper data backup procedures, and creating an incident response plan will help protect the Town in the event of an attempted cyber security breach and will aid in the recovery process in the event of a successful cyber security breach.

If awarded the Cyber Security Matching Grant, Public Entity Partners will match what the Town spends on approved purchases related to cyber security with the maximum reimbursement amount based on a Priority Classification Matrix as determined by Public Entity Partners. The matching grant requires that the attached Resolution be passed by the governing body to authorize participation in the grant program.

FINANCIAL SECTION: Funding is already included in the approved FY2023-2024 budget. Reimbursement of up to \$1,500 will be requested.

RECOMMENDATION BY: Jennifer Hatmaker, Executive Assistant / Risk Manager

PROPOSED MOTION: Approval of Resolution R-2023-12 authorizing the town to participate in the Public Entity Partners Cyber Security Matching Grant Program.

BOARD ACTION:

MOTION BY: _____ **SECONDED BY:** _____

<u>VOTE/TOTAL</u>	<u>BURNETTE</u>	<u>MEYER</u>	<u>POVLIN</u>	<u>WHITE</u>	<u>WILLIAMS</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____



Town of Farragut, Tennessee

RESOLUTION: R-2023-12

**A RESOLUTION BY THE BOARD OF MAYOR AND ALDERMEN OF THE
TOWN OF FARRAGUT AUTHORIZING THE TOWN TO PARTICIPATE IN
THE PUBLIC ENTITY PARTNERS “CYBER SECURITY PARTNERS”
MATCHING GRANT PROGRAM**

WHEREAS, the cyber security safety of the Town of Farragut is of great importance; and

WHEREAS, all efforts shall be made to provide reduced liability for the Town of Farragut; and

WHEREAS, Public Entity Partners seeks to encourage a secure cyber environment by offering a *Cyber Security Partners Matching Grant Program*; and

WHEREAS, the Town of Farragut now seeks to participate in this important program.

NOW, THEREFORE, be it resolved by the Board of Mayor and Aldermen of the Town of Farragut, Tennessee the following:

SECTION 1. That the Town of Farragut is hereby authorized to submit an application for the *Cyber Security Partners Matching Grant Program* through Public Entity Partners.

SECTION 2. That the Town of Farragut is further authorized to provide a matching sum for any monies provided by this grant.

Resolved this 14^h day of September in the year 2023.

Ron Williams, Mayor

Allison Myers, Town Recorder