



FARRAGUT BOARD OF MAYOR AND ALDERMEN AGENDA

January 23, 2020

**BEER BOARD
6:55 PM**

**BMA MEETING
7:00 PM**

- I. Silent Prayer, Pledge of Allegiance, Roll Call**
- II. Approval of Agenda**
- III. Mayor's Report**
- IV. Approval of Minutes**
 - A. January 9, 2020
- V. Business Items**
 - A. Approval of Event Application involving use of the Town's public rights of ways and pedestrian facilities for the Forget Me Not 5K for Alzheimer's benefitting the Pat Summit Clinic
- VI. Ordinances & Resolutions**
 - A. Approval of Resolution R-2020-02, Knox County growth policy plan amendment
 - B. Public Notice and Second Reading
 - 1. Ordinance 20-01, Ordinance to add Title 5, Municipal Finance and Taxation, by adding Chapter 1, Hotel/Motel Tax, of the Farragut Municipal Code
 - C. Approval of Resolution R-2020-03, A Resolution to Approve the Remittance Form for the Town of Farragut Hotel/Motel Tax

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WWW.TOWNOFFARRAGUT.ORG

It is the policy of the Town of Farragut not to discriminate on the basis of race, color, national origin, age, sex, or disability 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 contact the ADA Coordinator at jcurry@townoffarragut.org or 865-966-7057 in advance of the meeting.

D. First Reading

1. Ordinance 20-02, Ordinance to Amend Chapter 14, Nuisances, of the Farragut Municipal Code

- VII. Town Administrator's Report**
- VIII. Town Attorney's Report**
- IX. Citizens Forum**

Board of Mayor and Aldermen Meeting Public Comment Protocol

The Board of Mayor and Aldermen welcomes and invites citizens 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
2. Anyone 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 may be extended 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 thought;
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

January 23, 2020

6:55 PM

I. Approval of Minutes

A. December 12, 2019

II. Beer Permit Request

A. Approval of Class 4, on-premise, tavern beer permit for Mind Yer P's & Q's, 12744 Kingston Pike, Suite 104

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FARRAGUT BEER BOARD

December 12, 2019

Alderman Pinchok, Chairman, called the beer board meeting to order at 6:55 PM.
Members present were Mayor Williams, Aldermen Burnette, Meyer, Pinchok and Povlin.

Approval of Minutes

Motion was made to approve the minutes of October 10, 2019 as presented.
Moved by Alderman Povlin, seconded by Mayor Williams; voting yes, Mayor Williams, Aldermen Burnette, Meyer, Pinchok, Povlin; no nays; motion passed.

Beer Permit Request

Approval of Class 1, on-premise beer permit for First Watch Restaurant, 11682 Parkside Drive

Motion was made to approve a Class 1, on-premise beer permit for First Watch Restaurant, 11682 Parkside Drive. Moved by Alderman Povlin, seconded by Mayor Williams; voting yes, Mayor Williams, Aldermen Burnette, Meyer, Pinchok, Povlin; no nays; motion passed.

Ron Pinchok, Chairman

Allison Myers, Town Recorder

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REPORT TO THE BEER BOARD

PREPARED BY: Allison Myers, Town Recorder

SUBJECT: Approval of a Class 4 On-Premise, Tavern Permit for Mind Yer P's & Q's, 12744 Kingston Pike, Suite 104

DISCUSSION:

The purpose of this agenda item is the approval of a Class 4 On-Premise Tavern permit for Mind Yer P's & Q's, 12744 Kingston Pike, Suite 104. The original P's & Q's closed a few months ago and the previous owners had a Class-4 permit. The details of the Class 4 permit are below.

Class 4 On-premise-Tavern where beer is sold for consumption at a tavern. Tavern shall mean a business establishment whose primary business is or is to be the sale of beer to be consumed on the premises. There shall not be more than a total of three (3) taverns located within the corporate limits of the Town of Farragut. To qualify for a Class 4 On-Premises permit, an establishment must, in addition to meeting the other regulations and restrictions in this chapter:

- a. Be housed in building space and/or tenant space that does not exceed three thousand five hundred (3,500) gross square feet.*
- b. Not make or allow the sale of beer between the hours of 12:00 a.m. and 12:00 p.m. on Sundays, and between 12:00 a.m. and 10:00 a.m. on all other days of the week.*
- c. In no event will a permit be issued authorizing the manufacture or storage of beer, or the sale of beer within three hundred forty (340) feet of any school or church. The distances shall be measured in a straight line from the nearest point on the building from which the beer will be manufactured, stored or sold to the nearest point on the building of the school or church. No permit shall be suspended, revoked or denied on the basis of proximity of the establishment to a school or church if a valid permit had been issued to any business on that same location, unless beer is not sold, distributed or manufactured at that location during any continuous six-month period.*
- d. Provide throughout with an approved, supervised automatic fire sprinkler system installed in accordance with NFPA 13.*

The application and information are in order.

RECOMMENDATION BY:

Allison Myers, Town Recorder, for approval.

PROPOSED MOTION:

To approve a Class 4 On-Premise Tavern Permit subject to obtaining A Farragut business license and a certificate of occupancy.

BOARD ACTION:

MOTION BY: _____ SECONDED BY: _____

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

pd #250
11/3/20
jm

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:

- Reason for application: New Business ____ New Ownership ☒ Name Change ____ Other ____
- 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

- Name of Applicant(s) (Owner(s) of Business) James R. Sexton

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

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

N/A

- Applicant's present home address:

Hyacinth Way 37723 (Just Moved)

- Date of Birth 7/30/57 Home Telephone Number 865-603-4305
Business Telephone Number _____ Social Security Number _____

- Representative Email Address: 1943roscoe@gmail.com

- Under what name will the business operate? Mindy's P's and Q's

- Business address 12744 Kingston PK #104 Knoxville, TN 37934
Business Telephone number Pending

Simon 368-3211

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

James R. Sexton 1943roscoe@gmail.com
1 Hyacinth Way Knoxville TN 37923

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

Name: Jennifer Elmore Birth Date: _____
Address: 736 Banks Ave Knoxville TN 37917
Phone Number: 865-851-4213

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: 12748 Kingston Pl 3206

R Knick Myers and Noah Myers Myers Bros. holding Knox TN

16. What is the name and address of the Church (or other place of worship) nearest to your business? 37934

Christ Covenant PCA ?

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

Primrose School of Farragut 120 coach Rd.

18. Special Occasion Event Name: _____

Location of the special occasion event: _____

Event Date & Times: _____

Representative name & phone number: _____

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

19. Tennessee Sales Tax Number: pending

20. Town of Farragut Business License Number pending

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.

James R. [Signature]
Signature of Applicant/Owner (or authorized Corporate Official)

Sworn to and subscribed before me this 3 day of January, 2020.

Lydia Knab Lydia Knab
Notary Public

My Commission Expires: 11/23/23



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 Minutes January 9, 2020

Mayor Williams called the meeting to order at 7:00 PM. Members present were Mayor Williams, Aldermen Burnette, Meyer, Pinchok and Povlin.

Approval of Agenda

Motion was made to approve the agenda as presented. Moved by Alderman Povlin, seconded by Alderman Pinchok, voting yes, Mayor Williams, Aldermen Burnette, Meyer, Pinchok and Povlin; no nays, motion passed.

Mayor's Report

Brad Hall, KCSO, reported about a few robberies in Farragut and the surrounding area.

Approval of Minutes

Tourism Workshop, December 11, 2019, BMA Workshop and Board meeting, December 12, 2019

Motion was made, with an amendment to the tourism workshop minutes, to approve the minutes of Tourism Workshop, December 11, 2019, BMA Workshop and Board meeting, December 12, 2019. Moved by Alderman Povlin, seconded by Alderman Pinchok, voting yes, Mayor Williams, Aldermen Burnette, Meyer, Pinchok and Povlin; no nays, motion passed.

Business Items

Approval of Right-of-Way & Easements purchase for the Virtue Road Construction Project, at 12300 Kingston Pike

Motion was made to approve the Right-of-Way & Easements purchase for the Virtue Road Construction Project, at 12300 Kingston Pike. Moved by Alderman Povlin, seconded by Alderman Pinchok, voting yes, Mayor Williams, Aldermen Burnette, Meyer, Pinchok and Povlin; no nays, motion passed.

Approval of Resolution R-2020-01, Appointment of Municipal Judge

Motion was made to approve Resolution R-2020-01, Appointment of Keith Alley as Municipal Judge. Moved by Alderman Povlin, seconded by Alderman Pinchok, voting yes, Mayor Williams, Aldermen Burnette, Meyer, Pinchok and Povlin; no nays, motion passed.

Ordinance

First Reading

Ordinance 20-01, Ordinance to add Title 5, Municipal Finance and Taxation, by adding Chapter 1, Hotel/Motel Tax, of the Farragut Municipal Code

Motion was made to approve Ordinance 20-01 on first reading. Moved by Alderman Meyer, seconded by Alderman Pinchok. The following individuals spoke concerning the Hotel/Motel tax.

- Darren Tallent

- Scott Pesha
- Amit Patel
- Trent Walker
- Bob Markli
- Joleen Dewald

After much discussion a motion was made to call the question. Moved by Alderman Meyer, seconded by Alderman Povlin; roll call vote: Alderman Burnette, yes; Alderman Meyer, yes; Alderman Pinchok, yes; Alderman Povlin, yes; Mayor Williams, yes; motion passed 5-0.

Roll call vote on the original motion of Approval of Ordinance 20-01 on first reading. Alderman Meyer, yes; Alderman Pinchok, yes; Alderman Povlin, no; Alderman Burnette, yes; Mayor Williams, yes; motion passed 4-1.

Town Administrator's Report

David Smoak, Town Administrator, reported that the Town of Farragut 40th Anniversary would be at the Community Center on Thursday, January 16 at 10:00 AM.

Meeting adjourned at 8:55PM.

Ron Williams, Mayor

Allison Myers, Town Recorder

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Mark Shipley, Community Development Director

SUBJECT: Request for approval of an Event Application involving use of the Town's public rights of ways and pedestrian facilities for the Forget Me Not 5K for Alzheimer's benefitting the Pat Summit Clinic

INTRODUCTION AND BACKGROUND: Included in your packet is a request for approval of an Event application for the Forget Me Not 5K for Alzheimer's benefitting the Pat Summit Clinic. This event has been held for the past eight years and this is the first time the event is proposed in the Town of Farragut. Proceeds from the event will benefit the Pat Summit Clinic at the University of Tennessee Medical Center. The event is scheduled for the morning of April 18, 2020 and is anticipated to have 750-1,000 participants.

DISCUSSION: The event is being presented to the Board of Mayor and Aldermen because a partial closure of one lane along Parkside Drive is being requested along with the use of a portion of Campbell Lakes Drive and the Parkside Drive Greenway. The start and finish will be at the Belk men's store off Parkside Drive.

The route will have participants turning right out of the parking lot at Belk's and running along one lane of Parkside Drive roughly one mile west to N. Campbell Station Road. From there, participants will use the sidewalk and head north on N. Campbell Station Road turn right onto Campbell Lakes Drive (using a portion of the street), go around the Wild Wings Restaurant lake, and then proceed to access the Parkside Drive Greenway that abuts the interstate. Participants will proceed east along the Greenway and take a side trail from the Greenway back to the Belk parking lot to finish the course.

Portable restrooms and one water station will be provided, and volunteers will be responsible for defining the race route and cleaning up after the event. The Knox County Sheriff's Department will help provide traffic control and a nurse will be present for any medical issues.

RECOMMENDATION: Staff recommends approval of the event subject to proper notification to any affected entities, the provision of adequate traffic control, and a deposit of \$500 being provided to the Town which will be refunded if no damage (e.g. paint markings on the course) occurs to public infrastructure. As noted above, the applicant is proposing to use volunteers to mark the course.

PROPOSED MOTION: To approve an Event Application on April 18, 2020 involving use of the Town's public rights of ways and pedestrian facilities for the Forget Me Not 5K for Alzheimer's benefitting the Pat Summit Clinic

BOARD ACTION:

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

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

Id #25
Sp Events 8/28/19
bn



Town of Farragut Event Application

I. Organization Information

Type of Organization (check one):

☐ Neighborhood ☒ Non-Profit ☐ Government ☐ Corporation ☐ Church /place of worship ☐ School

Name of Organization: 10th Annual Forget Me Not 5K for Alzheimer's

Organization Address: 1785 Old Midway Road

City/State: Lenoir City, TN Zip Code: 37772

Phone: 865 740-0381 Fax: _____ Email: angelawampler@charter.net

Primary Contact (Assumes responsibility for meeting conditions of permit): Angela Wampler

Address: 1785 Old Midway Road Lenoir City, TN 37772

Phone: 865 740-0381 Email: angelawampler@charter.net Fax: _____

Is your organization /business authorized to do business in Tennessee? ☒ Yes ☐ No

Tax ID (If applicable): _____ Farragut Business License _____

II. Event Information

Event Name: 10th Annual Forget Me Not 5K for Alzheimer's Event Date (s): 4/18/2020

Event Address/Location: 11397 Parkside Drive Knoxville, TN

Time of Event (start to finish): 7:30-9:30am

Owner of Event Property: Bayer Properties Phone: 865 671-9780

Set-Up and Teardown Information:

Date: 4/18/20 Time of Set-Up: 6:00am

Date: 4/18/20 Time of Teardown: 10:00am

It is the policy of Town of Farragut to assure that no person shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance.



Town of Farragut Event Application

Nature of Event:

- ☐ Grand Opening
- ☐ Parade Request
- ☐ Carnival
- ☐ Outdoor/Seasonal Event
- ☒ Race (Includes Closure or Delay of Public Streets and/or Greenways)
- ☐ Other (Please Specify) _____

Description of Event: 5K fun run/walk

Purpose of Event: Raise research monies for Pat Summitt Clinic at UT Medical Center

First Time Event in Farragut? ☐ Yes ☒ No

If no, then please describe past events: 2019 event in April

What is your estimated attendance for event? 800-1000

Do you want your event advertised on visitfarragut.org? ☒ Yes ☐ No



Town of Farragut Event Application Event Features Description:

***Please answer only the questions pertaining to an element of your event. ***

Amplification (Sound or Speaker System):

Describe type of system; what hours will you be using the amplification system.

DV Communication will bring sounds system, amp and board. Mic 7-9:30

Animals:

List what animals you plan to have at the event; how you will secure the area in which the animals are contained; number and qualifications of staff and/or volunteers that will be in charge of the animal; describe your animal waste removal plan.

Carnival Games:

Describe type of games (dunking booth, etc.).

Carnival Rides:

Describe each type of ride and rental source.

Cleanup:

Explain your plan for trash/ litter management and cleanup

TN Trash will bring containers and pick up race day

Emergency Services

Explain your emergencies services plan; types of services available

Nurse station on site and 8-10 police/sherif

Entertainment:

Describe type (e.g. band, DJ, etc.) and list number of groups. What times during the event will there be live entertainment?

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Town of Farragut Event Application

Food & Drink Vendors:

Provide each vendor's name and address. Each vendor not based in Farragut will require a per vendor, per day fee. List the types of food and/or drink that will be served and/or sold at your event; how many food vendors or areas you plan on having; If food is going to be prepared on site and if so, what type of fuel will be used for the preparation; how you will dispose of grease and other environmentally sensitive by-products; are the food vendors going to be located under a tent and if so, what size of tent.

Inflatables (Bounce House, Slide, Etc.):

Provide number of structures. Provide general description including target age group and approximate dimensions (include height also) of structure, as well as name of company providing rental (if applicable).

Parade

What is the estimate of the number of parade entries; what type of entries will be involved; describe plan for end of parade (participant drop-off, etc.); describe method of assembly for entries.

Power & Lighting:

Describe your source of power (generators, temporary pole/meter center, extension cords, etc.); if your event is in the evening or at night, how will you provide lighting to the event area (including parking).

Bayer Properties will provide power

Public Outreach:

Describe how you will notify the community and residences impacted by your event.

Social Media, email, in person

Race:

Provide description of race route and auxiliary components not mentioned elsewhere.

start/finish at west parking lot of Belk. Run down sidewalks/one lane to cut through to greenway, back on sidewalk for short run to behind Pinnacle shopping and Belk back to parking lot.

Site Use Permission

Please provide documentation that you are permitted to use the site for your event.



Town of Farragut Event Application

Security

Describe your security plan (officer, security guards, etc.) for during the event and during setup (e.g. overnight).

Brad Hall / Bayer Properties will be coordinating all security and safety and traffic

Signage

Describe general location and type of signage both external and internal to the event. Provide drawing or image of sign including dimensions: length, width, height, height and width of letters and characters/figures.

Demonstrate that the signage complies with the requirements outlined in the appendix of this application.

Just direction signage to start /finish line. We will have parking attendents and volunteers for route as well

Tent(s)

How many, location, and size, and name of company providing tent (if rented).

5 tents at registration area 10x 10; one tent at start/finish line

Traffic Control:

Describe your traffic control plan and any impact on roads, including closures.

Brad Hall KCS will coordinate all officers and traffic control plan

Water:

Describe your source of water, what water will be used for, and how it will be disposed of.

We will have bottled water that will be recycled in bins for Tennessee Trash

III. Event Site Plan/Sketch/Map

Please provide a site plan, sketch or map of your event. Please include vehicular and pedestrian circulation, staging areas, locations of tents, entertainment stages, portable restrooms, dumpsters, fencing, food and beverage booths, and all sponsor or vendor booths. Also indicate where streets will be blocked and what will be used to block the streets. The plan must demonstrate that vehicular and pedestrian circulation will not be affected by the event. If a tent is involved, please include dimensions and proposed location. For races, also provide a course route and plan for directional signage, start/finish line, medical, water station etc.

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Town of Farragut Event Application

IV. Insurance

If the event will take place on Town of Farragut property, the applicant must provide the Town with an original copy of their insurance certificate of general liability insurance naming the *"Town of Farragut, its employees, and agents"* as additionally insured. This policy must have a minimum coverage of one million dollars (\$1,000,000.00). If it is determined that security is required for your event, certified, uniformed Knox County Sheriff's Deputies must be hired to provide this service. Applicants hiring off duty sheriff's Deputies must include the Knox County Sheriff's Office as additionally insured.

V. Permit Checklist

Permit Checklist (Please use this checklist to calculate your total fee)			
Will You Have:		Fee	If yes, complete application
Special Event Permit	☒	\$25	This Permit Application
Food Vendors	☐	$\frac{\text{\$20}}{\# \text{ vendors}} \times \$20 \times \frac{\text{\# Days}}{\# \text{ Days}} = \$ \text{TOTAL}$	This Permit Application
Tents or Air Inflated Structure	☐	\$50	This Permit Application
Temporary Sign	☐	\$25	Temporary Sign Permit Application
Founders Park	☐	$\text{\$200/First 4 Hrs} + (\text{\$50/ea. addl. Hr} \times \text{Addl. Hr.}) = \$ \text{TOTAL}$	This Permit Application
Alcohol/Wine Vendors	☐		State of Tennessee Special Occasion Alcohol/Wine License
Beer Vendors	☐		TOF Beer Permit or Provide copy of current TOF Beer Permit

Total (Special Event + All Other Permits)	\$25 _____
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Town of Farragut Event Application

VI. Signature

All authorized events occurring within the Town limits shall be individually and severally responsible to the Town for any loss, bodily or personal injury, deaths, and/or property damage that may occur as a result of the event representative/organizer's negligence or that of its agents and employees. All event organizers/representatives hereby agree to indemnify and save the Town, its officers, employees, and agents harmless from any loss, cost, damages and other expenses, including attorney's fees, suffered or incurred by the Town by reason of the event representative/organizers negligence or that of its agents and employees; provided that the event representative/organizer shall not be responsible nor required to indemnify the Town for negligence of the Town, its officers, employees, or agents.

Furthermore, I fully understand and agree to comply with the terms and conditions as stated in this application. All information provided in this application is correct and accurate to the best of my knowledge.

SIGNATURE OF APPLICANT: _____

Angela Wampler

PRINTED NAME OF APPLICANT: Angela Wampler

DATE: 8/26/19

VII. Payment Information

Payment options:

- A. Pay with Cash, check, or credit card in-person at Town Hall
- B. Mail a check to Town Hall
- C. Make a credit card payment over the phone: 865-966-7057
- D. Provide credit card information with this application. All major credit cards are accepted.

Credit Card Information

Card Number: _____ Exp. Date _____

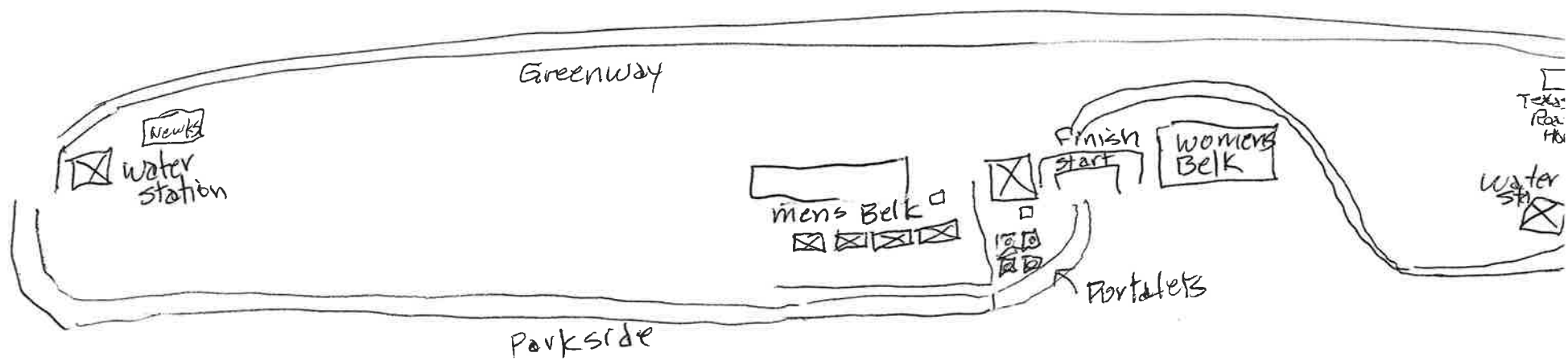
Name on Card: _____ Sec. # _____

Mailing Address associated with Card: _____

Amount to be charged: \$ _____

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5K Route + Tents



* Same route as 2019

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: David Smoak, Town Administrator

SUBJECT: Consideration of Resolution R-2020-02: a resolution to Amend and Reinstate the Growth Policy Plan between Knox County, the Town of Farragut and City of Knoxville

INTRODUCTION: The purpose of this agenda item is to consider Resolution R-2020-02: a resolution to amend and reinstate the Growth Policy Plan between Knox County, the Town of Farragut and City of Knoxville

BACKGROUND: The Tennessee General Assembly approved Public Chapter 1101 in 1998. This Act established that each county in Tennessee reach agreement with all of the municipalities within their boundaries in developing a growth policy plan. That plan developed urban growth boundaries for future annexation and land use plan designations for future growth throughout Knox County.

DISCUSSION: The Knox County Growth plan had not been amended since its inception in 2001. In February 2019, Knox County requested to reconvene the Knox County Growth Plan Committee to review amendments to the growth policy plan. After several public meetings, the Growth Policy Plan Committee recommended approval of the amendment to the growth policy plan on September 30, 2019, which deleted sections 3.2-3.6 of the current policy and inserts a new Section 3.2 which states:

Rezoning in the Rural Area shall be consistent with and controlled by the applicable Sector Plans as adopted by the Metropolitan Planning Commission and Knox County Commission.

Tennessee Code Annotated Section 6-58-104(a)(4) states that:

Not later than one hundred twenty (120) days after receiving the recommended growth plan, the county legislative body or municipal governing body, as the case may be, shall act to either ratify or reject the recommended growth plan of the coordinating committee. Failure by such county legislative body or any such municipal governing body to act within such one hundred twenty-day period shall be deemed to constitute ratification by such county or municipality of the recommended growth plan.

The 120-day period for acting on the growth plan will expire at the end of January 2020. If the Board of Mayor and Aldermen approve the amendment or do not act on the recommendation of the growth plan committee by the end of the month it will be ratified and sent to the Tennessee Secretary of State's office for ratification. If the Board of Mayor and Aldermen reject the amendment, then pursuant to TCA 6-58-104(a)(5), the "municipality shall submit its objections, and the reasons therefor, for resolution in accordance with subsection b". TCA 6-58-104(b) provides that if the growth plan is rejected, the coordinating committee shall reconsider its action and the growth policy committee may recommend a revised growth plan to Knox County, the City of Knoxville and the Town of Farragut. If the recommended growth plan or revised plan are rejected again by the legislative bodies an impasse may be declared to the Tennessee Secretary of State to provide a dispute resolution panel resolve the matter.

PROPOSED MOTION: To approve Resolution R-2020-02, to amend and reinstate the growth policy plan between Knox County, the City of Knoxville and the Town of Farragut.

BOARD ACTION:

MOTION BY: _____ SECONDED BY: _____

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



RESOLUTION: R-2020-02

**A RESOLUTION BY THE BOARD OF MAYOR AND ALDERMEN OF THE
TOWN OF FARRAGUT TO ADMEND AND REINSTATE THE KNOX
COUNTY, TOWN OF FARRAGUT AND CITY OF KNOXVILLE GROWTH
POLICY PLAN DATED JANUARY 12, 2000**

WHEREAS, in 1998, the Tennessee General Assembly enacted comprehensive growth policy legislation, codified at Tennessee Code Annotated (TCA) Section 6-58-101 *et. seq.*; and

WHEREAS, pursuant to TCA Section 6-58-104, the Knox County Growth Policy Coordinating Committee was formed to develop and recommend a local comprehensive growth policy plan for Knox County, the Town of Farragut and the City of Knoxville; and

WHEREAS, the Coordinating Committee submitted its recommended growth plan to Knox County Commission, the Town of Farragut Board of Mayor and Aldermen and the Knoxville City Council on January 12, 2000; and

WHEREAS, on April 17, 2001 the plan was approved by Knox County, the Town of Farragut and the City of Knoxville; and

WHEREAS, TCA Section 6-58-104(d)(1) allows counties and cities to amend their growth plans; and

WHEREAS, in accordance with TCA Section 6-58-104(d)(1), Knox County Mayor Glenn Jacobs sent notice on February 22, 2019 that he would reconvene the Coordinating Committee to consider an amendment to the plan; and

WHEREAS, the Coordinating Committee held five public meetings on April 22, 2019; June 3, 2019; June 25, 2019; September 9, 2019; and September 30, 2019; and

WHEREAS, at the September 30, 2019 meeting, the Coordinating Committee recommended the plan be amended as set forth in Exhibit A; and

WHEREAS, on October 28, 2019 the Knox County Commission adopted Resolution R-19-10-906 which reinstates the plan with amendments on the condition of approval from the Knoxville

City Council, the Farragut Board of Mayor and Aldermen, and the Local Government Planning Advisory Committee; and

WHEREAS, on November 19, 2019 the Knoxville City Council adopted Resolution R-379-2019 which reinstates the plan with amendments on the condition of approval from the Farragut Board of Mayor and Aldermen and the Local Government Planning Advisory Committee; and

WHEREAS, the Town of Farragut Board of Mayor and Aldermen wishes to amend the plan as shown on Exhibit A, on the condition of approval of the Local Government Planning Advisory Committee.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN OF FARRAGUT BOARD OF MAYOR AND ALDERMEN:

Section 1: The Town of Farragut Board of Mayor and Aldermen hereby amends the Knox County, Town of Farragut and City of Knoxville growth policy plan as follows:

- a. Delete sections 3.2, 3.3, 3.4, 3.5, and 3.6 under Section 1, Policies, on pages 5, 6, and 7 of the plan; and
- b. Insert a new Section 3.2 as follows:

Rezoning in the Rural Area shall be consistent with and controlled by the applicable Sector Plans as adopted by the Metropolitan Planning Commission and Knox County Commission.

- c. All other Sections of the plan and statutory requirements shall remain in full force and effect.

Section 2: Pursuant to TCA Section 6-58-104(d), this amendment shall become part of the plan only after it has been approved by the Local Government Planning Advisory Committee.

This resolution is duly adopted by the Board of Mayor and Aldermen of the Town of Farragut on this 23rd day of January, 2020.

Ron Williams, Mayor

Allison Myers, Town Recorder

AMENDMENT AND REINSTATEMENT OF GROWTH POLICY PLAN

WHEREAS, The Growth Policy Plan was established in 1998 by the state legislature to

1. Eliminate Annexation out of fear, and
2. Establish incentives to annex where appropriate, and

WHEREAS, The legislature has since abolished forced annexations, and

WHEREAS, The Growth Policy Plan specifically enables Farragut and Knoxville to annex within their Urban Growth Boundary, contrary to existing law, and

WHEREAS, T.C.A. § 6-58-104(d)(1) grants the Mayors of the Town of Farragut, The City of Knoxville and Knox County to submit proposed amendments for consideration by a Growth Policy and Co-ordinating Committee (Committee), and

WHEREAS, the existing Growth Policy Plan (Plan) was adopted by the Committee in January 2000, and

WHEREAS, the Plan, by agreement, expired on Dec. 31, 2007, and

WHEREAS, the existing Growth Policy Plan required that the Committee remain intact at all times and such has not been accomplished (p. 8), and

WHEREAS, the existing Growth Policy Plan required that the plan be reviewed every 3 years for amendment to meet changed conditions (p. 8), and

WHEREAS, Nineteen (19) years have passed without a review, and

WHEREAS, Knox County Commission and the MPC director all acknowledge that there have been changed conditions requiring amendment so as to remove obstacles to smart growth as mandated by the Growth Plan to allow such "smart growth" as cluster development (p.8) and

WHEREAS, the Plan acknowledged that housing demand grows faster than the population and that higher residential densities will reduce the long range demand for land. (p. 35), and

WHEREAS, Concerns of "urban Sprawl" are already addressed in the Plan as being reduced by the City of Knoxville as previously set out in the City's *Heart of Knoxville Empowerment Zone Plan*, and

WHEREAS, the Plan already grants zoning and planning authority to the affected governments and their citizens as follow:

"The Rural, Planned Growth, and Urban Growth Boundary designations of this plan shall not impair the rights of a landowner to lawfully use property in accordance with the provisions of the Zoning Ordinances of Knoxville, Knox County and Farragut.", and

WHEREAS, the Plan provides that the the Knox County zoning ordinance shall apply to territory in the rural area of Knox County as follows:

“3.1 The Knox County Zoning Ordinance and Zoning Map shall determine land uses permitted in the Rural Area. The rural designation shall not impede the right of a property owner to use or develop the property for a purpose permitted by that property’s zoning...” and

WHEREAS, the Plan lists restrictions contrary to Knox County’s zoning regulations in the Rural Area of Knox County, and

WHEREAS, the Plan does not impose any limitations upon the City of Knoxville’s and the Town of Farragut’s exercise of complete autonomy and discretion in land use planning within their respective jurisdictions, and

WHEREAS, the amendment does not alter the Plan as to zoning the Urban Growth area of the Town of Farragut or the City of Knoxville, and

WHEREAS, the amendment does not alter the Plan as to zoning in the Planned Growth Area surrounding the Town of Farragut or the City of Knoxville.

WHEREAS, the amendment herein proposed by the Mayor of Knox County, simply grants the County and its citizens the same rights of self determination in land use planning is already present in the City of Knoxville and the Town of Farragut

THEREFORE: It is proposed to amend and reinstate the Plan as follows:

1. **Delete** sections 3.2, 3.3, 3.4, 3.5, and 3.6 under *Section 1, Policies* at pages 5,6, and 7 of the Plan.
2. **Insert** a new Section 3.2 to read as follows:

Rezoning in the Rural Area shall be consistent with and controlled by the applicable Sector Plans as adopted by the Metropolitan Planning Commission and Knox County Commission.



State of Tennessee
Department of Economic and Community Development

Local Planning Assistance Office
William Snodgrass/Tennessee Tower Building-10th Floor
312 8th Avenue North
Nashville, Tennessee 37243-0405
615-741-2211

May 3, 2001

The Honorable Thomas H. Schumpert
County Executive of Knox County
400 Main Street, Suite 615
Knoxville, Tennessee 37902

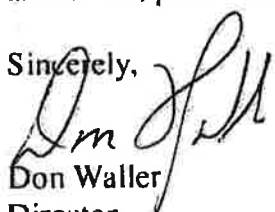
Dear Mr. Schumpert:

The Local Government Planning Advisory Committee at its meeting April 25 approved the Knox County Growth Plan submitted by the Knox County Coordinating Committee. Enclosed is one copy of the materials submitted by the Coordinating Committee and a copy of the Local Government Planning Advisory Committee Resolution of Approval.

The Comprehensive Growth Plan law requires that you file your plan with your county register. The Local Government Planning Advisory Committee will also keep a copy of your plan.

If I or the Local Government Planning Advisory Committee may be of additional assistance, please contact me.

Sincerely,


Don Waller
Director

DW/jw

Cc: Mayor Victor Ashe, Knoxville
Mayor Edward Ford, Farragut

Enclosure

**Resolution of Approval
By The
Local Government Planning Advisory Committee
For
Plans Mediated By an Administrative Law Panel**

Whereas, an Administrative Law Panel or Administrative Law Judge appointed by the Tennessee Secretary of State has submitted a County Growth Plan for Knox County and its municipalities; and

Whereas, the Administrative Law Panel or Judge has mediated a plan which has been ratified by the county and cities pursuant to TCA 6-58-104;

Now, Therefore Be It Resolved by the Local Government Planning Advisory Committee that the Knox County Growth Plan is hereby approved and becomes effective this date.



Chair, Local Government Planning Advisory Committee

4-25-01
Date



State of Tennessee
Department of State
Administrative Procedures Division
312 Eighth Avenue North
8th Floor, William R. Snodgrass Tower
Nashville, Tennessee 37243
Phone: (615) 741-7008 Fax: (615) 741-4472

MEMORANDUM

To: Tom Stiner, Chairman
Local Government Planning Advisory Committee

From: Charles C. Sullivan II, Director *CCS*
Administrative Procedures Division

Date: April 23, 2001

Subj.: Knox County Comprehensive Growth Plan
Dispute Resolution Process
Docket No. 46.00-010725J

The City of Knoxville declared an impasse with Knox County on July 25, 2000, with respect to the adoption of an urban growth plan for the county. In accordance with T.C.A., §6-58-104(b)(1)&(2), the City of Knoxville notified the Secretary of State of the impasse and requested that he refer the matter to the Administrative Procedures Division for resolution in accordance with the statute. At the request of the parties, I assigned a three-judge panel to resolve the matter.

The parties reached a settlement through mediation on December 7, 2000, and refined the agreement through subsequent discussions. Their respective legislative bodies then approved a comprehensive growth plan. By letter of April 17, 2001, Knox County submitted the attached copies of the growth plans between Knox County and the City of Knoxville and between Knox County and the Town of Farragut. With the parties' resolution of the impasse, I am forwarding the comprehensive growth plan to your committee for its consideration. Our office will remove the matter from our active case list.

Thank you for consideration of this plan.

Attachment

cc: Michael W. Moyers (w/o attachment)
Michael S. Kelley (w/o attachment)
Thomas M. Hale (w/o attachment)
Marion Wall (w/o attachment)



RECEIVED

2001 APR 18 AM 9:41

SECRETARY OF STATE

April 17, 2001

MICHAEL W. MOYERS
KNOX COUNTY LAW DIRECTOR

John E. Owings
Chief Deputy Law Director

Mary Ann Stackhouse
Wendell K. Hall
Susan E. Crabtree
Martha H. McCampbell
David D. Creekmore
Deputy Law Directors

Becky L. Ward
Investigator

Marion P. Wall, ALJ
Tennessee Department of State
312 8th Avenue, North
William R. Snodgrass Bldg., 8th Floor
Nashville, TN 37243

RE: Urban Growth Plan Agreements

Dear Judge Wall:

Enclosed please find a copy of the Urban Growth Plan Agreement between Knox County and the City of Knoxville, as well as a copy of the Growth Plan between Knox County and the Town of Farragut.

Please contact me if I may be of further assistance.

Sincerely,

MICHAEL W. MOYERS
Knox County Law Director

MWM:kfc
Enclosures

WHEREAS, the Town and the County intend in this agreement to embody each and every term of their agreement.

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter stated, the County and Town do hereby agree and manifest their intentions as follows:

1. SPHERE OF INFLUENCE.

The "sphere of influence" of each respective local government is recognized as important. Knox County has the entire county as its sphere of influence, especially in the non-incorporated area. The sphere of influence for the Town of Farragut is the municipality itself, as it may change from time to time, and the territory most adjacent to its borders. The sphere of influence for Knoxville is the municipality itself, as it may change from time to time, and the territory most adjacent to its borders. To best address this issue and bring order to a process of future modifications in the approved Plan, a division of the non-incorporated territory in Knox County is made for each city. The dividing line agreed to is as follows:

Beginning at the Anderson County line, following Pellissippi Parkway south to its intersection with Lovell Road; thence, south along Lovell Road to the beginning of Canton Hollow Road; thence, south along Canton Hollow Road to its end, thence due south to the Blount County line in the Tennessee River/Fort Loudon Lake, and then following the Blount County line in a generally westerly direction to the Loudon County Line.

The area west and north of this line is placed in the Farragut Division, and the land east and south of this line is placed in the Knoxville Division. This division is used for making future modifications in the Plan as outlined below, to the extent permitted by law.

2. RURAL DESIGNATION

The Rural Area designated is not proposed to be altered from that proposed by the Coordinating Committee. The Coordinating Committee stated that "land use" in the Rural Area would be governed by permitted uses in various zoning classifications. Rezoning of property and changes in land use under certain conditions were outlined in the Plan developed by the Coordinating Committee. However, because the Knox County Commission may modify permitted uses in any zone classification or develop new zone classifications, it is unclear how these changes should be made in the Rural Area. Thus, it is agreed that any such amendments to the Knox County Zoning Ordinance that apply to property within the Rural Area must first be approved by resolution by the respective municipal legislative body within its sphere of influence.

The parties agree that this approval is needed only for land use in the Rural Area and not for land use decisions within the Planned Growth Area, the city limits of the two municipalities, or the Urban Growth Boundary Area. The provisions of this paragraph shall apply only to relevant proposed amendments to the text of the Knox County Zoning Ordinance. The provisions of this paragraph shall not apply to decisions to rezone property by the Knox County Commission.

3. ALTERATION OF APPROVED GROWTH PLAN.

To the extent permitted by state law, the Town and the County agree to the following process for altering the Growth Plan within the Town's Sphere of Influence as denominated above, subsequent to the running of the statutory three-year period prohibiting alterations to the Plan (except upon a showing of extraordinary circumstances). Proposed changes in the conditions approved in the Plan or changes in the boundary line for a Rural Area, Planned Growth Area or Urban Growth Boundary area can be initiated by resolution by any local legislative body. The proposed change shall be reviewed by the Coordinating Committee. Within 120 days after receipt of the resolution, the Coordinating Committee shall make a recommendation to the two respective legislative bodies of the Town and the County for areas within Farragut's designated Sphere of Influence. The Coordinating Committee may use the staff of the MPC and/or the Town to assist in its work. Members of the Coordinating Committee from various organizations shall be appointed by the board of directors of their respective organizations as required by Chapter 1101. The Coordinating Committee shall conduct at least two public hearings as required by Chapter 1101. Not later than sixty (60) days after receiving the recommendation of the Coordinating Committee on the proposed change, the Knox County Commission and the Farragut Board of Mayor and Aldermen shall act to ratify or reject the recommendation of the Coordinating Committee. The recommendation of the Coordinating Committee may be modified by the two respective legislative bodies or in a negotiated agreement that is approved by resolution. Once the Coordinating Committee has made its recommendation on the proposed amendment to the Growth Plan the procedure for final approval of the amendment shall be the same as the procedures in TCA §6-58-104 for establishing the original plan; except that once a recommendation of the Coordinating Committee on the amendment is rejected, reconsideration by the Coordinating Committee as contemplated by TCA §6-58-104(a)(5) and (b)(1) shall not be required, and upon such rejection either party may declare an impasse and request the Secretary of State to provide an alternate method for resolution of the dispute related to the amendment. The resolution procedures and approval requirements of TCA §6-58-104 shall otherwise govern the proposed amendment to the Growth Plan. The parties agree to the appointment of a single administrative law judge.

4. URBAN GROWTH BOUNDARY

A. Subject to the three exceptions to the City of Knoxville Urban Growth Boundary ("UGB") identified in paragraphs B and C below, the Town and the County approve and adopt in its entirety the Growth Plan developed and approved by the GPCC, which is attached hereto as Exhibit A and incorporated by reference.

B. The Town and the County agree that the highlighted areas identified on Exhibit B and Exhibit C, attached hereto, will be excluded from the City of Knoxville's UGB and added to the County's Planned Growth Area (PGA). The final boundary of the UGB and the PGA shall be changed accordingly.

C. The Town and the County agree that the highlighted areas identified on Exhibit D, attached hereto, will be excluded from the County's PGA and included within the City's UGB. The final boundary of the PGA and UGB shall be changed accordingly.

5. JOINT ECONOMIC AND COMMUNITY DEVELOPMENT BOARD

In compliance with the provisions of TCA §6-58-114(a) and (b), the Town shall have the right to appoint an individual to a non-voting seat on the Board of Directors of the Knox County Development Corporation ("KCDC"). The Town's appointee shall be recognized and allowed to speak as any other Board member, but shall have no vote on any issue before the Board. The Town has voluntarily elected not to have voting members on the Board of the KCDC as contemplated by TCA §6-58-114. Knox County agrees that the Town of Farragut may, upon giving the County Executive of Knox County ninety (90) day's written notice, elect to have voting representation on the KCDC Board, under the same terms and conditions as agreed to by the City of Knoxville in its Growth Plan Agreement with Knox County.

6. DURATION, EFFECT, and AMENDMENT

This Agreement shall be in full force and effect for an initial term from its execution by the parties hereto, and shall remain in full force and effect through either the repeal of the Act to the extent the law no longer requires a Growth Plan, or December 31, 2007, whichever occurs first. Provided that the law requires Growth Plans, this Agreement shall be renewed automatically for successive one-year terms unless one of the parties gives written notice of non-renewal ninety (90) days prior to the expiration of the then current term. The parties agree that each term of this Agreement is specifically enforceable in the event of a breach by the other party. The parties agree that an action to enforce the terms of this Agreement shall be brought in the Chancery Court for Knox County, Tennessee. The parties further agree that, to be enforceable, any amendment to this Agreement must be in writing and must be authorized by the Farragut Board of Mayor and Aldermen and the Knox County Commission by resolution.

IN WITNESS WHEREOF, the Chief Executive or Mayor and Clerk of each party have hereunto affixed their official signatures all as of the date herein first mentioned.

COUNTY OF KNOX, TENNESSEE

ATTEST:

APPROVED:

By: Thomas Schumpert
COUNTY EXECUTIVE

Michael W. Roy
COUNTY LAW DIRECTOR

Date: 4-17-01

John Mike Padgett
COUNTY CLERK

THE TOWN OF FARRAGUT, TENNESSEE

ATTEST:

APPROVED:

By: W. Edward Ford, Jr.
MAYOR

Thomas M. Sala
TOWN ATTORNEY

Date: April 12, 2001

Mary Jane Goepf
TOWN RECORDER

K n o x v i l l e
F a r r a g u t
K n o x C o u n t y

Growth Policy Plan

Recommendations
of the
Growth Policy
Coordinating Committee
to the
Knoxville City Council,
Farragut Board of Aldermen,
and Knox County Board
of Commissioners

J a n u a r y 1 2 , 2 0 0 0

Local Government Planning Advisory Committee

Date: April 25, 2001

To: Approve Knox County Growth Plan


Tom Stiner, Chairman

Knoxville • Farragut • Knox County

Growth Policy Plan

Recommendations of the
Growth Policy Coordinating Committee
to the
Knoxville City Council,
Farragut Board of Aldermen,
and
Knox County Board of Commissioners

January 12, 2000

Growth Policy Coordinating Committee

Jeff Wilkins, Chair

Victor Ashe, Mayor
City of Knoxville

Bill Elmore

Greg Gheen

Ray Graves

Robert Hill

Imogene King

Jerry Moats

Roy Mullins

Larry Leibowitz

Tom Schumpert
Knox County Executive

Bob Whetsel

TABLE OF CONTENTS

Introduction	1
Background Information/Local Context	2
Planning Process	3
Section 1: Recommended Growth Plan	5
Growth Policy Map	5
Policies	5
Other Recommendations	8
Section 2: Land Capability Analysis	11
Land Capability Map	11
Existing Land Use	12
Urbanized Land Analysis	12
Environmental Constraints	21
Least Constrained Land	22
Recreational and Wildlife Management Areas	22
Agricultural Land	22
Section 3: Development Trends and Projects	35
Growth of Knoxville	35
Subdivisions and Building Permits	35
Historical Population Trends	35
Population Projections	35
Projecting Future Land Needs	35
Projected Needs for Urban/Suburban Land	37
Section 4: Adopted Plans	45
Knoxville-Knox County General Plan	45
Knoxville-Knox County Sector Plans and Knoxville One-Year Plan	45
Farragut 2004	45
Section 5: Cost of Service Provision Analyses	49
Town of Farragut: Cost of Service Analysis	49
Inventory and Description of Public Services	49
Analysis of Public Service Costs	50
Findings	51
City of Knoxville: Cost of Service Analysis	51
Knox County: Cost of Service Analysis	53
Scenarios	53
Fiscal Impact Results	54
Conclusions	57
Appendix A: Summary of Public Participation	59
Appendix B: Land Forecast Models	61
Appendix C: Full Text of Public Chapter 1101	69
Appendix D: Growth Policy Plan Land Allocation; Knox County Planned Growth Area Broken Down by Category	89

EXHIBITS

Exhibit	1: Land Capability Summary	11
Exhibit	2: Existing Land Use	17
Exhibit	3: Existing Land Use, Developed Land Only	19
Exhibit	4: Environmental Constraints	21
Exhibit	5: Farms and Farm Land in Knox County, 1954-1997	33
Exhibit	6: Agricultural Zoned Land	33
Exhibit	7: Minimum Requirements for Vacant Land Without Environmental Constraints	37
Exhibit	8: Average Annual General Funds Results	54
Exhibit	9: Average Annual Results from New Growth	55
Exhibit	10: Transfer to Funds (\$1,000's)	56
Exhibit	11: Average Annual Results With and Without Transfers	58

MAPS

Growth Policy Plan Map follows page 6

Map	1: Land Capability	13
Map	2: Existing Land Use	15
Map	3: Pattern of Urbanization	19
Map	4: Environmental Constraints	23
Map	5: Least Constrained Land	25
Map	6: Sanitary Sewer Service	27
Map 7A:	Recreational and Wildlife Management Areas	29
Map 7B:	Agricultural Land	31
Map	8: Growth of the City	39
Map	9: Residential Subdivisions	41
Map	10: Residential Building Permits	43
Map	11: Adopted Land Use Plans	47

INTRODUCTION

Public Chapter 1101, the new Tennessee growth management law, requires city and county governments to prepare a 20 year Growth Plan for each county. At a minimum, a growth plan must identify three classifications of land:

- **Rural areas.** Rural areas are to include land to be preserved for farming, recreation, and other non-urban uses.
- **Urban growth boundaries (UGB's).** UGB's must be drawn for all cities and towns. The land within the UGB must be reasonably compact but adequate to accommodate all of the city's expected growth for the next 20 years.
- **Planned growth areas (PGA's).** PGA's must be reasonably compact but large enough to accommodate growth expected to occur in unincorporated areas over the next 20 years.

The Knox County Growth Policy Coordinating Committee has been formed pursuant to the new law. The law encourages cities and counties to cooperate in preparation of the plan, and directs the Coordinating Committee to give due consideration to any proposals submitted in a timely manner by the local governments. The Committee has prepared a plan and recommends its adoption by the governing bodies of Knoxville, Knox County and Farragut. Several public meetings and hearings were held to obtain the views of citizens. The recommended plan represents the best efforts of the coordinating committee to prepare a plan that meets the requirements of the law, responds constructively to the proposals submitted by Knox County, Knoxville, Farragut and Oak Ridge, and embodies the input of citizens.

Background Information/ Local Context

TN Public Chapter 1101 applies to all Tennessee counties, with the exceptions of counties with a metropolitan form of government (Davidson) and charter counties where legally binding annexation agreements have been determined to meet the purposes of the law (Shelby). The vast majority of the remaining Tennessee counties are largely rural in character. Knox County's situation is much different. Here are some characteristics that influenced the development growth plan for Knox County:

- Knox County is densely populated, compared to surrounding counties. Based on 1998 U.S. Census Bureau population estimates, Knox County averaged 721 persons per square mile, up from 660 in 1990 and 632 in 1980. The U.S. Census Bureau considers densities of over 1,000 persons per square mile as urban. Surrounding counties have densities ranging from 71 persons per square mile in Grainger County to 211 in Anderson County. (These calculations do not include water area.)
- Despite the relatively dense population, there are only two incorporated municipalities in Knox County, the City of Knoxville and the Town of Farragut.
- Historically, more people lived in incorporated areas until sometime in the 1990's. In 1998, 50% of the population lived in the unincorporated area.
- Knox County and Knoxville have created the Knoxville-Knox County Metropolitan Planning Commission, a regional planning body that provides planning and zoning services to both governments. Farragut has its own Municipal Planning Commission. All three governments have zoning and subdivision ordinances and ongoing comprehensive planning programs which can substantially address the planning and growth management objectives of Public Chapter 1101.
- There are a total of 6 utility districts providing sanitary sewers. Decisions on extension of sanitary sewers are one of the most important tools in managing growth. In Knox County, the decision to extend sanitary sewer service is made by the utility providers, not the City or County government.
- Most of the vacant land in the county is zoned Agriculture (A). This Knox County zoning designation allows a wide range of agricultural uses, but also permits residential development on lots as small as one acre. In contrast, the City of Knoxville's agricultural zone prohibits the creation of new residential lots of less than 10 acres in the City's A-1 (Agriculture) zone.
- Annexation policy, which is at the core of Public Chapter 1101, is a very divisive issue in Knox County.
- About one half of the land in Knox County is vacant or in agricultural uses. Most observers agree that the "easy" land has already been developed, and much of what remains is characterized by steep topography, other environmental limitations, or inadequate infrastructure.

Planning Process

The Growth Policy Coordinating Committee was formed in late 1998. An organizational meeting was held on December 12 of that year. The Committee held 37 additional meetings during 1999, and continued working in 2000. All meetings were open to the public. Three public hearings were held. Public comment sessions were included in many of the other meetings, and in some cases public comment accounted for the majority of the meeting. Several meetings were preceded by a tour of the proposed growth boundaries of different sections of the county, and business meetings, including public comment sessions, were then held at public locations in the areas studied. In addition to the Coordinating Committee's public meetings, at least 26 additional meetings, all open to the public, were held by Knox County, Knoxville and Farragut.

One of the early meetings included a briefing by Metropolitan Planning Commission staff on development trends, adopted plans, and concepts contained in Public Chapter 1101. A number of subsequent meetings featured testimony by various providers of public services and facilities, including utility districts, public safety officials, city and county departments, and Town of Farragut staff.

The Committee received growth plan proposals from the Knox County Commission, the Knox County Executive, the Town of Farragut, the City of Knoxville, and the City of Oak Ridge. Oak Ridge is located in Anderson County. The Oak Ridge proposal, which included about 1,000 acres of the Solway community in the Oak Ridge urban growth boundary (UGB), was voted down quickly. Farragut's proposal, which included an urban growth boundary of less than one square mile, was approved. The remaining three proposals were very far apart on the issue of Knoxville's urban growth boundary. County Commission proposed no urban growth

boundaries and would limit rural areas to selected public properties. The County Executive's proposal limited Knoxville to 3 square miles of new development within the urban growth boundary and 9 square miles of infill within the existing city. In contrast, the City of Knoxville's initial UGB proposal included 39 square miles of vacant land for new development and a total area, including already developed land, of 116 square miles, eventually more than doubling the size of the City.

The Committee went through a process of reviewing different combinations of densities, housing types, population projections and market adjustment factors (*explained in Section 3*). They eventually endorsed a minimum 16 square miles of vacant, environmentally unconstrained land in the urban growth boundary for Knoxville and a minimum 23 square miles of vacant unconstrained land in the Knox County planned growth area.

Next, alternative maps were prepared, showing proposed urban growth boundaries, planned growth areas, and rural areas. Several refinements and compromises were made. The map and policies were finalized after two public hearings in mid December.

The remainder of this report consists of four parts. **Section 1, *The Growth Policy Plan***, presents goals, policies, a Growth Policy Map, and other recommendations. **Section 2, *Land Capability Analysis***, contains maps and exhibits that show the remaining supply of developable land. This section also provides background information regarding land use and environmental constraints. **Section 3, *Development Trends and Projections***, summarizes development and population trends, and presents projections of future land requirements. **Section 4** summarizes relevant plans adopted by local governments. **Section 5** summarizes the cost of service provision analyses for Farragut, Knoxville and Knox County. The **Appendices** include various technical background data and a summary of the public participation process.

SECTION 1

Recommended Growth Plan

The Knox County Growth Policy Coordinating Committee worked for over a year to develop a plan that complies with Public Chapter 1101, Tennessee's annexation and growth management law. This plan, which the Coordinating Committee has recommended for adoption by the governing bodies of Knox County, Knoxville and Farragut, is the result of careful consideration of proposals put forward by the three local governments, citizens, community groups and business people. The plan is based on the requirements of Public Chapter 1101; a thorough analysis of existing conditions and trends in land use, population and the natural environment; and input by citizens and detailed testimony by a wide variety of governmental service providers, including city and county departments, utility districts, emergency services and the school board.

This section contains the policy recommendations of the coordinating committee, presented in written and graphic form. The remaining sections of the document provide background information used to develop the plan.

Growth Policy Map

The Growth Policy Map (*follows page 6*) shows the recommended Rural and Planned Growth Areas for unincorporated portions of Knox County and Urban Growth Boundaries for Farragut and Knoxville. Knoxville's Urban Growth Boundary contains 47.5 square miles; Farragut's Urban Growth Boundary contains one square mile; the Planned Growth Area contains 147 square miles; and the Rural Area contains 216 square miles (*see Appendix D for more details and percentages*).

Goals

The following goals have been adapted from TN Public Chapter 1101:

- In conjunction with the comprehensive plans of Knoxville, Knox County and Farragut, provide a unified physical design for the development of the local community;

- Encourage a pattern of compact and contiguous development to be guided into urban areas and planned growth areas;
- Establish an acceptable and consistent level of public services and community facilities and ensure timely provision of those services and facilities;
- Promote the adequate provision of employment opportunities and the economic health of the region;
- Conserve features of significant statewide or regional architectural, cultural, historical, or archaeological interest;
- Protect life and property from the effects of natural hazards, such as flooding;
- Take into consideration such other matters that may be logically related to or form an integral part of a plan for the coordinated, efficient and orderly development of the local community; and
- Provide for a variety of housing choices and assure affordable housing for future population growth.

Policies

1. The Rural, Planned Growth, and Urban Growth Boundary designations of this plan shall not impair the rights of a landowner to lawfully use property in accordance the provisions of the Zoning Ordinances of Knoxville, Knox County and Farragut.
2. Rezoning decisions shall be consistent with the Growth Plan Map and policies.
3. The following policies shall apply in the Rural Area:
 - 3.1 The Knox County Zoning Ordinance and Zoning Map shall determine land uses permitted in the Rural Area. The rural designation shall not impede the right of a property owner to use or develop the property for a purpose permitted by that property's zoning. A land use listed in the

- Zoning Ordinance as a "use on review" may be approved by the Planning Commission if they find that the proposed development complies with all applicable standards in ordinance.
- 3.2 Rezoning within the Rural Area shall be limited to the following zoning districts: Agricultural (A), Estate (E), Open Space (OS), Floodway (F), Planned Residential (PR at densities up to two (2) dwelling units per acre based on the site's environmental characteristics and Health Department determination of septic system capability (with exceptions noted in #3.3 & #3.5 below), Transition (T), Historic Overlay (H), Planned Commercial (PC), subject to the conditions listed below in #3.4, and Light Industrial (LI) and (I), subject to the conditions listed below in #3.6. By February 1, 2001, MPC shall deliver recommended text of new Planned Business/Industrial Park, Neighborhood Commercial and Rural Community Commercial zoning districts to County Commission for legislative action. Upon the enactment of these zoning district regulations, these new zones shall replace the PC, LI and I zones in the preceding list of zones.
- 3.3 Rezoning on slopes of 25 percent or more shall be limited to the following zoning districts: Open Space (OS), Estate (E) and Planned Residential (PR) at densities of one (1) dwelling unit per two or more acres. Rezonings on slopes of 15 to 25 percent shall be limited to zoning districts which have a minimum one (1) acre lot size; Agriculture (A), Estate (E), Open Space (OS), and Planned Residential (PR) on lots of one (1) or more acres are appropriate.
- 3.4 In rural areas, rezoning to Planned Commercial (PC) shall only be approved for commercial uses or services needed to serve rural area residents, such as food markets, convenience stores, gasoline service stations and professional or business offices. A site plan shall be reviewed and approved by the Metropolitan Planning Commission concurrently with any rezoning to Planned Commercial in the Rural Area. Such commercial facilities and rezoning shall be consistent with the Sector Plans adopted by the planning commission.
- 3.5 Extensions of low density residential development (densities of 1 to 3 dwelling units per acre) into the rural area shall be limited to the following conditions: (a) the property must be zoned Planned Residential (PR); (b) provision of sanitary sewer and public water services; (c) connecting collector and arterial roads from the proposed development to the Urban Growth Boundary or Planned Growth Area which meet the standards of the Knox County Engineering and Public Works Department or its successor; and (d) a traffic impact analysis demonstrating to the satisfaction of the planning commission that the effect of the proposed and similar developments in the traffic analysis zone will not unreasonably impair traffic flow along the arterial roads through the adjacent Planned Growth Area. The intent of this section is to allow extensions of low density residential development into rural areas when urban services (sanitary sewer, water, and adequate roads) become available. These areas should be reclassified "Planned Growth" when the growth plan is periodically revised and amended.
- 3.6 Land within the Rural area may be rezoned for business parks or industries only under the following conditions:
- a.) The rezoning is consistent with the applicable Sector Plan. The Sector Plan may be amended upon recommendation of the Metropolitan Planning Commission in accordance with provisions of state law regarding adoption and amendment of regional plans.
 - b.) Wetlands, floodways, streams, or hillside lands with pre-development slopes of 16 % or greater, as defined in Section 82-30 of the Knoxville-Knox County Subdivision

Regulations shall not be rezoned for industrial or commercial use.

- c.) The rezoning application must include deed restrictions which specify permitted land uses and to create design standards for landscaping, architecture, drainage, utilities and transportation access. These restrictions shall be similar to those recorded for East bridge Business Park and in effect as of December 1, 1999. If the rezoning is approved, these deed restrictions, with any changes required by the Planning Commission or County Commission, shall be filed prior to approval of the rezoning by County Commission.
- d.) In the event that the Knox County Commission adopts zoning regulations permitting conditional zoning, approval of a conditional rezoning subject to the above referenced standards may substitute for the filing of deed restrictions.
- e.) These areas shall be reclassified "Planned Growth" when the growth plan is periodically revised and amended.

4. In Planned Growth Areas, the following policies shall apply:

- 4.1 The purposes of the Planned Growth Area designation are to encourage a reasonably compact pattern of development, promote expansion of the Knox County economy, offer a wide range of housing choices, and coordinate the actions of the public and private sectors, particularly with regard to provision of adequate roads, utilities, schools, drainage and other public facilities and services.
- 4.2 Planned Growth Areas may include any land use or development permitted by the Knox County Zoning Ordinance.
- 4.3 Rezoning in the Planned Growth Area shall be consistent with the applicable Sector Plan adopted by the Metropolitan Planning Commission.

4.4 After receiving a recommendation from the Planning Commission, the County Commission may amend the Sector Plan if it finds that there has been a change in conditions warranting the amendment.

4.5 The purposes of the Planned Growth Area designation are to encourage a reasonably compact pattern of development, promote expansion of the Knox County economy, offer a wide range of housing choices, and coordinate the actions of the public and private sectors, particularly with regard to provision of adequate roads, utilities, schools, drainage and other public facilities and services.

5. In Urban Growth Boundaries, the following policies shall apply:

5.1 The purposes of the Urban Growth Boundary designation are to encourage a reasonably compact pattern of development, promote expansion of the Knoxville-Knox County economy, offer a wide range of housing choices, and coordinate the actions of the public and private sectors, particularly with regard to provision of adequate roads, utilities, schools, drainage and other public facilities and services.

5.2 In Urban Growth Boundaries, any land use permitted in the Zoning Ordinance of the appropriate jurisdiction shall be permitted, subject to all requirements of that jurisdiction. Rezoning in the Urban Growth Boundaries shall be consistent with the applicable Sector Plan adopted by the Metropolitan Planning Commission or the Farragut Land Use Plan, as appropriate or one created hereafter in Knox County under provisions of state law.

6. No municipalities other than Farragut, Knoxville or one created under provisions of state law will be allowed to designate urban growth boundaries in Knox County.

7. Official determinations of the location of the Urban

Growth Boundaries, Planned Growth Area boundaries, or Rural Area boundaries shall be made by the chief zoning enforcement officer of Farragut, Knoxville and Knox County, as appropriate, using the following standards:

- 7.1 Boundaries which appear to follow lot, parcel or property lines on the Official Growth Plan map shall be interpreted to coincide with such lines. If a lot or parcel appears to be split by a boundary, then its classification shall be determined as being the classification which accounts for the largest percentage of area within the lot or parcel. For example, if a parcel is split by the boundary between a rural area and a planned growth area, and the majority of the parcel is in the rural area, then the entire parcel shall be classified as rural.
- 7.2 Boundaries which appear to follow roads or railroads shall be interpreted to coincide with the right of way lines. When a section of road or railroad right of way abuts an urban growth boundary, that section of right of way shall be designated as being entirely within that urban growth boundary*. A section of right of way abutting both a planned growth area and a rural area shall be designated as being entirely within the planned growth area.
- 7.3 When an urban growth boundary appears to follow a body of water designated by a solid or intermittent blue line on the most recently published United States Geological Survey (USGS) topographic quadrangle map, then all of that portion of the waterway contiguous to the boundary shall be designated as being entirely within the urban growth boundary.
- 7.4 When there is uncertainty as to the location of an urban growth boundary then the planning commission with jurisdiction over the boundary creating the uncertainty shall determine the location of the boundary.

*In the adopted plan, dated January 12, 2000, there are two exceptions to this provision: (1) Lyons Bend Road, south of Northshore Drive and (2) Dutchtown Road is not included in the Urban Growth Boundary.

Other Recommendations

These recommendations address significant policy issues raised during the Coordinating Committee's yearlong planning process:

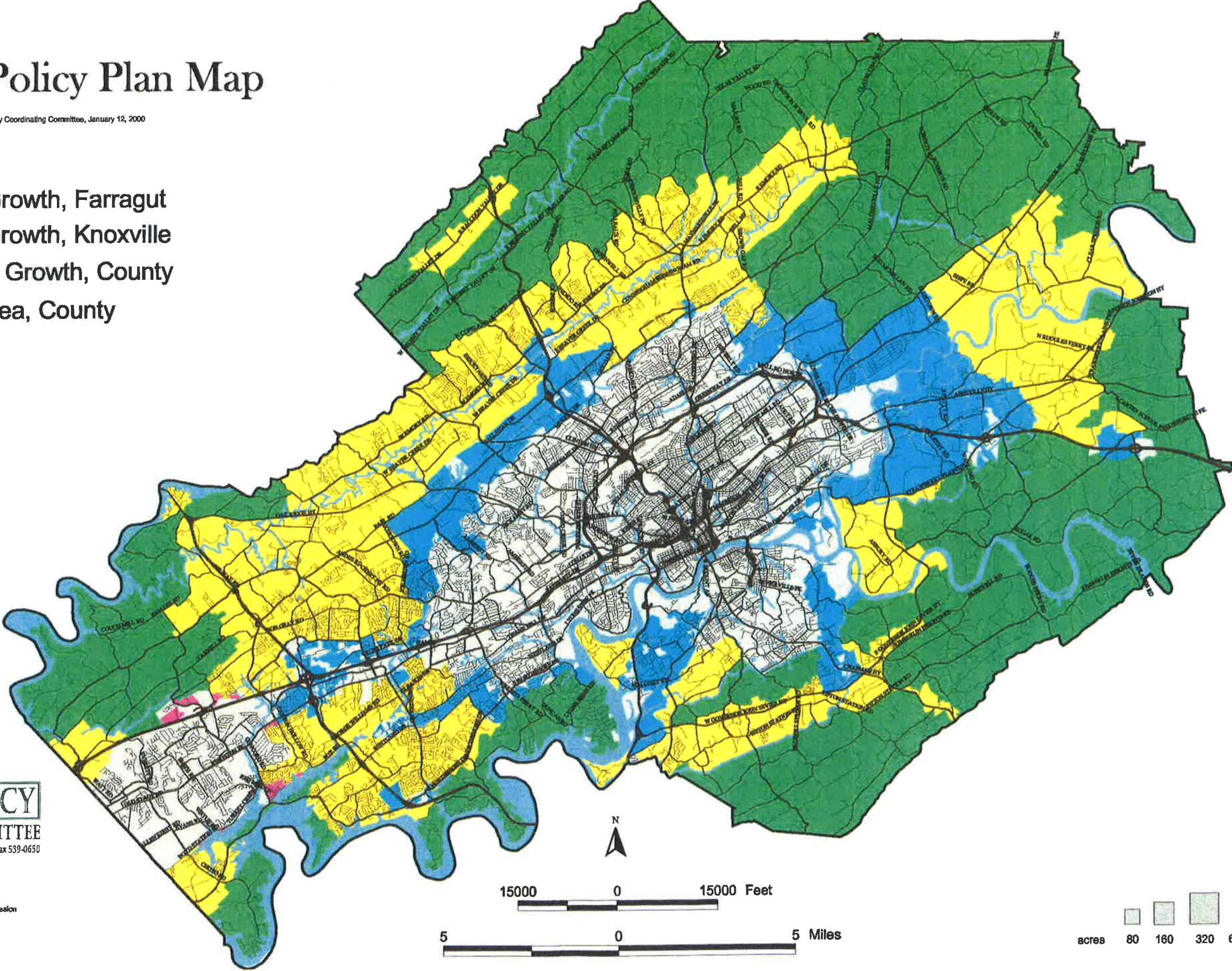
- 1 A standing Growth Policy Coordinating Committee should be in place at all times, so that, if the plan is to be amended, time will not be lost making appointments.
- 2 The *Growth Policy Plan* should be periodically reviewed and, if warranted by changed conditions, amended. This review should occur every 3 years, beginning with the third anniversary of the effective date of the Plan.
- 3 The Knox County Joint Economic and Community Development Board required by Public Chapter 1101 should be utilized to coordinate an economic development strategy that will guide the Knoxville-Farragut-Knox County community in presenting a unified front in the economic development arena.
- 4 Regulatory obstacles to "smart growth" should be identified and addressed.
 - 4.1 The City of Knoxville's recent adoption of a Traditional Neighborhood Development Ordinance, which allows developers to create compact, pedestrian oriented, mixed-use neighborhoods as an alternative to suburban sprawl, is an example. Other possible regulatory reform initiatives include:
 - 4.2 Incentives to encourage rural cluster development, whereby rural landscape features are preserved by allowing concentration of development on a relatively small part of a rural site. This could be based on a modified form of the existing Open Space (OS) zoning district.
 - 4.3 Reduced parking requirements for developments that are designed to encourage pedestrian, transit, or bicycle transportation.
 - 4.4 A review of zoning ordinances and adopted plans to identify other opportunities to incorporate smart growth principles.

5. One of the most effective approaches for reducing urban sprawl could be to further revitalize the inner city, as proposed in the *Heart of Knoxville Empowerment Zone Plan*.
6. Environmental resources.
 - 6.1 Local zoning ordinances should be revised to include overlay zones or site plan review provisions that would create and enforce environmentally sound standards for development on hillsides or other steeply sloping lands. Hillside protection ordinances (a) to limit the intensity of new development on hillsides, and (b) to preserve trees and ground cover as part of development processes. These regulations are needed to manage forest resources during development, protect habitat, prevent erosion, preserve aesthetic resources, maintain water quality and avoid flooding.
 - 6.2 Erosion and sediment control regulations should be strictly enforced.
 - 6.3 Water quality issues should be addressed at the watershed level. If a watershed is split by city/county boundaries, intergovernmental agreements should be formulated to ensure a cooperative approach to watershed management. Storm water runoff "best management practices", such as retention of natural vegetation as buffers along streams, should be utilized.
 - 6.4 Greenways have been proposed along many streams and floodways. Consideration should be given to the annual use of a portion of local tax revenue to acquire greenway space and to serve as a match to other funds available for this purpose.
 - 6.5 Springs often form the head waters of many tributaries. They have some of the most pristine water that can be found in Knox County. As such they are occasionally used as well heads and have unique biological habitat. The local governments should identify and map springs and develop standards to protect them, including prohibition of chemical applications and the conservation of natural vegetation within a reasonable distance of springs.
 - 6.6 The Karst terrain of Knox County, created by limestone and dolomite geologic formations, is characterized by sinkholes and caverns. The local governments should continue to work with the Federal Emergency Management Agency to identify the flood limits around sinkholes. In areas known to be subject to flooding, regulations should be put in place to have a hydrologist or engineer map the potential flood areas so that the habitable portions of buildings can be kept out of harm's way.
 - 6.7 The local governments should work with state and federal biologists to identify where there are critical habitats for endangered species and develop local programs to set aside open space in those areas.
7. Significant wetlands should be mapped and protected through zoning regulations.
8. Regional planning efforts, such as the Regional Transportation Alternatives Committee (RTAC) and Nine Counties, One Vision projects should be encouraged and supported.

Growth Policy Plan Map

Adopted by the Growth Policy Coordinating Committee, January 12, 2000

- Urban Growth, Farragut
- Urban Growth, Knoxville
- Planned Growth, County
- Rural Area, County



GROWTH POLICY
COORDINATING COMMITTEE
P.O. Box 7343 Knoxville, TN 37921 (423) 539-1111 Fax 539-0650

Map produced by the Metropolitan Planning Commission



Knoxville-Knox County Growth Policy Plan Map

-  Urban Growth, Farragut
-  Urban Growth, Knoxville
-  Planned Growth, County
-  Rural Area, County
-  Existing City Limits

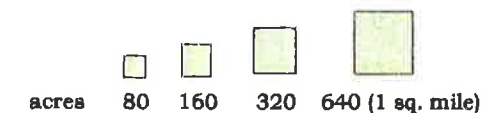
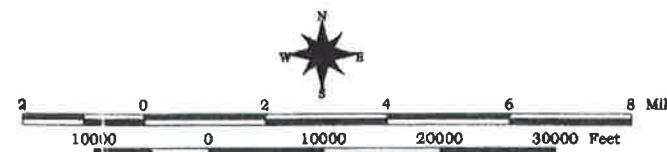
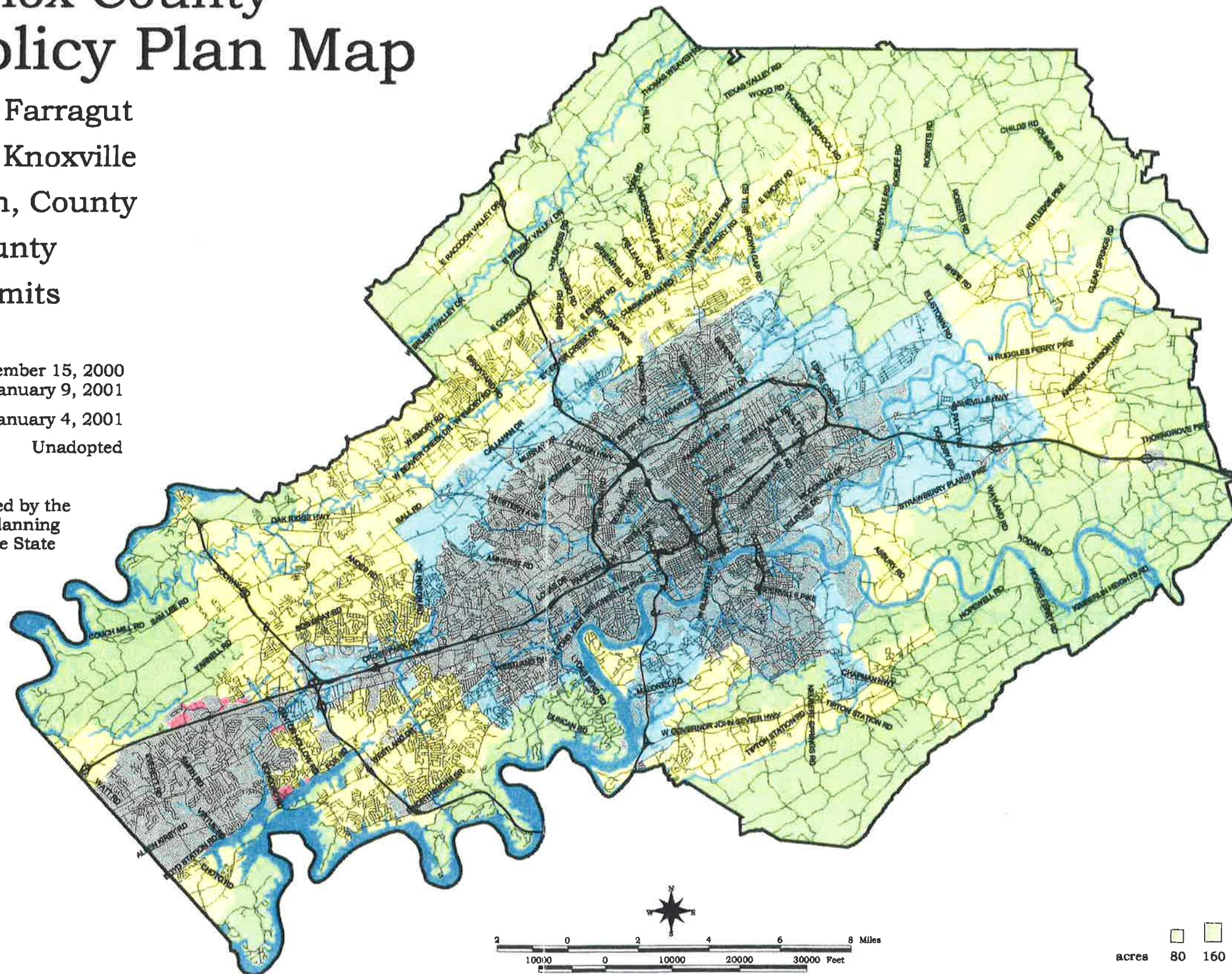
Adoption Dates:

Knoxville City Council: December 15, 2000
 Readoption with Revision: January 9, 2001
 Knox County Commission: January 4, 2001
 Farragut Board of Mayor and Alderman: Unadopted

This plan is not effective until adopted by the Town of Farragut and by the Local Planning Assistance Advisory Committee of the State of Tennessee.

GROWTH POLICY
 COORDINATING COMMITTEE

Map produced by the
MPC
 METROPOLITAN
 PLANNING
 COMMISSION



Local Government Planning Advisory Committee

Date: April 25, 2001
 To: Approve Knox County Growth Plan
 Tom Stiner, Chairman

Print Date: February 16, 2001

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: David Smoak, Town Administrator

SUBJECT: Ordinance 20-01, Second Reading, to add Title 5, Municipal Finance and Taxation, of the Farragut Municipal Code, by adding Chapter 1, Hotel/Motel Tax

INTRODUCTION: The purpose of this agenda item is to approve Ordinance 20-01, which would implement a municipal Hotel/Motel Tax for all hotels located within the Town of Farragut.

BACKGROUND: The Town of Farragut began its tourism program with the hiring of a part-time tourism coordinator. The goal of the tourism program is to increase the number of tourists and visitors coming to the Farragut community by spending money at our hotels, restaurants, shops and utilizing our public facilities. In order to run an effective program, it will take a significant investment by the Town to market to visitors and improve amenities that will draw those visitors to Farragut.

The Board of Mayor and Aldermen have had a priority in their strategic plan on developing a funding mechanism for tourism development since 2010. A common funding plan that many cities and counties across Tennessee and the United States utilize is a hotel-motel tax that visitors pay based on the rental rate when they stay the night in a hotel.

The Tennessee General Assembly approved HB1492/SB1503 in April 2018, which amends TCA 67-4-1425 and authorizes the Town of Farragut to levy a privilege tax on the occupancy of any hotel located with the Town of Farragut in an amount not to exceed 4% of the rate charged to the customer by the operator of the hotel. For this authorization to occur, the Board of Mayor and Aldermen are required to adopt an ordinance by two-thirds (2/3) vote of the governing body and the proceeds from this tax must be used for tourism development.

DISCUSSION: Ordinance 20-01 was approved on first reading and would authorize the Town to implement a hotel tax of up to 3.0% of the room rent rate to visitors on a per night basis. All funding received from the tax must be used for tourism development. If a transient stays at a hotel for more than 30 consecutive days, they would not be required to pay the tax. Hotels would be required to collect and remit payment to the Town by the 20th day of each month for the preceding month or delinquent taxes would be owed. The effective date of the ordinance would be March 1, 2020.

There are two attachments to this report that discuss tourism development and plans for the Town's tourism program: Attachment A – Ordinance 20-01, Attachment B – BMA Workshop report from December 11, 2019 with revised budget based on BMA feedback at the meeting.

FINANCIAL SECTION: There are currently 9 hotels with 725 rooms located off the I-40 interchange with Campbell Station Road. Revenue estimates of a potential 3.0% hotel tax would be between \$339,810-\$468,938 per year. The Town will develop a separate Tourism Fund to track both revenues and expenditures. Expenditures include personnel costs, marketing and advertising, event planning and office operations for a total estimated cost of \$276,600. Any remaining funds available would be placed in tourism fund balance to be used for future capital or operational expenditures.

STRATEGIC PLAN: The Town of Farragut strategic plan lists as a Critical Success Factor to Enhance the Town's Financial Position with a priority initiative of establishing a dedicated funding mechanism for tourism,

marketing and capital infrastructure investment. Approval of Ordinance 20-01 would be consistent with the Town's strategic plan.

RECOMMENDATION BY: The Town of Farragut Tourism/Visitor Advisory Committee on September 10, 2019 recommended the Town implement a 3% hotel tax for tourism development. Town Administrator David Smoak also recommends approval.

PROPOSED MOTION: To approve Ordinance 20-01 on second reading, to add Title 5, Municipal Finance and Taxation, of the Farragut Municipal Code, by adding Chapter 1, Hotel/Motel Tax

BOARD ACTION:

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

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

ORDINANCE	20-01
PREPARED BY	Smoak
PUBLIC HEARING	January 23, 2020
DATE	
1 ST READING	January 9, 2020
2 nd READING	January 23, 2020
PUBLISHED IN	
DATE	

AN ORDINANCE OF THE TOWN OF FARRAGUT, TENNESSEE

WHEREAS, the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, wishes to add Title 5, Municipal Finance and Taxation, by adding Chapter 1, Hotel/Motel Tax, 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, Title 5. Municipal Finance and Taxation, is amended by adding Chapter 1. Hotel/Motel Tax as follows:

CHAPTER. - HOTEL/MOTEL TAX

- 5-101. Short title.
- 5-102. Definitions.
- 5-103. Levy of tax authorized.
- 5-104. Disposition of tax.
- 5-105. Collection and refund.
- 5-106. Remittance of tax.
- 5-107. Monthly tax return—Annual audit.
- 5-108. No advertising of rebates.
- 5-109. Delinquent taxes—Interest and penalty.
- 5-110. Records—Inspection.
- 5-111. Administration and enforcement.
- 5-112. Deposits of funds.
- 5-113. Severability clause.

5-101. Short title.

This chapter shall be known and cited as the Town of Farragut Hotel/Motel Tax Ordinance.

5-102. Definitions.

As used in this chapter, unless the context otherwise requires:

- (1) *Consideration* means the consideration charged, whether or not received, for the occupancy in a hotel valued in money whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction therefrom whatsoever; provided, however, nothing in this definition shall be construed to imply that consideration is charged when the space provided to the person is complimentary from the operator and no consideration is charged to or received from any person.
- (2) *Hotel* means any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist camp, tourist court, tourist cabin, motel or any place in which rooms, lodgings, or accommodations are furnished to transients for a consideration.
- (3) *Occupancy* means the use or possession, or the right to use or possession, of any room, lodgings, or accommodations in any hotel.
- (4) *Operator* means the person operating the hotel whether as owner, lessee, or otherwise.
- (5) *Person* means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.
- (6) *Transient* means any person who exercises occupancy or is entitled to occupancy for any rooms, lodgings or accommodations in a hotel for a period of less than thirty (30) continuous days.

5-103. Levy of tax authorized.

As authorized by Tenn. Code Ann. 67-4-1401, et seq., the board of mayor and aldermen of the Town of Farragut does hereby levy upon the occupancy in any hotel of each transient a privilege tax of 3.0% of the consideration charged by the operator. Such tax is a privilege tax upon the transient occupying such room and is to be collected as provided in this chapter.

5-104. Disposition of tax.

The proceeds received by the Town of Farragut shall be used for tourism development.

5-105. Collection and refund.

- (1) Such tax shall be added by each and every operator to each invoice prepared by the operator for the

occupancy of the hotel and given directly or transmitted to the transient. Such tax shall be collected by such operator from the transient and remitted to the town.

(2) When a person has maintained occupancy for 30 continuous days, that person shall receive from the operator a refund or credit for the tax previously collected from or charged to him, and the operator shall receive credit for the amount of such tax if previously paid or reported to the Town of Farragut.

5-106. Remittance of tax.

The tax hereby levied shall be remitted by all operators who lease, rent or charge for any rooms, lodgings, spaces or accommodations in hotels within the town to the Town Recorder, such tax to be remitted to such officer not later than the 20th day of each month for the preceding month. The operator is hereby required to collect the tax from the transient at the time of the presentation of the invoice for such occupancy whether prior to occupancy or after occupancy as may be the custom of the operator, and if credit is granted by the operator to the transient, then the obligation to the town entitled to such tax shall be that of the operator.

5-107. Monthly tax return—Annual audit.

The Town Recorder shall be responsible for the collection of such tax. A monthly tax return under oath shall be filed with the Town Recorder by the operator with such number of copies thereof as the Town Recorder may reasonably require for the collection of such tax. The report of the operator shall include such facts and information as may be deemed reasonable for the verification of the tax due. The form of such report shall be developed by the Town Recorder and approved by the Board of Mayor and Aldermen prior to use. The Town Recorder may audit each operator in the town at least once per year and report on the audits made to the Board of Mayor and Aldermen. The Board of Mayor and Aldermen is hereby authorized to adopt ordinances to provide reasonable rules and regulations for the implementation of the provisions of this chapter.

5-108. No advertising of rebates.

No operator of a hotel shall advertise or state in any manner whether directly or indirectly that the tax or any part thereof will be assumed or absorbed by the operator or that it will not be added to the rent, or that if added, any part will be refunded.

5-109. Delinquent taxes—Interest and penalty.

Taxes collected by an operator which are not remitted to the Town Recorder on or before the due dates are delinquent. An operator shall be liable for interest on such delinquent taxes from the due date at the rate of twelve percent (12%) per annum, and in addition, for a penalty of one percent (1%) for each

month or fraction thereof such taxes are delinquent. Such interest and penalty shall become a part of the tax herein required to be remitted. Each occurrence of willful or knowing refusal of an operator to collect or remit the tax, or willful or knowing refusal of a transient to pay the tax imposed is a Class A misdemeanor, punishable by a civil penalty not to exceed \$50.00 per day per offense. The penalty is to be imposed separately for each offense. Each occurrence shall constitute a separate offense. Each occurrence means each day for which there is a failure to collect or remit in the case of an operator, or a failure to pay in the case of a transient.

5-110. Records—Inspection.

It is the duty of every operator liable for the collection and payment to the town of any tax imposed by this chapter to keep and preserve for a period of three years all records as may be necessary to determine the amount of such tax as he may have been liable for the collection of the payment to the town, which records the Town Recorder shall have the right to inspect at all reasonable times.

5-111. Administration and enforcement.

The Town Recorder in administering and enforcing the provisions of this chapter shall have as additional powers, those powers and duties with respect to collecting taxes as provided in Tennessee Code Annotated, title 67, or otherwise provided by law for the county clerks.

(1) Upon any claim of illegal assessment and collection, the taxpayer has the remedies provided in Tennessee Code Annotated, Title 67, Chapter 1, Part 9, it being the intent of this chapter that the provision of law which apply to the recovery of state taxes illegally assessed and collected shall also apply to the tax levied under the authority of this chapter. The Town Recorder shall also possess those powers and duties as provided in Tennessee Code Annotated, section 67-1-707, for the county clerks with respect to the adjustment and refunds of such tax.

(2) With respect to the adjustment and settlement with taxpayers all errors of taxes collected by him under authority of this chapter shall be refunded by the town. The town recorder shall have the authority to direct the refunding of same. Notice of any tax paid under protest shall be given to the town recorder and any suit brought for recovery of tax paid under protest shall name the town recorder.

5-112. Deposit of funds.

The Town Recorder is hereby charged with the duty of collection of the tax herein authorized and shall place the proceeds of such tax in an account to be used for the purposes as designated by Section 5-104 of this chapter.

5-113. Severability clause.

The provisions of this chapter are hereby declared to be severable. If any of its sections, provisions, exceptions, or parts be held unconstitutional or void, the remainder of the chapter shall continue to be in full force and effect, it being the legislative intent now hereby declared, that this chapter would have been adopted even if such unconstitutional or void matter had not been included herein.

SECTION 2.

This ordinance shall take effect March 1, 2020, the public welfare requiring it.

Ron Williams, Mayor

Allison Myers, Town Recorder

AGENDA NUMBER V.I.C.

MEETING DATE January 23, 2020

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Allison Myers, Town Recorder

SUBJECT: Approval of Resolution R-2020-03, A Resolution to Approve the Remittance Form for the Town of Farragut Hotel/Motel Tax

INTRODUCTION: The purpose of this business item is to approve Resolution R-2020-03, A Resolution to Approve the Remittance Form for the Town of Farragut Hotel/Motel Tax.

DISCUSSION: Ordinance 20-03 states that the Town Recorder shall develop a form for remittance of the Hotel/Motel tax. The form is attached and must be approved by the Board of Mayor and Aldermen.

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

PROPOSED MOTION: To Resolution R-2020-03, A Resolution to Approve the Remittance Form for the Town of Farragut Hotel/Motel Tax.

BOARD ACTION:

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

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



TOWN OF FARRAGUT

RESOLUTION R-2020-03

A RESOLUTION TO APPROVE THE REMITTANCE FORM FOR THE TOWN OF FARRAGUT HOTEL/MOTEL TAX

WHEREAS, on January 23, 2020 the Farragut Board of Mayor and Aldermen approved Ordinance 20-01, an Ordinance to add Title 5, Municipal Finance and Taxation, by adding Chapter 1, Hotel/Motel Tax; and

WHEREAS, pursuant to Title 5, Municipal Finance and Taxation, Section 5-107, Monthly tax return, the Town Recorder shall develop a form to be approved by the Board of Mayor and Aldermen; and

WHEREAS, the Town Recorder has developed the attached form for the monthly remittance of the 3% Hotel/Motel Tax; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Mayor and Aldermen of the Town of Farragut, that the attached form is approved as the official remittance form for the Town of Farragut Hotel/Motel Tax.

This Resolution is duly adopted by the Board of Mayor and Aldermen of the Town of Farragut on this 23 day of January 2020.

Ron Williams, Mayor

Allison Myers, Town Recorder



Hotel/Motel Tax 3% Remittance Form

Name(s) of Owner(s)

Hotel/Motel Name

State Sales Tax Account No.

Location

Telephone Number

Mailing Address

Email

City

State

Zip

Month of _____ 20____

Total No. of Rooms

Computation of Tax

1. Gross Consideration for Occupancy of Rooms (Item J on reverse)		1.
2. Deductions for Non-Transient Residents (Item I on reverse)		2. ()
3. Taxable Rents: Line 1 minus Line 2		3.
4. Tax Due: 3% of Line 3		4. ()
5. Interest & Penalty a. Interest: 12% Per Annum # Days Delinquent _____ X .000329 X Line 4 b. Penalty: 1% Per Month or Fraction Thereof c. Total (5a + 5b):	5a. \$ _____ 5b. \$ _____	5c.
6. TOTAL TAX DUE Lines 4 plus 5c.		6.

RETURN AND REMITTANCE MUST BE IN THE ABOVE OFFICE BY THE CLOSE OF BUSINESS ON THE 20TH DAY OF THE MONTH FOLLOWING THE MONTH ON WHICH THIS REPORT IS SUBMITTED.

Unless the penalties for perjury prescribed by law, I swear (or affirm) that this return (including any related schedules, statements, and/or other documents) is, to the best of my belief and knowledge, a true, correct and complete return.

Signed _____ Title _____ Date _____

Mail Returns and Remittances to:

Town of Farragut
Town Recorder's Office
11408 Municipal Center Drive
Farragut, TN 37934

EXPLANATIONS AND DEFINITIONS

- A. *TAX IS AN ADDITIONAL TAX* - The tax herein levied shall be in addition to all other taxes levied or authorized to be levied whether in the form of excise, license, or privilege taxes, and shall be in addition to all other fees and taxes now levied or authorized to be levied.
- B. *LEGAL BASIS FOR TAX* - TCA 67-4-1401 et seq, and Town Ordinance 20-01.
- C. *LEVY OF TAX* - Three percent (3%) of the CONSIDERATION charged by the OPERATOR.
- D. *REMITTANCE OF TAX* - The tax hereby levied shall be remitted to the Town Recorder not later than the 20th of each month following collection.
- E. *PENALTIES AND INTEREST FOR DELINQUENCY* - An OPERATOR shall be liable for interest on delinquent taxes from the due date at the rate of twelve percent (12%) per annum, calculated at a daily rate, and in addition a penalty of one percent (1%) for each month or fraction thereof such taxes are delinquent.
- F. *TOWN* - means the Town of Farragut, Tennessee.
- G. *PERSON* - means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.
- H. *HOTEL* - means any structure, or any portion of any structure, which is occupied or intended or designed for OCCUPANCY by TRANSIENTS for dwelling, lodging or sleeping purposes within the area of the jurisdiction of the Town, and includes any hotel, inn, tourist court, tourist camp, tourist cabin, motel or any place in which rooms, lodgings or accommodations are furnished to TRANSIENTS for a CONSIDERATION.
- I. *OCCUPANCY* - means the use or possession or the right to the use or possession, of any room, lodgings, or accommodations in a HOTEL for a period of less than thirty (30) days.
- J. *TRANSIENT* - means any person who exercises OCCUPANCY or is entitled to OCCUPANCY for any rooms, lodgings, or accommodations in a HOTEL for a period of less than thirty (30) days. A deduction may be made on line 2 of the return for OCCUPANCY of non-transient residents of thirty (30) continuous days or more.
- K. *CONSIDERATION* - means the consideration charged, whether or not received, for the OCCUPANCY in a HOTEL valued in money whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction therefrom whatsoever. Nothing in this definition shall be construed to imply that consideration is charged when the space provided to the person is complimentary from the OPERATOR and no consideration is charged to or received from any person.
- L. *OPERATOR* - means the person operating the HOTEL whether as owner, lessee or otherwise.
- M. *TAX COLLECTION OFFICIAL* - shall be the Town Recorder or its designate.
- N. *OFFER TO ABSORB TAX PROHIBITED* - No OPERATOR of a HOTEL shall advertise or state in any manner whether directly or indirectly that the tax or any part thereof will be assumed or absorbed by the OPERATOR, or that it will be added to the rent, or that, if added, any part will be refunded.
- O. *RECORDS* - It shall be the duty of every OPERATOR liable for the collection and payment of any tax imposed by this act to keep and preserve for a period of three (3) years all records necessary to determine the amount of such tax, which records the TAX COLLECTION OFFICIAL shall have the right to inspect at all reasonable times.

Please call (865) 966-7057 if you have any questions or need assistance completing this return.

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Trevor Hobbs

SUBJECT: Approval on First Reading of Ordinance 20-02; an ordinance amending Chapter 14 of the Farragut Municipal Code, Nuisances

INTRODUCTION: The amendments of this ordinance provide additional clarity in definitions, consistency in servicing notices of violation and remedial action upon non-compliance, and address elements of the current regulations that are not consistent with State Law.

BACKGROUND: The Town has adopted for many years the International Property Maintenance Code (IPMC) in addition to a number of free-standing municipal ordinances dealing with specific nuisances. Inconsistencies between the IPMC and municipal ordinances have made it difficult for staff to enforce these provisions. The proposed amendments to Chapter 14 of the Farragut Municipal Code address the challenges that have prevented effective enforcement and will allow for a greater degree of automation and consistency in our approach.

Following workshop discussion on December 12, 2019, staff incorporated feedback from the Board of Mayor and Alderman to make further amendments to the chapter.

DISCUSSION: The ordinance amends Chapter 14 of the Farragut Municipal Code by restructuring the chapter and adding new elements from the 2018 IPMC and State Law:

A. Overview

Article 1. General contains general terms that apply to the entire chapter, such as scope, responsibility, and a consolidated section for definitions.

Article 2. Property Maintenance contains several sections, including specific prohibited or unsafe conditions, and is divided into four parts for convenience, and is followed by a fifth division which contains the enforcement process for the entire article. The Town's current weeds and littering provisions are retained as elements of Division 2.

Article 3. Buildings & Property contains the new division for Structures Unfit for Occupancy or Use as well as the Town's current Blighted and Deteriorated Properties ordinance. Each division contains its own enforcement provisions according to the sections of State Law from which they are derived.

Article 4. Lot Clearing retains the provisions of the Town's current Lot Clearing ordinance and has its own enforcement provisions according to the State Law from which it is derived.

B. Summary of Amendments

In General, amendments were made to the chapter title, structure and format in order to create a consistent layout. Second, in all instances of references to the Town, The Town Administrator, measurements, etc. general amendments are made to utilize consistent grammar, capitalization and so forth.

Article 1. The creation of this article allows for general terms that apply to the entire chapter, including a unified definition section. Amendments to the definitions expands the concept of "Litter" to include a new term,

“Junk”, as well as adding a definition for Inoperable Vehicles, Front Yard, Major Recreational Equipment, Dwelling, and broadens the definition of Nuisance to refer to all violations of the chapter.

Article 2. First, the article incorporates sections 301, 302, 303, 304, 308, and 309 from the 2018 IPMC, with modifications. Second, the weeds section has been amended to apply to residential and commercial abutting lots. Third, the enforcement section has been modified to make the warning/notice letter optional, according to the Town Administrator’s or his/her designee’s discretion, and has removed the requirement for a specific amount of time in such warning/notice letters. Fourth, the proposed amendment removes a specific amount of time granted in the warning/notice period prior to a court citation being issued, allowing the Town to cite individuals to court immediately upon verifying a violation exists. Fifth, the proposed amendments create a consistent procedure for issuing a warning notice of violation and to whom it can be provided. Lastly, the proposed amendments remove elements of the existing ordinances, which, following past changes in state law, are no longer within the legal authority of municipalities, specifically, past-due balance penalties, and higher fines for repeat violations.

Article 3. The creation of this article allows for the new division on Structures Unfit for Occupancy or Use as well as the retention of the division on Blighted or Deteriorated Properties. The Structures Unfit for Occupancy or Use division represents adoption of specific authority granted in State Law. This division allows the Town to summon property owners to a schedule hearing, and make decisions regarding repair and demolition based on whether the estimated cost of repair would exceed fifty percent of the value of the structure in question. Aside from numbering, format, and grammar adjustments, no amendments are proposed regarding Blighted & Deteriorated Properties.

Article 4. The only proposed amendment to this existing article is to amend the section regarding notice to the property owner, to add the option to publish such notice in the newspaper for two consecutive weeks, in cases where notice by mail is not possible. This option is included as part of the enabling State Law, but had not been included when the ordinance was originally adopted years ago.

RECOMMENDATION BY: Assistant to The Town Administrator, Trevor Hobbs & Community Development Director, Mark Shipley.

PROPOSED MOTION: Approve on First Reading Ordinance 20-02, to amend the Farragut Municipal Code Chapter 14, Nuisances.

BOARD ACTION:

MOTION BY: _____ SECONDED BY: _____

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

ORDINANCE: 20-02
PREPARED BY: Hobbs
REQUESTED BY: Staff
1ST READING: January 23, 2020
2ND READING:
PUBLISHED IN: _____
DATE: _____

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

WHEREAS, THE Board of Mayor and Aldermen of the Town of Farragut, Tennessee, wishes to amend Chapter 14, Nuisances, 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, 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 provision of this chapter shall govern the minimum conditions and the responsibilities of persons for 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 the 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.

Sec. 14-5. Definitions

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

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.

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 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, rags, metal, glass, building materials, household appliances, machinery, machinery parts, brush, wood, lumber, and other similar items shall constitute junk.

Litter means "garbage," "refuse," "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.

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, 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 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.

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.

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.

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.

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.

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

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, 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.

Sec. 14-34. Litter

(A) *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.

(B) *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 in any drainage ditch, swale, culvert or other storm water drainage way.

(C) *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 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.

(D) *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.

(E) *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.

(F) *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.

(G) *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.

(H) *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.

(I) *Owner to maintain premises free of litter.* The owner or person in control of any private property shall at all times maintain the premises free of litter. This section shall not prohibit the storage of litter in private receptacles for collection nor the depositing and use of yard clippings, leaves, wood chips or wood ashes upon his/her own property in connection with gardening and/or landscaping activity.

Sec. 14-35. 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.

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 detached garages, fences, walls and other such structures shall be maintained structurally sound and in good repair.

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.

Sec. 14-39. Rubbish, garbage, junk, litter, and storage containers (Personal On-demand Storage 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.

(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.* Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises.

(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.

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.

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

(A) Except as provided for in other regulations, inoperable or unregistered vehicles 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) In residential areas, vehicles, trailers, and major recreational equipment shall be parked or stored only on approved surfaces, such as concrete, asphalt, or paver stones.

(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.

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

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:

(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 water tight.
- (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 effect 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 water tight. 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, smoke stacks, 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, or 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 on 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, 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.

Secs. 14-77 – Sec. 14-87. Reserved

ARTICLE 3- Buildings & Property

Division 1. Structures Unfit for Occupation or Use

Sec. 14-88. Authority

This division is adopted pursuant to authority granted by TCA Title 13, ch.21, part 1 (TCA §13-21-101 et seq.)

Sec.14-89. Scope

The provisions of this division shall apply to all structures unfit for occupation or use, both residential and commercial.

Sec. 14-90. Definitions

As used in this article, unless the context otherwise requires:

Owner means the holder of the title in fee simple and every mortgage of record;

Parties in interest means all individuals, associations, corporations and others who have interests of record in a structure and any who are in possession thereof;

Place of public accommodation means any building or structure in which goods are supplied or services performed, or in which the trade of the general public is solicited;

Structure means any dwelling or place of public accommodation or vacant building or structure suitable as a dwelling or place of public accommodation.

Sec. 14-92. Structures unfit for human habitation or use deemed unlawful

(A) It shall be unlawful for any owner of record to create, maintain or permit to be maintained in the Town structures which are unfit for human occupation or use due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to health, safety and morals, or otherwise inimical to the welfare of the residents of the Town.

(B) Violations of this section shall subject the offender to a penalty of fifty dollars (\$50.00) per offense. Each day a violation exists shall constitute a separate offense.

Sec. 14-93. Public Officer designated; powers

The Town Administrator or his/her designee is hereby designated and authorized to enforce and administer the provisions of this part. As such, the public officer, or his/her designee, shall have the authority to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this part, including the following powers in addition to others herein granted, to:

- (1) Investigate conditions in the Town in order to determine which structures therein are unfit for human occupation or use;
- (2) Administer oaths, affirmations, examine witnesses and receive evidence;
- (3) Enter upon premises for the purpose of making examinations; provided, that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession;
- (4) Appoint and fix the duties of such officers, agents and employees as the public officer deems necessary to carry out the purposes of the ordinances; and
- (5) Delegate any of such public officer's functions and powers under the ordinance to such officers and agents as the public officer may designate.

Sec. 14-94. Basis of finding unfitness

The public officer shall have the power and may determine that a structure is unfit for human occupation or use if the public officer finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants of such structure, the occupants of neighboring structures or other residents of the Town. Such conditions may include the following, without limiting the generality of the foregoing: defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; or uncleanness.

Sec. 14-95. Initiation of proceedings; hearings

Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the Town charging that any structure is unfit for human occupation or use, or whenever it appears to the public officer, on the public officer's own motion, that any structure is unfit for occupation

or use, the public officer shall, if the public officer's preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest of such structure, a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer, or the public officer's designated agent, at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the serving of the complaint.

(A) The owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and

(B) The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer;

Sec. 14-96. Service of complaints or orders

(A) Complaints or orders issued by the public officer pursuant to part shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons are unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the Town, or in the absence of such newspaper, in one printed and published in the county and circulating in the Town.

(B) A copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order.

(C) A copy of such complaint or order shall also be filed for record in the register's office of the county in which the structure is located, and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law.

Sec. 14-97. Orders to owners of unfit structures

If, after such notice and hearing, the public officer determines that the structure under consideration is unfit for human occupation or use, the public officer shall state in writing the public officer's findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order:

(A) If the repair, alteration or improvement of the structure can be made at a reasonable cost in relation to the value of the structure (not exceeding fifty percent (50%) of the reasonable value), requiring the owner, within the time specified in the order, to repair, alter or improve such structure to render it fit for human occupation or use or to vacate and close the structure as a place of human occupation or use; or

(B) If the repair, alteration or improvement of the structure cannot be made at a reasonable cost in relation to the value of the structure (not exceeding fifty percent (50%) of the reasonable value), requiring the owner, within the time specified in the order, to remove or demolish such structure;

Sec. 14-98. When Public Officer may repair, etc.

If the owner fails to comply with an order to repair, alter or improve or to vacate and close the structure, the public officer may cause such structure to be repaired, altered or improved, or to be vacated and

closed; that the public officer may cause to be posted on the main entrance of any structure so closed, a placard with the following words: "This building is unfit for human occupation or use. The use or occupation of this building for human occupation or use is prohibited and unlawful".

Sec. 14-99. When Public Officer may remove or demolish

If the owner fails to comply with an order to remove or demolish the structure, the public officer may cause such structure to be removed or demolished.

Sec. 14-100. Liens for expenses

The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer, as well as reasonable fees for registration, inspections and professional evaluations of the property, shall be assessed against the owner of the property, and shall, upon the certification of the sum owed being presented to the appropriate public authority, be a lien on the property in favor of the Town, second only to liens of the state, county and Town for taxes, any lien of the municipality for special assessments, and any valid lien, right or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice.

These costs shall be collected by the municipal tax collector or county property tax assessor at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes as set forth in §§ 67-5-2010 and 67-5-2410.

In addition, the Town may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction.

The Town may bring one (1) action for debt against more than one (1) or all of the owners of properties against whom the costs have been assessed, and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a misjoinder of parties.

Sec. 14-101. Sale of salvaged materials

If the structure is removed or demolished by the public officer, the public officer shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the chancery court by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the person found to be entitled thereto by final order or decree of such court.

Sec. 14-102. Enjoining enforcement orders

(A) Any person affected by an order issued by the public officer may file a bill in the chancery court for an injunction restraining the public officer from carrying out the order, and the court may, upon the filing of such bill, issue a temporary injunction restraining the public officer pending the final disposition of the

cause; provided, that within sixty (60) days after the posting and service of the order of the public officer, such person shall file such bill in the court. Hearings shall be had by the court on such bills within twenty (20) days, or as soon thereafter as possible, and shall be given preference over other matters on the court's calendar.

(B) The court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require. In all such proceedings, the findings of the public officer as to facts, if supported by evidence, shall be conclusive. Costs shall be in the discretion of the court. The remedies herein provided shall be exclusive remedies, and no person affected by an order of the public officer shall be entitled to recover any damages for action taken pursuant to any order of the public officer, or because of noncompliance by such person with any order of the public officer.

Sec. 14-103. Violation of Order to vacate

(A) Any occupied structure declared unfit for human occupation or use shall be immediately vacated as ordered by the public officer.

(B) Any person who violates an order to vacate a structure declared unfit for human occupation or use commits a Class B misdemeanor.

(C) Any owner, manager, or person responsible for a structure declared unfit for human occupation or use who authorizes or facilitates the occupancy of the structure commits a Class B misdemeanor.

Secs. 14-104 – Sec. 114. Reserved

Division 2- Blighted & Deteriorated Properties

Sec. 14-115. - Authority

This division is adopted pursuant to authority granted by T.C.A. title 13, Ch. 21, pt. 2 (T.C.A. § 13-21-201 et seq.).

Sec. 14-116. - Purpose

The purpose of this article is to promote the health, safety, and public welfare of the inhabitants of the Town by creating the means to rid neighborhoods of blighted or deteriorated properties. The provisions of T.C.A. § 13-21-201 et. seq. are hereby adopted.

Sec. 14-117. Scope

The provisions of this division shall apply to all blighted or deteriorated properties, both residential and commercial.

Sec. 14-118. Definitions

The following words, terms and phrases, when used in this division shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Blighted or deteriorated property means any vacant structure or vacant or unimproved lot or parcel, whether residential or commercial, but not including property used for agricultural purposes, in a predominantly built-up neighborhood:

- (1) Which, because of physical condition or use, is regarded as a public nuisance at common law or has been declared a public nuisance in accordance with local housing, building, plumbing, fire or related codes;
- (2) Which, because of physical condition, use or occupancy, is considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations, and unsafe fences or structures;
- (3) Which, because it is dilapidated, unsanitary, unsafe, vermin-infested or lacking in the facilities and equipment required by the housing code, has been designated by the Town Administrator or his/her designee as unfit for human habitation;
- (4) Which is a fire hazard, or is otherwise dangerous to the safety of persons or property;
- (5) From which the utilities, plumbing, heating, sewerage or other facilities have been disconnected, destroyed, removed, or rendered ineffective so that the property is unfit for its intended use;
- (6) Which, by reason of neglect or lack of maintenance, has become a place for accumulation of trash and debris, or a haven for rodents or other vermin; or
- (7) Which has not been rehabilitated within the time constraints placed upon the owner by the Town Administrator or his/her designee.

Qualified bidder means one who appears at an auction pursuant to section 14-123 (Disposition of Acquired Property) and prior to being permitted to bid establishes to the satisfaction of the Town Administrator or his/her designee that he has the financial wherewithal to complete the required rehabilitation of the property, and after he is the successful bidder establishes to the satisfaction of the Town Administrator or his/her designee that he also has the financial wherewithal to pay the purchase price.

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

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

Vacant property review commission means a commission established to review vacant properties to make a written determination of blight and deterioration.

Sec. 14-119. - Administration

The Town Administrator or his/her designee shall enforce the provisions of this article, and such persons, consistent with any constitutional limitations, may enter any building, structure, or premises in the Town to perform any duty imposed by this article.

Sec. 14-120. - Vacant property review commission

- (A) *Commission membership.* The board of plumbing and gas/mechanical examiners shall also serve as the vacant property review commission.
- (B) *General powers and duties.* The commission shall review properties alleged to be blighted or deteriorated in order to determine whether they should be certified as blighted or deteriorated to the board of mayor and aldermen.

Sec. 14-121. - Certification of property as blighted or deteriorated

- (A) *Commission review.* A property which has been referred to the commission by the Town Administrator or his/her designee as blighted or deteriorated may only be certified to the board of mayor and aldermen as blighted or deteriorated after the commission has determined that:
 - (1) The owner of the property or designated agent has been sent an order by the Town Administrator or his/her designee to eliminate the conditions which are in violation of local codes or law;
 - (2) The property is vacant;
 - (3) The property is blighted and deteriorated;
 - (4) The commission has notified the property owner or designated agent that the property has been determined to be blighted or deteriorated and the time period for correction of such condition has expired and the property owner or agent has failed to comply with the notice; and
 - (5) The planning commission has determined that the reuse of the property for residential, commercial and related use is in keeping with the comprehensive plan.
- (B) *Referral to board of mayor and aldermen.* The findings required in subsection (a) of this section shall be in writing and included in the report to the board of mayor and aldermen.
- (C) *Commission notification.* The commission shall notify the owner of the property or a designated agent that a determination of blight or deterioration has been made and that failure to eliminate the conditions causing the blight shall render the property subject to condemnation by the Town. Notice shall be mailed to the owner or designated agent by certified mail, return receipt requested. However, if the address of the owner or designated agent is unknown and cannot be ascertained by the commission in the exercise of reasonable diligence, copies of the notice shall be posted in a conspicuous place on the property affected. The written notice sent to the owner or owner's agent shall describe the conditions that render the property blighted and deteriorated and shall demand abatement of the conditions within ninety (90) days of the receipt of such notice.
- (D) *Deadline extension.* An extension of the ninety (90) day time period may be granted by the commission if the owner or designated agent demonstrates that such period is insufficient to correct the conditions cited in the notice.

Sec. 14-122. Eminent domain

- (A) *Acquisition.* The Town may acquire by eminent domain pursuant to T.C.A. title 29, chapter 16 (T.C.A. § 29-16-101 et seq.) and 17 (T.C.A. § 29-17-101 et seq.), which chapters are hereby incorporated by reference, any property determined to be blighted or deteriorated pursuant to this part, and shall have the power to hold, clear, manage or dispose of property so acquired for residential, commercial and related use, pursuant to the provision of this part.

(B) *Proceedings.* The board of mayor and aldermen may institute eminent domain proceedings pursuant to T.C.A. title 29, chapter. 16 (T.C.A. § 29-16-101 et seq.) and 17 (T.C.A. § 29-17-101 et seq.), which chapters are hereby incorporated by reference, against any property which has been certified as blighted or deteriorated by the commission if the board of mayor and alderman finds that:

- (1) Such property has deteriorated to such an extent as to constitute a serious and growing menace to the public health, safety and welfare;
- (2) Such property is likely to continue to deteriorate unless corrected;
- (3) The continued deterioration of such property may contribute to the blighting or deterioration of the area immediately surrounding the property; and
- (4) The owner of such property has failed to correct the deterioration of the property.

Sec. 14-123. Disposition of acquired property

Upon acquisition of properties pursuant to this article, the Town shall have the power to hold, clear, manage or dispose of the property so acquired. Once acquired, the Town Administrator or his/her designee shall determine whether the rehabilitation of the acquired property is feasible. If in the determination of the Town Administrator or his/her designee the property may reasonably be rehabilitated, he may cause the rehabilitation to be done or he may cause the property to be sold at auction subject to the qualified bidder making the highest bid agreeing to rehabilitate the property within ninety (90) days of the consummation of the auction sale. If the Town Administrator or his/her designee determines that rehabilitation of the property is not feasible or practical, he shall cause the property to be demolished and the lot cleared. In either event, upon completion of the rehabilitation or clearing of the property so acquired, the Town Administrator or his/her designee may cause the property to be sold at auction or held for public purposes.

Sec. 14-124. Conflicts of interest

- (B) No officer or employee of the Town, or the vacant property review commission, who in the course of such officer's or employee's duties is required to participate in the determination of property blight or deterioration or the issuance of notices on code violations which may lead to a determination of blight or deterioration, shall acquire any interest in any property declared to be blighted or deteriorated.
- (B) If any such officer or employee owns or has a financial interest, direct or indirect, in any property certified to be blighted or deteriorated, the officer or employee shall immediately disclose, in writing, such interest to the commission and to the board of mayor and aldermen, and such disclosure shall be entered in the minutes of the commission and of the board of mayor and aldermen.
- (C) Failure to disclose such interest shall constitute misconduct in office.
- (D) No payment shall be made to any officer or employee for any property or interest therein acquired by the Town from such officer or employee unless the amount of such payment is fixed by court order in eminent domain proceedings, or unless payment is unanimously approved by the board of mayor and aldermen.

Secs. 14-125 – 14-135. Reserved

Article 4- Lot Clearing

Sec. 14-136. - Prohibition

Pursuant to the authority granted to municipalities under T.C.A. § 6-54-113, it is unlawful for any owner of record of real property to create, maintain, or permit to be maintained on such property the growth of trees, vines, grass, underbrush and/or the accumulations of debris, trash, litter, or garbage or any combination of the preceding elements so as to endanger the health, safety, or welfare of other citizens or to encourage the infestation of rats and other harmful animals. It is the intent of this title to be permissive, and not mandatory, and to serve as a means of last resort for the Town to assist residential communities and/or owners of neighboring property when restrictions and/or covenants applicable to the offending property provide no private remedial powers to correct the offensive characteristics of the property that endanger the health, safety and welfare of other citizens. In accordance with this intent, the Town Administrator or his/her designee may or may not take steps under this title. He/she must be satisfied, in his/her sole discretion, that there are no covenants or restrictions that are applicable to the property that could be enforced to correct its offensive characteristics, and that all reasonable private actions aimed at eliminating the offensive characteristics of the property have been exhausted.

Sec. 14-137. - Designation of public officer or department

Town Administrator or his/her designee is designated pursuant to T.C.A. § 6-54-113 to enforce the provisions of this article on behalf of the Town.

Sec. 14-138. - Notice to property owner

It is the duty of the Town Administrator or his/her designee to serve notice upon the owner of record in violation of section 14-134, a notice in plain language to remedy the condition within ten (10) days (or twenty (20) days, excluding Saturdays, Sundays and legal holidays, if the owner of record is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials). The notice shall be sent by United States mail, addressed to the last known address of the owner of record. When an attempt at notification by United States mail fails or no valid address exists for the owner of record, the notice may be published in a newspaper of general circulation in the county where the property sits for no less than two (2) consecutive issues or personally deliver the notice to owner of record. For the purposes of this section, such publication shall constitute receipt of notice effective on the date of the second publication of the notice and personal delivery shall constitute receipt of notice immediately upon delivery.

The notice shall state that the owner of the property is entitled to a hearing, and shall, at the minimum, contain the following additional information:

- (1) A brief statement that the owner is in violation of section 14-134, which has been enacted under the authority of T.C.A. § 6-54-113, and that the property of such owner may be cleaned up at the expense of the owner and a lien placed against the property to secure the cost of the cleanup;
- (2) The person, office, address, and telephone number of the department or person giving the notice;

- (3) A cost estimate for remedying the noted condition, which shall be in conformity with the standards of cost in the Town; and
- (4) A place wherein the notified party may return a copy of the notice, indicating the desire for a hearing. Failure to request a hearing within the notice period described above shall without exception constitute a waiver of the right to a hearing.

Sec. 14-139. Cleanup at property owner's expense

If the property owner of record fails or refuses to remedy the condition within the notice period set forth in section 14-138, the Town Administrator or his/her designee may cause the condition to be remedied or removed at a cost in conformity with reasonable standards, and the costs thereof shall be assessed against the owner of the property. The Town may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The Town may bring one action for debt against more than one or all of the owners of properties against whom such costs have been assessed, and the fact that multiple owners have been joined in one action shall not be considered by the court as a misjoinder of parties. Upon the filing of the notice with the office of the register of deeds in the county, the costs shall be a lien on the property in favor of the municipality, second only to liens of the state and county for taxes, any lien of the Town for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be referred to the county trustee for collection at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes.

Sec. 14-140. Owner-occupied property

Notwithstanding the provisions contained in section 14-139, when the property is owner-occupied residential property, the Town must wait until cumulative charges for remediation equal or exceed five hundred dollars (\$500.00) before filing the notice with the register of deeds and the charges becoming a lien on the property. After this threshold has been met and the lien attaches, charges for costs for which the lien attached are collectible as provided in section 14-139 for these charges.

Sec. 14-141. Judicial review

Any person aggrieved by an order or act of the Town Administrator or his/her designee under section 14-139 may seek judicial review of the order or act in a court of record in the county. Notwithstanding any provision of this section to the contrary, the time period established in section 14-138 shall be stayed during the pendency of judicial review.

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