

**THE
SEVIERVILLE
MUNICIPAL
CODE**

Prepared by the



Municipal Technical Advisory Service
In cooperation with the Tennessee Municipal League

June 2013

Change 6
February 7, 2022

CITY OF SEVIERVILLE, TENNESSEE

MAYOR

Robbie Fox

VICE MAYOR

Mitch Rader

ALDER MEN

Wayne Helton

Devin Koester

Travis McCroskey

Joseph C. Ohman

RECORDER

Lynn McClurg

PREFACE

The Sevierville Municipal Code contains the codification and revision of the ordinances of the City of Sevierville, Tennessee. By referring to the historical citation appearing at the end of each section, the user can determine the origin of each particular section. The absence of a historical citation means that the section was added by the codifier. The word "modified" in the historical citation indicates significant modification of the original ordinance.

The code is arranged into titles, chapters, and sections. Related matter is kept together, so far as possible, within the same title. Each section number is complete within itself, containing the title number, the chapter number, and the section of the chapter of which it is a part. Specifically, the first digit, followed by a hyphen, identifies the title number. The second digit identifies the chapter number, and the last two digits identify the section number. For example, title 2, chapter 1, section 6, is designated as section 2-106.

By utilizing the table of contents and the analysis preceding each title and chapter of the code, together with the cross references and explanations included as footnotes, the user should locate all the provisions in the code relating to any question that might arise. However, the user should note that most of the administrative ordinances (e.g. Annual Budget, Zoning Map Amendments, Tax Assessments, etc...) do not appear in the code. Likewise, ordinances that have been passed since the last update of the code do not appear here. Therefore, the user should refer to the City's ordinance book or the City Recorder for a comprehensive and up to date review of the City's ordinances.

Following this preface is an outline of the ordinance adoption procedures, if any, prescribed by the City's charter.

The code has been arranged and prepared in loose-leaf form to facilitate keeping it up to date. MTAS will provide updating service under the following conditions:

- (1) That all ordinances relating to subjects treated in the code or which should be added to the code are adopted as amending, adding, or deleting specific chapters or sections of the code (see section 7 of the adopting ordinance).
- (2) That one copy of every ordinance adopted by the City is kept in a separate ordinance book and forwarded to MTAS annually.
- (3) That the City agrees to pay the annual update fee as provided in the MTAS codification service charges policy in effect at the time of the update.

When the foregoing conditions are met MTAS will reproduce replacement pages for the code to reflect the amendments and additions made by such ordinances. This service will be performed at least annually and more often if

justified by the volume of amendments. Replacement pages will be supplied with detailed instructions for utilizing them so as again to make the code complete and up to date.

The able assistance of the codes team, Emily Keyser, Linda Winstead, Nancy Gibson, and Doug Brown, is gratefully acknowledged.

Stephanie Allen
Codification Consultant

**ORDINANCE ADOPTION PROCEDURES PRESCRIBED BY THE
CITY CHARTER**

An ordinance shall be considered on three (3) readings and adopted on two (2) separate days. Any form of Board action shall be passed by a majority of the members present, if there is a quorum. A quorum is the Mayor or Vice Mayor and any three (3) Aldermen, or four (4) Aldermen in the absence of the Mayor and the Vice Mayor. (Sevierville Charter, Art. IV § § 6 and 8)

Change 5
November 16, 2020

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TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. CITY ADMINISTRATOR.
4. CITY RECORDER.
5. ETHICS POLICY.

CHAPTER 1

BOARD OF MAYOR AND ALDERMEN

SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Order of business.
- 1-103. General rules of order.
- 1-104. Compensation.

1-101. Time and place of regular meetings. The Board of Mayor and Aldermen shall hold regular meetings at 6:00 P.M. on the 1st and 3rd Mondays

¹Charter references

Generally: art. IV

Appointment of City Administrator: art. V, § 1.

Appointment of City Recorder: art. VI, § 1.

Appointment of City Attorney: art. VII, § 1.

Approval of bonds and sureties: art. VIII, § 4.

Finance

Audits: art. IX, § 13.

Borrowing: art. IX, § 12.

Budget amendments, adoption: art. IX, § 5.

Deficits: art. IX, § 8.

Emergency appropriations: art. IX, § 7.

Supplemental appropriations: art. IX, § 6.

Penalties and interest on delinquent taxes: art. X, § 2.

Appointment of City Judge: art. XI, § 1.

City Judge pro tem: art. XI, § 2.

Term of office, etc., of City Judge: art. XI, § 3.

of each month at the Sevierville Civic Center. (Ord. #2011-006, Oct. 2011, as amended by Ord. #2013-002, April 2013)

1-102. Order of business. At each meeting of the Board of Mayor and Aldermen the following regular order of business shall be observed unless dispensed with by a majority vote of the members present:

- (1) Call to order by the Mayor.
- (2) Roll call by the Recorder.
- (3) Reading of minutes of the previous meeting by the Recorder, and approval or correction.
- (4) Public forum.
- (5) Communications from the Mayor.
- (6) Reports from committees, Aldermen, and other officers.
- (7) Old business.
- (8) New business.
- (9) Adjournment. (1996 Code, § 1-102)

1-103. General rules of order. The rules of order and parliamentary procedure contained in Robert's Rules of Order, Newly Revised, shall govern the transaction of business by and before the Board of Mayor and Aldermen at its meetings in all cases to which they are applicable and in which they are not inconsistent with provisions of the charter or this code. (1996 Code, § 1-103)

1-104. Compensation.

(1) (a) The Aldermen elected at the City's May 2007 election and thereafter, until such time as this section is superceded, shall receive compensation in the amount of four hundred fifty dollars (\$450.00) per month plus enrollment and participation in the City's health insurance program, at the City's expense.

(b) The Aldermen and Mayor of the City of Sevierville shall be entitled to be enrolled in the City's health insurance program in the same way and manner as other City employees and will make premium payments and coverage choices in the way and manner available to all City employees, and that all of the foregoing in subsection (1)(b) of this section shall be retroactive to and take effect as of May 1, 2007.

(c) The Mayor elected at the City's May 2007 election and thereafter, until such time as this section is superceded, shall receive compensation in the amount of six hundred dollars (\$600.00) per month plus enrollment and participation in the City's health insurance program, at the City's expense.

(2) (a) The foregoing compensation amounts shall be for adoption in the City's annual budget beginning with the applicable budget year for which the aforesated rates go into effect.

(b) This chapter shall supercede upon the respective applicable periods, May 2007 and May 2009, previous compensation ordinance concerning payment of the Board of Mayor and Aldermen and Mayor. (Ord. #2006-006, March 2006, as amended by Ord. #2007-017, Aug. 2007)

CHAPTER 2**MAYOR¹****SECTION**

1-201. Generally supervises City's affairs.

1-201. Generally supervises City's affairs. The Mayor shall preside at meetings of the Board of Mayor and Aldermen, shall act as the ceremonial head of the City and shall perform such other duties as provided by the charter. (1996 Code, § 1-201)

¹Charter references

Qualifications for office: art. IV, § 2.

Term: art. IV, § 3.

Called meetings: art. IV, § 7.

Duties: art. IV, § 10.

CHAPTER 3

CITY ADMINISTRATOR

SECTION

1-301. Office of City Administrator created.

1-302. Appointment of City Administrator.

1-303. Duties.

1-301. Office of City Administrator created. The Office of City Administrator is hereby created which office shall be administered by a full time Administrator. (1996 Code, § 1-301)

1-302. Appointment of City Administrator. The Board of Mayor and Aldermen shall appoint the City Administrator to serve either at their pleasure or under contract. (1996 Code, § 1-302)

1-303. Duties. The City Administrator shall perform the following duties subject to the directions and approval of the Board of Mayor and Aldermen:

(1) Serve as a full-time City Administrator except as otherwise provided in any employment contract between the City and the Administrator;

(2) Make recommendations to the Board for the improvement of any City service;

(3) Advise the Board of Mayor and Aldermen concerning the conditions and needs of the City requiring immediate attention;

(4) Make periodic reports to the Board of Mayor and Aldermen regarding condition of the City's equipment and whether or not repairs are required;

(5) To act as purchasing agent for the City;

(6) To supervise and coordinate all administrative functions of the City;

(7) Establish a priority schedule for projects involving public works;

(8) Maintain personnel files of City employees and make recommendations to the Board of Mayor and Aldermen for promotions, demotions and dismissal of City personnel;

(9) Prepare and submit the budget and a capital program to the Board of Mayor and Aldermen annually;

(10) Approve municipal expenditures only if funds are available for such expenditures;

(11) Advise the Board of Mayor and Aldermen periodically as to the financial condition of the City; and

(12) Perform such other duties as may be required of him by Resolution or Ordinance. (1996 Code, § 1-303)

CHAPTER 4

CITY RECORDER

SECTION

- 1-401. Appointment.
- 1-402. Compensation.
- 1-403. Duties of Recorder.
- 1-404. Removal.
- 1-405. To be bonded.

1-401. Appointment. The City Recorder shall be appointed by the Board of Mayor and Aldermen on the basis of experience and/or educational qualifications in keeping with the duties of City Recorder as described in article VI, section 2, of Sevierville City charter. The City Administrator shall assist the Board of Mayor and Aldermen in the selection process but there need not be concurrence between the City Administrator and the Board of Mayor and Aldermen as to the appointee. (1996 Code, § 1-401)

1-402. Compensation. The City Recorder shall be compensated according to the compensation schedule for department heads for the City of Sevierville. (1996 Code, § 1-402, modified)

1-403. Duties of Recorder. In addition to the duties of City Recorder as set forth in article VI, section 2, of the Sevierville City charter, and in keeping therewith, the Board of Mayor and Aldermen prescribe as a duty of the City Recorder, to be under the direction and supervision of the City Administrator. (1996 Code, § 1-403)

1-404. Removal. The appointee to the position of City Recorder, may be removed from such position by the Board of Mayor and Aldermen. (1996 Code, § 1-404)

1-405. To be bonded. The City Recorder shall be bonded in the sum of ten thousand dollars (\$10,000.00) with surety acceptable to the Board of Mayor and Aldermen, before assuming the duties of office. (1996 Code, § 1-405)

CHAPTER 5

ETHICS POLICY¹

SECTION

- 1-501. Applicability.
- 1-502. Definition of "personal interest."
- 1-503. Disclosure of personal interest by official with vote.
- 1-504. Disclosure of personal interest in non-voting matters.
- 1-505. Acceptance of gratuities, etc.
- 1-506. Use of information.
- 1-507. Use of municipal time, facilities, etc.
- 1-508. Use of position or authority.
- 1-509. Outside employment.
- 1-510. Ethics complaints.
- 1-511. Violations.

¹State statutes dictate many of the ethics provisions that apply to municipal officials and employees. For provisions relative to the following, see the Tennessee Code Annotated (T.C.A.) sections indicated:

Campaign finance: Tennessee Code Annotated, title 2, ch. 10.

Conflict of interests: Tennessee Code Annotated §§ 6-54-107, 108; 12-4-101, 102.

Conflict of interests disclosure statements: Tennessee Code Annotated §§ 8-50-501 and the following sections.

Consulting fee prohibition for elected municipal officials: Tennessee Code Annotated §§ 2-10-122 and 2-10-124.

Crimes involving public officials (bribery, soliciting unlawful compensation, buying and selling in regard to office): Tennessee Code Annotated §§ 39-16-101 and the following sections.

Crimes of official misconduct, official oppression, misuse of official information: Tennessee Code Annotated §§ 39-16-401 and the following sections.

Ouster law: Tennessee Code Annotated §§ 8-47-101 and the following sections.

A brief synopsis of each of these laws appears in Appendix A of this municipal code.

1-501. Applicability. This chapter is the code of ethics for personnel of the municipality. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the municipality. The words "municipal" and "municipality" include these separate entities. (Ord. #2007-004, March 2007)

1-502. Definition of "personal interest."

(1) For purposes of §§ 1-503 and 1-504, "personal interest" means:

(a) Any financial, ownership, or employment interest in the subject of a vote by a municipal board not otherwise regulated by state statutes on conflicts of interests; or

(b) Any financial, ownership, or employment interest in a matter to be regulated or supervised; or

(c) Any such financial, ownership, or employment interest of the official's or employee's spouse, parent(s), step parent(s), grandparent(s), sibling(s), child(ren), or step child(ren).

(2) The words "employment interest" include a situation in which an official or employee or a designated family member is negotiating possible employment with a person or organization that is the subject of the vote or that is to be regulated or supervised.

(3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (Ord. #2007-004, March 2007)

1-503. Disclosure of personal interest by official with vote. An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse themselves from voting on the measure. (Ord. #2007-004, March 2007)

1-504. Disclosure of personal interest in non-voting matters. An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the Recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter. (Ord. #2007-004, March 2007)

1-505. Acceptance of gratuities, etc. An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the municipality:

(1) For the performance of an act, or refraining from performance of an act, that he would be expected to perform, or refrain from performing, in the regular course of his duties; or

(2) That might reasonably be interpreted as an attempt to influence his action or reward him for past action in executing municipal business. (Ord. #2007-004, March 2007)

1-506. Use of information.

(1) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.

(2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity. (Ord. #2007-004, March 2007)

1-507. Use of municipal time, facilities, etc.

(1) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.

(2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the governing body to be in the best interests of the municipality. (Ord. #2007-004, March 2007)

1-508. Use of position or authority.

(1) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the municipality.

(2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the municipality. (Ord. #2007-004, March 2007)

1-509. Outside employment. An official or employee may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the municipal position or conflicts with any provision of the municipality's charter or any ordinance or policy. (Ord. #2007-004, March 2007)

1-510. Ethics complaints.

(1) The City Attorney is designated as the Ethics Officer of the municipality. Upon the written request of an official or employee potentially affected by a provision of this chapter, the City Attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

(2) (a) Except as otherwise provided in this subsection, the City Attorney shall investigate any credible complaint against an appointed official or employee charging any violation of this chapter, or may undertake an investigation on his own initiative when he acquires information indicating a possible violation, and make recommendations for action to end or seek retribution for any activity that, in the attorney's judgment, constitutes a violation of this code of ethics.

(b) The City Attorney may request the governing body to hire another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interests in a particular matter.

(c) When a complaint of a violation of any provision of this chapter is lodged against a member of the municipality's governing body, the governing body shall either determine that the complaint has merit, determine that the complaint does not have merit, or determine that the complaint has sufficient merit to warrant further investigation. If the governing body determines that a complaint warrants further investigation, it shall authorize an investigation by the City Attorney or another individual or entity chosen by the governing body.

(3) The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this code of ethics.

(4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics. (Ord. #2007-004, March 2007)

1-511. Violations. An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or other applicable law, and in addition is subject to censure by the governing body. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (Ord. #2007-004, March 2007)

TITLE 2

BOARDS AND COMMISSIONS, ETC.

CHAPTER

1. PARKS AND RECREATION SERVICES ADVISORY BOARD.
2. FAIR HOUSING REVIEW BOARD.

CHAPTER 1

PARKS AND RECREATION SERVICES ADVISORY BOARD

SECTION

- 2-101. Creation and establishment of a Parks and Recreation Services Advisory Board and Membership.
- 2-102. Term of office.
- 2-103. Compensation.
- 2-104. Duties and responsibilities
- 2-105. Chairman and meetings.
- 2-106.--2-119. Deleted.

2-101. Creation and establishment of a Parks and Recreation Services Advisory Board and Membership. There is hereby created and established a Parks and Recreation Services Advisory Board for the City of Sevierville, Tennessee (the "board"), consisting of six (6) voting members appointed by the mayor and approved by the board of aldermen, as follows: Three (3) members shall be citizens and residents of the city; one (1) member may be a resident of the services area of the parks and recreation department; one (1) member shall be a representative of the Sevier County Electric System Supervisor of Vegetation Management; and one (1) member shall be a member of the board of aldermen. In addition, the city director of parks and recreation will serve ex-officio as a non-voting member and shall serve as the administrative recording agent.(1996 Code, § 2-201, as replaced by Ord. #2019-020, Nov. 2019 *Ch5_11-16-20*)

2-102. Term of office. The three (3) board members who hold their positions as city citizens and residents shall serve initial terms beginning January 15, 2020 and ending June 30, 2023; and thereafter shall serve three (3) year terms beginning July 1, 2023. The board member who may be a service area resident, or any other person serving in that designated position, shall serve an initial term beginning January 15, 2020 and ending June 30, 2022; and thereafter shall serve two (2) year terms beginning July 1, 2022. The board member who is a representative of the Sevier County Electric System Supervisor of Vegetative Management shall serve at the pleasure of the

Supervisor of Vegetative Management. The board member who is a member of the board of aldermen shall serve at the pleasure of the mayor. (1996 Code, § 2-202, as replaced by Ord. #2019-020, Nov. 2019 *Ch5_11-16-20*)

2-103. Compensation. Members of the board or related committee shall serve without compensation. (1996 Code, § 2-203, as replaced by Ord. #2019-020, Nov. 2019 *Ch5_11-16-20*)

2-104. Duties and Responsibilities. It shall be the responsibility of the board to study and investigate the services, facilities, and programs managed by the parks and recreation department, for the purpose of advising the board of mayor and aldermen as to desirable policies and plans. Among other things, the board shall:

(1) Understand and be familiar with all aspects of the responsibilities of the parks and recreation department;

(2) Offer constructive suggestions and criticism regarding the operation of the parks and recreation department;

(3) Determine the wishes and desires of citizens and users of the department facilities;

(4) Recommend policies and procedures for urban forestry management including, but not limited to, the following areas: species of trees that may be planted on public property; spacing of trees on public property; distance of trees from public curbs and sidewalks; distance of trees from public street corners and fire hydrants; utilities and proper tree planting under or near utilities; public tree care including, but not limited to, tree-topping, pruning, and removal of dead or diseased trees on public property; and management of a memorial tree program; and

(5) Recommend a comprehensive fee and charges policy and cost recovery program for use of parks and recreation department facilities. This policy and program, along with all fees and charges, will be updated annually as part of the city's annual budget process, or as directed by the board of mayor and aldermen. (1996 Code, § 2-204, as replaced by Ord. #2019-020, Nov. 2019 *Ch5_11-16-20*)

2-105. Chairman and meetings. At each annual meeting, the voting members of the board shall elect one (1) of their number to be the chairman of the board. The first annual meeting of the board shall be held on or before January 15, 2020. Thereafter, the board shall hold an annual meeting each year during the month of January on thirty (30) days' notice from the chairman. Special meetings may be scheduled by the chairman upon fifteen (15) days' notice from the chairman. (1996 Code, § 2-205, as replaced by Ord. #2019-020, Nov. 2019 *Ch5_11-16-20*)

2-106--2-119. Deleted. (1996 Code, §§ 2-106--2-219, as deleted by Ord. #2019-020, Nov. 2019 *Ch5_11-16-20*)

CHAPTER 2

FAIR HOUSING REVIEW BOARD

SECTION

2-201. Creation.

2-202. Designation of Board.

2-203. Powers and duties.

2-201. Creation. There is hereby created a Fair Housing Review Board which shall exist at the pleasure of the Board of Mayor and Aldermen and shall act in accordance with the provisions of this chapter. (1996 Code, § 2-301)

2-202. Designation of Board. The Sevierville Regional Planning Commission is designated as the Fair Housing Review Board and the terms and qualifications for appointment shall be the same. The Fair Housing Review Board shall meet on the regular meeting nights of the Planning Commission and shall conduct its business immediately following the adjournment of the Planning Commission and Board of Zoning Appeals. (1996 Code, § 2-302)

2-203. Powers and duties. It shall be the duty of this Board to hear all complaints and grievances concerning alleged violations of title VIII of the Civil Rights Act of 1968 as amended. Should it become apparent to the Board that a violation has occurred, the Board shall first attempt to mediate a conciliation agreement between the complainant and respondent that sets forth the terms mutually agreed upon. Should such a conciliation agreement not be reached within sixty (60) days after the Board first hears the complaint, the Board shall turn over all information gathered regarding the complaint to the Equal Opportunity and Fair Housing Division of the Department of Housing and Urban Development for further action and possible litigation. (1996 Code, § 2-303)

TITLE 3

MUNICIPAL COURT¹

CHAPTER

1. CITY JUDGE.
2. COURT ADMINISTRATION.
3. WARRANTS, SUMMONSES AND SUBPOENAS.
4. BONDS AND APPEALS.

CHAPTER 1

CITY JUDGE²

SECTION

3-101. City Judge.

3-101. City Judge. The officer designated by the charter to handle judicial matters within the City shall preside over the City Court and shall be known as the City Judge.³ (1996 Code, § 3-101)

¹Charter reference
City Court: art. XI.

²Charter references
City Court: art. XI.
Ordinance procedure: art. IV.
City Recorder: art. VI.

³Charter reference
Duties of the Recorder: art. VI, § 2.

CHAPTER 2

COURT ADMINISTRATION

SECTION

- 3-201. Maintenance of docket.
- 3-202. Litigation taxes.
- 3-203. Fixed court costs.
- 3-204. Imposition of fines and costs.
- 3-205. Disposition and report of fines and costs.
- 3-206. Contempt of court.
- 3-207. Trial and disposition of cases.

3-201. Maintenance of docket. The City Judge shall keep a complete docket of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; fines and costs imposed and whether collected; whether committed to workhouse; and all other information which may be relevant. (1996 Code, § 3-201)

3-202. Litigation taxes. In accordance with the authority granted in Tennessee Code Annotated § 67-4-603, there is hereby established in the City Court for the City of Sevierville, Tennessee, a state litigation tax shall be in the amount of thirteen dollars and seventy-five cents (\$13.75) and a cash bond forfeiture fee shall be in the amount of thirteen dollars and seventy-five cents (\$13.75). (Ord. #2011-016, Oct. 2011)

3-203. Fixed court costs. The fixed court costs for any and all cases brought before the City Court of the City of Sevierville, Tennessee shall be fifty dollars (\$50.00). (Ord. #2011-016, Oct. 2011)

3-204. Imposition of fines and costs. All fines and costs shall be imposed and recorded by the City Judge on the City Court docket in open court. (1996 Code, § 3-204)

3-205. Disposition and report of fines and costs. All funds coming into the hands of the City Judge in the form of fines, costs, and forfeitures shall be recorded daily. At the end of each month the City Judge shall submit to the Board of Mayor and Aldermen a report accounting for the collection or noncollection of all fines and costs imposed by his Court during the current month and to date for the current fiscal year. (1996 Code, § 3-205)

3-206. Contempt of court. Contempt of court is punishable by a fine of fifty dollars (\$50.00), or such lesser amount as may be imposed in the Judge's discretion. (Ord. #2011-016, Oct. 2011)

3-207. Trial and disposition of cases. Every person charged with violating a municipal ordinance shall be entitled to an immediate trial and disposition of his case, provided that City Court is in session or the City Judge is reasonably available. However, the provisions of this section shall not apply when the alleged offender, by reason of drunkenness or other incapacity, is not in a proper condition or is not able to appear before the Court. (1996 Code, § 3-207)

CHAPTER 3

WARRANTS, SUMMONSES AND SUBPOENAS

SECTION

3-301. Issuance of arrest warrants.

3-302. Issuance of summonses.

3-303. Issuance of subpoenas.

3-301. Issuance of arrest warrants.¹ The City Judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (1996 Code, § 3-301)

3-302. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the City Judge, the Judge may in his discretion, in lieu of issuing an arrest warrant, issue a summons ordering the alleged offender to personally appear before the City Court at a time specified therein to answer to the charges against him. The summons shall contain a brief description of the offense charged but need not set out verbatim the provisions of the ordinance alleged to have been violated. Upon failure of any person to appear before the City Court as commanded in a summons lawfully served on him, the cause may be proceeded with ex parte, and the judgment of the Court shall be valid and binding subject to the defendant's right of appeal. (1996 Code, § 3-302)

3-303. Issuance of subpoenas. The City Judge may subpoena as witnesses all persons whose testimony he believes will be relevant and material to matters coming before his Court, and it shall be unlawful for any person lawfully served with such a subpoena to fail or neglect to comply therewith. (1996 Code, § 3-303)

¹State law reference

For authority to issue warrants see Tennessee Code Annotated, title 40, chapter 6.

CHAPTER 4

BONDS AND APPEALS

SECTION

3-401. Appearance bonds authorized.

3-402. Appeals.

3-403. Bond amounts, conditions, and forms.

3-401. Appearance bonds authorized. When the City Judge is not available or when an alleged offender requests and has reasonable grounds for a delay in the trial of his case, he may, in lieu of remaining in jail pending disposition of his case, be allowed to post an appearance bond with the City Judge or, in the absence of the Judge, with the ranking Police Officer on duty at the time, provided such alleged offender is not drunk or otherwise in need of protective custody. (1996 Code, § 1-607)

3-402. Appeals. Any defendant who is dissatisfied with any judgment of the City Court against him may, within ten (10) days¹ next after such judgment is rendered, appeal to the next term of the Circuit Court upon posting a proper appeal bond. (1996 Code, § 1-609)

3-403. Bond amounts, conditions, and forms. An appearance bond in any case before the City Court shall be in such amount as the City Judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the City Court at the stated time and place. An appeal bond in any case shall be in the sum of two hundred and fifty dollars (\$250.00), and shall be conditioned that if the Circuit Court shall find against the appellant, the fine and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties. An appearance or appeal bond in any case may be made in the form of a cash deposit or by any corporate surety company authorized to do business in Tennessee or by two (2) private persons who individually own real property within the county. No other type bond shall be acceptable. (1996 Code, § 1-610)

¹State law reference

Tennessee Code Annotated § 16-18-307.

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER

1. SOCIAL SECURITY.
2. PERSONNEL REGULATIONS.
3. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
4. EXPENSE REIMBURSEMENT REGULATIONS.

CHAPTER 1

SOCIAL SECURITY

SECTION

- 4-101. Policy and purpose as to coverage.
- 4-102. Necessary agreements to be executed.
- 4-103. Withholdings from salaries or wages.
- 4-104. Appropriations for employer's contributions.
- 4-105. Records and reports.
- 4-106. Exclusions.

4-101. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of the City of Sevierville, Tennessee, to extend, at the earliest date, to the employees and officials thereof not excluded by law or this chapter and whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance. In pursuance of said policy, and for that purpose, the City shall take such action as may be required by applicable state and federal laws or regulations.¹ (1996 Code, § 4-101)

4-102. Necessary agreements to be executed. The Mayor of the City of Sevierville is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the state executive director of old age

¹See Ord. #392, Oct. 1980, which appropriates from the general fund of the City of Sevierville, Tennessee, such amounts to pay to the Old Age and Survivors Insurance Agency, State of Tennessee, any deficits that may arise in connection with the terms and provisions of an agreement made and entered into on March 1, 1966 between the State of Tennessee and the Sevierville Housing Authority, Sevierville, Tennessee. The agreements and Ord. #392 are on file in the Recorder's Office.

insurance, as agent or agency, to secure coverage of employees and officials as provided in the preceding section. (1996 Code, § 4-102)

4-103. Withholdings from salaries or wages. Withholdings from the salaries or wages of employees and officials for the purpose provided in § 4-101 hereof are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by said laws or regulations. (1996 Code, § 4-103)

4-104. Appropriations for employer's contributions. There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions, and the same shall be paid over to the state or federal agency designated by said laws or regulations. (1996 Code, § 4-104)

4-105. Records and reports. The City shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1996 Code, § 4-105)

4-106. Exclusions. There is hereby excluded from this chapter any authority to make any agreement with respect to any position or any employee or official not covered or authorized to be covered by any other ordinance creating any retirement system for any employee or official of the City.

There is further excluded from this chapter any authority to make any agreements with regard to emergency positions, fee based positions, and elective officials engaged in rendering legislative, executive, and judicial services.

There is further excluded from this chapter the services of an election worker and an election official if the remuneration paid for such services in a calendar year is less than one thousand dollars (\$1,000.00) on or after January 1, 1995, ending on or before December 31, 1999 and, the adjusted amount determined under section 218(c)(8)(B) of the Social Security Act for any calendar year, commencing on or after January 1, 2000, with respect to services performed during any such calendar year. This exclusion to be effective in and after a calendar year in which a state's modification is mailed, or delivered by other means, to the appropriate federal official. (1996 Code, § 4-106)

CHAPTER 2

PERSONNEL REGULATIONS¹

SECTION

4-201. Rules and regulations.

4-202. Health insurance benefits for Board of Mayor and Aldermen.

4-201. Rules and regulations. The personnel rules and regulations, and all the contents therein, the same being incorporated herein by reference as if set forth verbatim, is hereby adopted as the rules and regulations concerning personnel of the City of Sevierville.² (1996 Code, § 4-201)

4-202. Health insurance benefits for Board of Mayor and Aldermen. Members of the Board of Mayor and Aldermen of the City of Sevierville shall be entitled to be enrolled in the City's health insurance program in the same way and manner as other City employees and will make premium payments and coverage choices in the way and manner available to all City employees, and that all of the foregoing. (Ord. #0-2007-017, Aug. 2007, modified)

¹Charter reference

Personnel rules: art. VIII, § 3.

²The rules and regulations shall be amended from time to time by resolution and are on file in the City Recorder's Office.

CHAPTER 3

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

- 4-301. Program created.
- 4-302. Coverage.
- 4-303. Standards authorized.
- 4-304. Variances from standards authorized.
- 4-305. Administration.
- 4-306. Funding the program.
- 4-307. Severability.
- 4-308. Amendments.

4-301. Program created. There is hereby created an occupational safety and health program for the employees of the City of Sevierville as follows:

The City of Sevierville, in electing to update their established program will maintain an effective occupational safety and health program for its employees and shall:

(1) Provide a safe and healthful place and condition of employment that includes:

- (a) Top management commitment and employee involvement;
- (b) Continual analysis of worksite to identify all hazards and potential hazards;
- (c) Develop and maintain methods for preventing or controlling existing or potential hazards;
- (d) Train managers, supervisors and employees to understand and deal with worksite hazards.

(2) Acquire, maintain and require the use of safety equipment, personal protective equipment and devices reasonably necessary to protect employees.

(3) Make, keep, preserve and make available to the Commissioner of Labor and Workforce Development of the State of Tennessee, his designated representatives, or persons within the Tennessee Department of Labor and Workforce Development to whom such responsibilities have been delegated, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.

(4) Consult with the State Commissioner of Labor and Workforce Development with regard to the adequacy of the form and content of records.

(5) Consult with the State Commissioner of Labor and Workforce Development, as appropriate, regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be achieved under a standard promulgated by the state.

(6) Provide reasonable opportunity for the participation of employees in the effectuation of the objectives of this program, including the opportunity to make anonymous complaints concerning conditions or practices injurious to employee safety and health.

(7) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards, and provide for education and notification of all employees of the existence of this program. (1996 Code, § 4-302, modified)

4-302. Coverage. The provisions of the occupational safety and health program plan for the employees of the City of Sevierville shall apply to all employees of each administrative department, commission, board, division, or other agency of the City of Sevierville, whether part-time or full-time, seasonal or permanent. (1996 Code, § 4-302)

4-303. Standards authorized. The occupational safety and health standards adopted by the City of Sevierville are the same as, but not limited to, the State of Tennessee Occupational Safety and Health Standards promulgated, or which may be promulgated, in accordance with section 6 of the Tennessee Occupational Safety and Health Act of 1972.¹ (1996 Code, § 4-303)

4-304. Variances from standards authorized. The City of Sevierville may, upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor and Workforce Development, Occupational Safety, chapter 0800-1-2, as authorized by Tennessee Code Annotated, title 50. Prior to requesting such temporary variance, the City of Sevierville shall notify or serve notice to employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board as designated by the City of Sevierville shall be deemed sufficient notice to employees. (1996 Code, § 4-304)

4-305. Administration. For the purposes of this chapter, the City of Sevierville Risk Manager is designated as the Director of Occupational Safety and Health to perform duties and to exercise powers assigned so as to plan, develop, and administer the City of Sevierville Occupational Safety and Health Program under the review and approval of the City Administrator. The Director shall develop a plan of operation which shall be in accordance with Rules of

¹State law reference

Tennessee Code Annotated, title 50, chapter 3.

Tennessee Department of Labor and Workforce Development Occupational Safety and Health, Safety and Health Provisions for the public sector, chapter 0800-01-05, as authorized by Tennessee Code Annotated, title 50. (1996 Code, § 4-305, modified)

4-306. Funding the program. Sufficient funds for administering and staffing the program pursuant to this chapter shall be made available as authorized by the City Administrator. (1996 Code, § 4-306)

4-307. Severability. It is further ordained that if any section, subsection, sentence, clause, phrase, or portion of this chapter is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining positions.

4-308. Amendments. It is further ordained that this chapter shall take effect from and after the date it shall have been passed, properly signed, certified, and has met all other legal requirements, and as otherwise provided by law, the general welfare of the City of Sevierville requiring it.

CHAPTER 4

REIMBURSEMENT REGULATIONS

SECTION

- 4-401. Enforcement.
- 4-402. Travel policy.
- 4-403. Travel reimbursement rate schedules.
- 4-404. Administrative procedures.
- 4-405. Mobile communication devices.

4-401. Enforcement. The Chief Administrative Officer (CAO) of the City or his or her designee shall be responsible for the enforcement of these travel regulations. (1996 Code, § 4-401)

4-402. Travel policy.

(1) In the interpretation and application of this chapter, the term "traveler" or "authorized travel" means any elected or appointed municipal officer or employee, including members of City of Sevierville boards and committees appointed by the Board of Mayor and Aldermen and the employees of such boards and committees who are traveling on official City business and whose travel was authorized in accordance with this chapter. "Authorized traveler" shall not include the spouse, children, other relatives, friends, or companions accompanying the authorized traveler on City business, unless the person(s) otherwise qualifies as an authorized traveler under this chapter.

(2) Authorized travelers are entitled to reimbursement of certain expenditures incurred while traveling on official business for the City. Reimbursable expenses shall include expenses for transportation; lodging; meals; registration fees for conferences, conventions, and seminars; and other actual and necessary expenses related to official business as determined by the CAO. Under certain conditions, entertainment expenses may be eligible for reimbursement.

(3) Authorized travelers can request either a travel advance for the projected cost of authorized travel, or advance billing directly to the City for registration fees, air fares, meals, lodging, conferences, and similar expenses.

Travel advance requests are not considered documentation of travel expenses. If travel advances exceed documented expenses, the traveler must immediately reimburse the City. It will be the responsibility of the CAO to initiate action to recover any undocumented travel advances.

(4) Travel advances are available only for special travel and only after completion and approval of the travel authorization form.

(5) The travel expense reimbursement form will be used to document all expense claims.

(6) To qualify for reimbursement, travel expenses must be:

(a) Directly related to the conduct of the City business for which travel was authorized; and

(b) Actual, reasonable, and necessary under the circumstances. The CAO may make exceptions for unusual circumstances.

Expenses considered excessive will not be allowed.

(7) Claims of five dollars (\$5.00) or more for travel expense reimbursement must be supported by the original paid receipt for lodging, vehicle rental, phone calls, public carrier travel, conference fees, and other reimbursable costs.

(8) Any person attempting to defraud the City or misuse City travel funds is subject to legal action for recovery of fraudulent travel claims and/or advances.

(9) Mileage and motel expenses incurred within the City are not ordinarily considered eligible expenses for reimbursement. (1996 Code, § 4-402)

4-403. Travel reimbursement rate schedules. Authorized travelers shall be reimbursed according to the State of Tennessee travel regulation rates.

The City's travel reimbursement rates will automatically change when the state rates are adjusted.

The City of Sevierville may pay directly to the provider for expenses such as meals, lodging, and registration fees for conferences, conventions, seminars, and other education programs. (1996 Code, § 4-403)

4-404. Administrative procedures. The City adopts and incorporates by reference--as if fully set out herein--the administrative procedures submitted by MTAS to, and approved by letter by, the Comptroller of the Treasury, State of Tennessee, in June 1993. A copy of the administrative procedures is on file in the Office of the City Recorder. (1996 Code, § 4-404)

4-405. Mobile communication devices. The City's Expense Reimbursement Policy is hereby amended to provide that those City employees, City officials and members of the Board of Mayor and Aldermen that are provided mobile communication devices for use in conducting City business may be reimbursed, with department head and City Administrator approval where appropriate, for use of their personal mobile communication devices for City business, in lieu of being provided a mobile communication device by the City. The City Administrator shall set a standard amount of reimbursement for each general type of mobile communication device. No City employee, City official or member of the Board of Mayor and Aldermen shall receive reimbursement for more than one (1) such device. The total cost of all such reimbursement shall not exceed the amount budgeted for such reimbursement by the City. (Ord. #2012-004, April 2012)

TITLE 5

MUNICIPAL FINANCE AND TAXATION

CHAPTER

1. MISCELLANEOUS.
2. REAL PROPERTY TAXES.
3. PRIVILEGE TAXES.
4. LODGING OCCUPANCY PRIVILEGE TAXES.
5. PURCHASING PROCEDURES.
6. SALES TAXES.
7. AUDIT REQUIREMENTS.
8. PROGRAM AND SERVICE RATES AND FEES.
9. RESTAURANT PRIVILEGE TAX.
10. AMUSEMENT TAX.

CHAPTER 1

MISCELLANEOUS

SECTION

- 5-101. Official depositories for City funds.
- 5-102. Fiscal year.

5-101. Official depositories for City funds. Bank East, Branch Banking & Trust, Citizens National Bank, Eastman Credit Union, Highlands Union Bank, Home Federal Bank, KTVA Federal Credit Union, Mountain National Bank, Sevier County Bank, Regions Bank, Smart Bank, SunTrust Bank, Tennessee State Bank, and Y-12 Federal Credit Union are hereby designated the official depositories of the City of Sevierville. In addition to the banks specifically named herein, the City may deposit City funds with banks which are named as trustees in any bond resolution of the City of Sevierville. All deposits totaling more than one hundred thousand dollars (\$100,000.00) shall be secured in a manner satisfactory to the City Recorder. Any depository named either in this section or in any future bond resolution shall be required to provide adequate collateral for City funds deposited as required by state law and the City of Sevierville or, in the alternative, to be a member of the Tennessee Collateral Pool. (Ord. #2011-008, Oct. 2011)

5-102. Fiscal year. The fiscal year of the City of Sevierville shall begin on the first day of July and end on the 30th day of the following June of each year. (1996 Code, § 5-102)

CHAPTER 2

REAL PROPERTY TAXES¹

SECTION

5-201. When due and payable.

5-202. When delinquent--penalty and interest.

5-201. When due and payable. Taxes levied by the City against real and personal property shall become due and payable annually on the date prescribed in the City charter. (1996 Code, § 5-201)

5-202. When delinquent--penalty and interest. All property taxes shall become delinquent on the date and shall thereupon be subject to such penalty and interest as prescribed in the City charter. (1996 Code, § 5-202)

¹State law reference

Tennessee Code Annotated §§ 67-1-701, 67-1-702 and 67-1-801, read together, permit a municipality to collect its own property taxes if its charter authorizes it to do so, or to turn over the collection of its property taxes to the County Trustee. Apparently, under those same provisions, if a municipality collects its own property taxes, tax due and delinquency dates are as prescribed by the charter; if the County Trustee collects them, the tax due date is the first Monday in October, and the delinquency date is the following March 1.

Charter reference

Miscellaneous powers: art. II, §2.

CHAPTER 3

PRIVILEGE TAXES

SECTION

5-301. Tax levied.

5-302. License required.

5-301. Tax levied. Except as otherwise specifically provided in this code, there is hereby levied on all vocations, occupations, and businesses declared by the general laws of the state to be privileges taxable by municipalities, an annual privilege tax in the maximum amount allowed by said state laws. The taxes provided for in the state's "Business Tax Act" (Tennessee Code Annotated § 67-4-701, et seq.) are hereby expressly enacted, ordained, and levied on the businesses, business activities, vocations, and occupations carried on within the City at the rates and in the manner prescribed by the said act. (1996 Code, § 5-301)

5-302. License required. No person shall exercise any such privilege within the City without a currently effective privilege license, which shall be issued by the Recorder to each applicant therefor upon such applicant's compliance with all regulatory provisions in this code and payment of the appropriate privilege tax. (1996 Code, § 5-302)

CHAPTER 4

LODGING OCCUPANCY PRIVILEGE TAXES

SECTION

- 5-401. Definitions.
- 5-402. Tax levied and exemptions.
- 5-403. Collection.
- 5-404. Taxes remitted to City Recorder.
- 5-405. Method of reporting taxes.
- 5-406. Offer to absorb tax prohibited.
- 5-407. Penalties and interest for delinquent payment.
- 5-408. Tax records.
- 5-409. Administration.
- 5-410. Disposition of tax proceeds.
- 5-411. Tax is additional tax.
- 5-412. Rules and regulations.
- 5-413. Severability.

5-401. 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. 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 the 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) "Religious institutions" shall have the same meaning as that established by Tennessee Code Annotated § 48-3-502(b).

(7) "Tourism" means the planning and conducting of programs of information and publicity designed to attract to the municipality tourists, visitors, and other interested persons from outside the area and also encouraging and coordinating the efforts of other public and private organizations or groups of citizens to publicize the facilities and attractions of the area for the same purpose.

(8) "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. (1996 Code, § 5-401)

5-402. Tax levied and exemptions. There is hereby levied, assessed and imposed and shall be paid and collected, a privilege tax upon the privilege of occupancy in any hotel of each transient in an amount equal to three percent (3%) 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 by this chapter.

Those persons acting as representatives of, engaged in duties in conjunction with, and acting under the auspices of those organizations having a valid certificate of exemption issued by the Commissioner of the Tennessee Department of Revenue as provided for in Tennessee Code Annotated § 67-6-322(a)(1) and those religious institutions which have received a determination of exemption from the Internal Revenue Service under § 501(c)(3) of the Internal Revenue Code (26 U.S.C. § 501(c)(3)) and are currently operating under it, are exempt from the provisions of this chapter provided that proof of the existence of such certification of exemption or determination of exemption is presented to the operator prior to the submittal of the invoice to the transient for payment. A copy of such proof shall be submitted to the municipality as part of the required monthly tax return. (1996 Code, § 5-402, as amended by Ord. #2012-008, July 2012, Ord. #2013-13, June 2013, and Ord. #O-2018-011, Aug. 2018 *Ch4_10-21-19*)

5-403. Collection. Such tax shall be added by each operator to each invoice prepared by the operator for the occupancy in his hotel and be given directly or transmitted to the transient and shall be collected by such operator from the transient and remitted to the municipality. For the purpose of compensating the operator in accounting for remitting the tax levied pursuant to this chapter, the operator shall be allowed two percent (2%) of the amount of the tax due and accounted for and remitted to the City in the form of a deduction in submitting his or her return and paying the amount due by such operator, provided the amount was not delinquent at the time of payment.

When a person has maintained occupancy for thirty (30) continuous days, he 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 this municipality. (1996 Code, § 5-403)

5-404. Taxes remitted to City Recorder. The tax hereby levied shall be remitted by all operators who lease, rent or charge for occupancy within a hotel in the municipality to the City Recorder of the City of Sevierville, such tax to be remitted to such officer no later than the twentieth (20th) day of each month for the preceding month. The operator is 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 municipality for such tax shall be that of the operator. (1996 Code, § 5-404)

5-405. Method of reporting taxes. The City Recorder shall be responsible for the collection of such tax. A monthly tax return under oath shall be filed with the City Recorder by the operator with such number of copies thereof as the City 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 City Recorder and approved by the Board of Mayor and Aldermen prior to use. The City Recorder shall audit each operator in the municipality at least once per year and shall report on the audits made on a quarterly basis to the Board. (1996 Code, § 5-405)

5-406. 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 not be added to the rent, or that if added, any part will be refunded. (1996 Code, § 5-406)

5-407. Penalties and interest for delinquent payment. Taxes collected by an operator which are not remitted to the City 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, 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. Each occurrence of willful refusal of an operator to collect or remit the tax or willful refusal of a transient to pay the tax imposed is declared to be unlawful and shall be punishable upon conviction by a fine not in excess of fifty dollars (\$50.00). (1996 Code, § 5-407)

5-408. Tax records. It shall be the duty of every operator liable for the collection and payment to the municipality of the tax imposed by this chapter

to keep and preserve for a period of three (3) years all records as may be necessary to determine the amount of such tax as he may have been liable for the collection of and payment to this municipality, which records the City Recorder shall have the right to inspect at all reasonable times. (1996 Code, § 5-408)

5-409. Administration. The City Recorder who is 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.

Upon any claim of illegal assessment and collection, the taxpayer shall have the remedy provided in Tennessee Code Annotated, title 67, it being the intent of this chapter that the provisions 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 City Recorder shall also possess those powers and duties as provided in said section for county clerks with respect to the adjustment and settlement with taxpayers all errors of taxes collected by him under authority of this chapter and to direct the refunding of same. Notice of any tax paid under protest shall be given to the City Recorder and any suit may be brought for recovery of such tax paid under protest by filing the same against the City Recorder of the City. (1996 Code, § 5-409, modified)

5-410. Disposition of tax proceeds. The proceeds from the tax levied herein shall be retained by the City and distributed as follows:

(1) Two-thirds (2/3) of the proceeds shall be used for the promotion of tourism, including but not limited to funding of the Chamber of Commerce of Sevierville, Tennessee.

(2) One-third (1/3) of the proceeds shall be deposited in the general fund of the City. (1996 Code, § 5-410)

5-411. Tax is 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. (1996 Code, § 5-411)

5-412. Rules and regulations. The City Recorder shall have the power to make and publish reasonable rules and regulations not inconsistent with this chapter or other laws for the enforcement of the provisions of this chapter and the collection of revenues hereunder. Further, the City Recorder shall design, prepare, print and make available to all persons who are subject to this chapter all necessary forms for filing returns, and instructions to insure full compliance with the provisions of this chapter. (1996 Code, § 5-412)

5-413. Severability. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this chapter and to that end the provisions of this chapter are declared severable. (1996 Code, § 5-413)

CHAPTER 5

PURCHASING PROCEDURES

SECTION

- 5-501. Purchasing policies and procedures.
- 5-502. General procedure.
- 5-503. Sealed bid requirements.
- 5-504. Competitive bids.
- 5-505. Purchases and contracts less than ten thousand dollars (\$10,000.00).
- 5-506. Bid deposits.
- 5-507. Performance bond.
- 5-508. Rejection of bids.
- 5-509. Record of bids.
- 5-510. Considerations in determining lowest responsible bidder.
- 5-511. Statement when award not given low bidder.
- 5-512. Award in case of tie bids.
- 5-513. Emergency purchases and contracts.
- 5-514. Purchase of emergency replacement parts for existing equipment.
- 5-515. When written contract required.
- 5-516. Anti-discrimination provision in contracts for work or services.
- 5-517. Disposal of seized property, confiscated property, abandoned property and surplus property.
- 5-518. Participating in the disposal of surplus property.
- 5-519. Items consumed in the course of work or items thought to be worthless.

5-501. Purchasing policies and procedures. The purchasing policies and procedures of the city are set forth in the purchasing policies and procedures manual adopted by the board of mayor and aldermen pursuant to Ord. #O-2021-017. A copy of the purchasing policies and procedures manual is Appendix C to the Sevierville Municipal Code. (Ord. #2011-008, Oct. 2011, as replaced by Ord. #O-2021-0`7, Oct. 2021 *Ch6_02-07-22*)

5-502. General procedure. Competitive bids on all supplies, materials, equipment, and services, except those specified elsewhere in this code, and contracts for public improvements shall be obtained, whenever practicable, and the purchase or contract awarded to the lowest responsible bidder, provided that any or all bids may be rejected as prescribed in this code. (1996 Code, § 5-502)

5-503. Sealed bid requirements. On all purchases and construction contracts estimated to be in excess of ten thousand dollars (\$10,000.00), except otherwise provided for in this code, formal sealed bids shall be required to be submitted at a specified time and place to the purchasing agent. The purchasing agent shall submit the bids for award by the Board of Mayor and Aldermen at

the next regularly scheduled Board meeting together with the recommendation as to the lowest responsible bidder.

Notice inviting bids shall be published once in a newspaper of general circulation in Sevier County, and at least five (5) days preceding the last day set for the receipt of proposals. The newspaper notice shall include a general description of the articles to be purchased, shall state where bid blanks and written specifications may be secured, and the time and place for opening bids. (1996 Code, § 5-503)

5-504. Competitive bids. Competitive bids on all supplies, materials, equipment, and construction contracts estimated to be in excess of ten thousand dollars (\$10,000.00), shall be by competitive bidding and shall be awarded to the lowest responsible bidder. A written record shall be required and be available for inspection showing that competitive bids were obtained by one (1) or more of the following methods:

- (1) Direct mail request to prospective bidders;
- (2) Telephone;
- (3) Public notice posted on the bulletin board in City Hall. (1996 Code, § 5-504)

5-505. Purchases and contracts less than ten thousand dollars (\$10,000.00). The purchasing agent is expected to obtain the best prices and services available for purchases and contracts of less than ten thousand dollars (\$10,000.00), but is exempted from formal bid requirements mentioned in the two (2) previous sections. (1996 Code, § 5-505)

5-506. Bid deposits. When deemed necessary, bid deposits may be prescribed and noted in the public notices inviting bid. The deposit shall be in such amount as the purchasing agent shall determine and unsuccessful bidders shall be entitled to return of the deposits where such has been required. A successful bidder shall forfeit any required deposit upon failure on his part to enter a contract within ten (10) days after the award. (1996 Code, § 5-506)

5-507. Performance bond. The purchasing agent shall require a performance bond, before entering a contract, in such amount as he shall find necessary to protect the best interests of the City and furnishers of labor and materials in the penalty of not less than the amount provided for by Tennessee Code Annotated. (1996 Code, § 5-507)

5-508. Rejection of bids. The purchasing agent shall have the authority to reject any and all bids, parts of all bids, or all bids for any one (1) or more supplies or contractual services included in the proposed contract, when the public interest will be served thereby. The purchasing agent shall not accept the bid of a vendor or contractor who is in default on the payment of any taxes,

licenses, fees, or other monies of whatever nature that may be due the City by said vendor or contractor. (1996 Code, § 5-508)

5-509. Record of bids. The purchasing agent shall keep a record of all open market orders and the bids submitted in competition thereon, including a list of the bidders, the amounts bid by each, and the method of solicitation and bidding, and such records shall be open to public inspection. (1996 Code, § 5-509)

5-510. Considerations in determining lowest responsible bidder. In determining the lowest responsible bidder in addition to price, the purchasing agent shall consider:

(1) The ability, capacity, and skill of the bidder to perform the contract or provide the services required.

(2) Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference.

(3) The character, integrity, reputation, judgment, experience and efficiency of the bidder.

(4) The quality of performance of previous contracts or services.

(5) The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service.

(6) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service.

(7) The quality, availability and adaptability of the supplies or contractual services to the particular use required.

(8) The ability of the bidder to provide future maintenance and service for the use of the subject of the contract.

(9) The number and scope of conditions attached to the bid. (1996 Code, § 5-510)

5-511. Statement when award not given low bidder. When the award for purchases and construction contracts in excess of ten thousand dollars (\$10,000.00) is not given to the lowest bidder, a full and complete statement of the reasons for placing the order elsewhere shall be prepared by the purchasing agent and filed with all the other papers relating to the transaction. (1996 Code, § 5-511)

5-512. Award in case of tie bids.

(1) If all bids received are for the same total amount or unit price, quality and service being equal, the contract or purchase order shall be awarded to a local bidder.

(2) Where a local vendor has not bid or where his bid is not one of the lowest tie bids, the purchasing agent shall award the contract to one of the tie bidders by drawing lots in public. (1996 Code, § 5-512)

5-513. Emergency purchases and contracts. When, in the judgment of the purchasing agent, an emergency exists, the purchasing provisions of this code may be waived; provided, however, the City Administrator shall report the purchases and contracts to the Board of Mayor and Aldermen at the next regular Board meeting with the reasons therefor. (1996 Code, § 5-513)

5-514. Purchase of emergency replacement parts for existing equipment. Notwithstanding any other provision of this chapter, the purchase of emergency replacement parts for existing equipment shall not require competitive bidding or prior approval of the Board. (1996 Code, § 5-514)

5-515. When written contract required.

(1) Except as otherwise provided by this code, and except the services of salaried employees of the City, any services of a professional person or firm, including attorneys, accountants, physicians, architects, and consultants required by the City, whose fee is ten thousand dollars (\$10,000.00) or more, shall be evidenced by written contract signed by the person or firm rendering the service and by the Mayor after authorization to do so by the Board of Mayor and Aldermen; provided, however, that the Board in its discretion, may contract for such services by the adoption of a written resolution defining the services to be rendered. No competitive bidding shall be required for such services.

(2) Agreements entered into by the City for construction work involving the expenditure of ten thousand dollars (\$10,000.00) or more must be evidenced by written contract. (1996 Code, § 5-515)

5-516. Anti-discrimination provision in contracts for work or services. All contracts entered into by the City whereby services are furnished or municipal functions performed shall contain therein a provision that the contractor, in performing the work required by the contract or furnishing the services provided for shall not discriminate against any person seeking employment with or employed by him, because of race, creed, color, national origin or handicap. (1996 Code, § 5-516)

5-517. Disposal of seized property, confiscated property, abandoned property and surplus property. The purchasing agent, the Sevierville City Administrator, shall be in charge of the disposal of seized property, confiscated property, abandoned property and surplus property. Said property shall be disposed by way of either a public auction, sealed bids or computer on-line electronic auction, at the discretion of the City Administrator. The City Administrator is authorized to hire an auctioneer or company engaged in on-line electronic auctions for the purpose of conducting such sales.

The Board of Mayor and Aldermen may accept or transfer surplus real or personal property of the City to or from any local, state, or federal governmental entity, or subdivision thereof, for public use without the requirement of

competitive bidding or payment for same by the recipient, or exchange with any local, state, or federal governmental entity, or subdivision thereof, like property, within the sole discretion of the Board of Mayor and Aldermen. (1996 Code, § 5-517, as amended by Ord. #2007-010, April 2007)

5-518. Participating in the disposal of surplus property. All City employees shall be permitted to bid on surplus City property. (1996 Code, § 5-518)

5-519. Items consumed in the course of work or items thought to be worthless. City property which may be consumed in the course of normal City business and items thought to be worthless shall be disposed of in a like manner to any other refuse. Said items shall be simply charged off as a routine cost of doing business. (1996 Code, § 5-519)

CHAPTER 6
SALES TAXES¹

¹The City of Sevierville has passed ordinances which purport to impose taxes under the Retailers' Sales Tax Act, which appears in Tennessee Code Annotated § 67-6-101, et seq. Cities and counties may levy local option sales taxes up to a maximum of 2 3/4%. Tennessee Code Annotated § 67-6-702 (Supp. 1992). However, the amount that a City may levy is precluded to the extent that the county in which the City lies has levied the tax. Tennessee Code Annotated § 67-6-703(a)(1). At present, the Sevier County sales tax is 2 3/4%.

CHAPTER 7

AUDIT REQUIREMENTS

SECTION

5-701. Audit requirements for City.

5-701. Audit requirements for City. The City of Sevierville does hereby adopt the following as audit requirements to comply with Tennessee Code Annotated § 6-54-111(c), such audit requirements being as follows: That the nonprofit organization to be the recipient of funds from the City of Sevierville shall, before receiving such funds from the City, which appropriation has been previously authorized by the City in accordance with Tennessee Code Annotated § 6-54-111:

(1) For contributions from the City of one thousand dollars (\$1,000.00) or less provide annual audit, for that organization's fiscal year most immediately thereto preceding, which audit shall be prepared by either a certified public accountant as defined in Tennessee Code Annotated § 62-1-108 or a public accountant as defined in Tennessee Code Annotated § 62-1-109; and

(2) Contributions exceeding one thousand dollars (\$1,000.00) provide annual audit, for that organization's fiscal year most immediately thereto preceding, which audit shall be prepared by a certified public accountant as defined in Tennessee Code Annotated § 62-1-108. (1996 Code, § 5-701)

CHAPTER 8

PROGRAM AND SERVICE RATES AND FEES

SECTION

5-801. Establishment.

5-802. Rates and fees reviewed annually.

5-803. Rates and fees repealed and superseded.

5-801 Establishment. Program and service rates and fees are hereby established. (1996 Code, § 5-801)

5-802. Rates and fees reviewed annually. All rates and fees for City programs and services shall be reviewed annually as follows:

1. Rate schedules shall be reviewed with regard to market rates for comparable programs or services, to return on investment, to desired levels of participation and public service, and to compliance with established City fiscal policies.

(2) Rate schedules will be developed by the department head and staff, reviewed by any applicable advisory boards or committees, and approved by the City Administrator prior to presentation to the Board of Mayor and Aldermen.

(3) The City Administrator shall attach the rate schedule to the annual budget document for approval by the Board of Mayor and Aldermen.

(4) Temporary rate adjustments may be made, with City Administrator approval, to explore promotions, adjust to market changes, and maximize return on investment. Such changes will be incorporated into the annual budget presentation of the rate schedule for approval by the Board of Mayor and Aldermen. (1996 Code, § 5-802)

5-803. Rates and fees repealed and superseded. All rates and fees in existence prior to passage of the budget ordinance are repealed and superseded on July 1st of the new fiscal year. (1996 Code, § 5-803)

CHAPTER 9

RESTAURANT PRIVILEGE TAX

SECTION

- 5-901. Levy of tax.
- 5-902. Tax added to food invoice.
- 5-903. Remittance to City Recorder.
- 5-904. Exemptions.
- 5-905. Penalties and interest for delinquency.
- 5-906. Records.
- 5-907. Administration.
- 5-908. Tax is additional tax.
- 5-909. Rules and regulations.
- 5-910. Use of records.
- 5-911. Severability.

5-901. Levy of tax. There is hereby levied a privilege tax upon the privilege of purchasing food from any establishment selling prepared food in the City of Sevierville, whether for consumption on-premises or off-premises, including but not limited to restaurants, cafes, cafeterias, caterers delicatessens, snack bars, ice cream parlors, lunch rooms or counters within other retail businesses, and other similar establishments engaged in selling prepared food. Without limiting the forgoing, the establishments covered by this chapter include, but are not limited to, any "food service establishment" as defined in Tennessee Code Annotated, Title 68, and include commercially operated establishments located within hospitals. Said privilege tax shall be in an amount equal to two percent (2%) of the consideration charged by the operators of said establishments. Said tax so imposed is a privilege upon the purchasing of food by patrons of said establishments and is to be collected and distributed as hereinafter provided. (Ord. #2013-011, June 2013)

5-902. Tax added to food invoice. Said tax shall be added by each and every operator of establishments covered by this chapter to each invoice prepared by the operator of said establishment. Said invoice shall be given directly to the purchaser and shall be collected by the operator from the purchaser at the time of sale. Where the tax calculated includes any fraction of a cent, the next highest full cent shall be charged. (Ord. #2013-011, June 2013)

5-903. Remittance to City Recorder. The tax hereby levied shall be remitted by all operators of establishments subject to said tax to the City Recorder. Said tax shall be remitted to the City Recorder not later than the twentieth day of each month next following collection from the purchaser. The City Recorder may promulgate reasonable rules and regulations for the

enforcement and collection of tax, shall prescribe any necessary forms, and may, by regulations, set other reporting and paying dates and periods. (Ord. #2013-011, June 2013)

5-904. Exemptions. The provisions of this chapter shall not apply to food prepared to be served at churches, schools, senior citizen centers or nursing homes, and at boarding houses where the cost of food is included in the rental rate. The provisions of this chapter shall not apply to the sale of alcoholic beverages in any form, manner, time or place. (Ord. #2013-011, June 2013)

5-905. Penalties and interest for delinquency. Taxes collected by an operator which are not remitted to the City 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 six percent (6%) per annum and in addition for penalty of one-half of one percent (1/2 of 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. Willful refusal of an operator to collect or remit the tax or willful refusal of a purchaser to pay the tax imposed is hereby declared to be unlawful and shall be punishable upon conviction by a fine not in excess of fifty dollars (\$50.00). The fine levied herein shall be applicable to each individual transaction involving food services paid by a customer to the operator in those cases where the operator fails or refuses to pay the tax payable to the City Recorder. (Ord. #2013-011, June 2013)

5-906. Records. It shall be the duty of every operator liable for the collection and payment of this tax, to keep and preserve for a period of three (3) years all records necessary to determine the amount of such tax for whose collection and payment to the municipality he may have been liable, which records the City Recorder shall have the right to inspect at all reasonable times. (Ord. #2013-011, June 2013)

5-907. Administration. In administering and enforcing the provisions of this chapter, the City Recorder shall have as additional powers the powers and duties with respect to collection of taxes provided in Tennessee Code Annotated, title 67 or otherwise provided by law for county clerks.

Upon any claim of illegal assessment and collection, the taxpayer shall have the remedy provided in Tennessee Code Annotated, title 67, it being the intent of this chapter that the provisions of law which apply to the recovery of taxes illegally assessed and collected shall apply to the tax collected under the authority of this chapter. The City Recorder shall possess those powers and duties provided in Tennessee Code Annotated, § 67-1-707 with respect to the adjustment and refund of the taxes provided for in this chapter. With respect to the adjustment and settlement with taxpayers of all errors of taxes collected by the City Recorder under the authority of this chapter, the City Recorder shall

have the power to refund same. Notice of any tax paid under protest shall be given to the City Recorder, and suit for recovery shall be brought against the City Recorder. (Ord. #2013-011, June 2013)

5-908. Tax is 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. (Ord. #2013-011, June 2013)

5-909. Rules and regulations. The City Recorder shall have the power to make and publish reasonable rules and regulations not inconsistent with this chapter or other laws, for the enforcement of the provisions of this chapter and the collection of revenues hereunder. Further the City Recorder shall design, prepare, print and make available to all persons who are subject to this chapter, all necessary forms for filing returns and instructions to insure full compliance with the provisions of this chapter. (Ord. #2013-011, June 2013)

5-910. Use of proceeds. Tax proceeds generated by the provisions of this chapter shall be used as determined by the Board of Mayor and Aldermen of the City of Sevierville; provided, however, that seventy-five percent (75%) of the proceeds shall be used for tourism promotion, tourism advertising or tourism infrastructure, including, but not limited to, municipally owned or operated event centers and golf courses. (Ord. #2013-011, June 2013)

5-911. Severability. If any provision of this chapter is deemed by a court of competent jurisdiction to be invalid, such invalidity shall not affect the other provisions or applications of this chapter which can be given effect without the invalid application, and to that end, the provisions of this chapter are declared severable. (Ord. #2013-011, June 2013)

CHAPTER 10

AMUSEMENT TAX

SECTION

- 5-1001. Definitions.
- 5-1002. Levy of tax.
- 5-1003. Tax added to amusement price.
- 5-1004. Remittance to City Recorder.
- 5-1005. Offer to absorb tax prohibited.
- 5-1006. Exemptions.
- 5-1007. Penalties and interest for delinquency.
- 5-1008. Records.
- 5-1009. Administration.
- 5-1010. Deposit of tax.
- 5-1011. Tax is additional tax.
- 5-1012. Rules and regulations.
- 5-1013. Severability.

5-1001. Definitions. As used in this chapter, unless the context requires otherwise, the following definitions shall apply:

(1) "Admission" means admission into or for an amusement after consideration paid by single ticket, season or subscription; for any admission charged within any enclosure in addition to the initial charge for admission to such enclosure; and for the use of sporting or recreational facilities or equipment, including the rental of such facilities or equipment; and shall apply on admission fees or charges, whether or not a ticket is actually issued;

(2) "Amusement" means any theater, motion picture house, cinema, athletic contest, exhibition, pageant, show, production, demonstration, play, performance, concert, musicale, recital, reading, circus, carnival, act, exhibit, lecture, address, nightclub, cabaret, dance, dance hall, restaurant which provides either floor show, singing, dancing, or dancing facilities for patrons, and ride or excursion where passengers are taken on and discharged within the county boundaries, and shooting galleries, as well as all mechanical or electrical devices operated for pleasure or skill where a fee is charged for admission or entrance or for the purpose of playing them, or where there is any charge whatever for them or in connection with them either directly or indirectly, where such games or devices are located in any amusement park or amusement center; provided, however, that actual play on coin operated machines of skill or chance is exempt from the provisions of this tax;

(3) "Consideration" means the consideration charged, whether or not received, for an admission for an amusement 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 service provided to the person is complimentary from the operator and no consideration is charged to or received from any person;

(4) "Consumer" means any person who pays consideration into, or for, an amusement;

(5) "Operator" means the person operating the amusement;

(6) "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; and

(7) "Tourism" means the planning and conducting of programs of information and publicity designed to attract to the City of Sevierville tourists, visitors and other interested persons from outside the area, and also encouraging and coordinating the efforts of other public and private organizations or groups of citizens to publicize the facilities and attractions of the area for the same purposes. It also means the acquisition, construction, and remodeling of facilities useful in the attraction and promoting of tourist, conventions, and recreational business. (Ord. #2013-12, June 2013)

5-1002. Levy of tax. There is hereby levied a privilege tax upon the privilege of a consumer paying consideration for admission into or for an amusement in the City of Sevierville in the amount of two percent (2%) of the consideration charged by the operator. Such tax so imposed is a privilege tax upon the consumer enjoying the amusement and is to be collected and distributed as hereinafter provided. (Ord. #2013-12, June 2013)

5-1003. Tax added to amusement price. Such tax shall be added by each and every operator to each ticket sold for a consideration for admission into and for such amusement, and shall be collected by such operator from the consumer and remitted to the City Recorder. The tax shall not be assumed by the operator. Where the tax calculated on any individual admission ticket includes any fraction of a cent, the next highest full cent shall be charged. (Ord. #2013-12, June 2013)

5-1004. Remittance to City Recorder. The tax hereby levied shall be remitted by all operators who lease, rent, or own an amusement to the City Recorder, to be remitted to such officer not later than the twentieth day of each month next following collection from the consumer. The City Recorder may promulgate reasonable rules and regulations for the enforcement and collection of the tax, shall prescribe any necessary forms, and may, by regulations, set other reporting and paying dates and periods. (Ord. #2013-12, June 2013)

5-1005. Offer to absorb tax prohibited. No operator of an amusement 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 consideration, or that, if added, any part will be refunded. (Ord. #2013-12, June 2013)

5-1006. Exemptions. The tax shall not apply to activities sponsored by any religious or charitable organization or any public or private educational institution where the receipts are devoted exclusively to the use of such organization or institution. Neither shall it apply to charges for admission to any activity sponsored or operated by the City. (Ord. #2013-12, June 2013)

5-1007. Penalties and interest for delinquency. Taxes collected by an operator which are not remitted to the City Recorder on or before the due date are delinquent. An operator shall be liable for interest on such delinquent taxes from the due date at the rate of six percent (6%) per annum, and in addition for penalty of one-half of one percent (1/2 of 1%) for each month or a fraction thereof such taxes are delinquent. Such interest and penalty shall become a part of the tax herein required to be remitted. Willful refusal of an operator to collect or remit the tax or willful refusal of a consumer to pay the tax imposed is hereby declared to be unlawful and shall constitute a misdemeanor punishable upon conviction by a fine not in excess of fifty dollars (\$50.00). The fine levied herein shall be applicable to each individual transaction involving an amusement taxable by this chapter when the operator fails or refuses to pay the tax payable to the City Recorder. (Ord. #2013-12, June 2013)

5-1008. Records. It shall be the duty of every operator liable for the collection and payment to the municipality of any tax levied under the authority granted by this chapter to keep and preserve for a period of three (3) years all records necessary to determine the amount of such tax for whose collection and payment to the municipality he may have been liable, which records the City Recorder shall have the right to inspect at all reasonable times. (Ord. #2013-12, June 2013)

5-1009. Administration. In administering and enforcing the provisions of this chapter, the City Recorder shall have as additional powers the powers and duties with respect to collection of taxes provided in Tennessee Code Annotated, title 67 or otherwise provided by law for county clerks.

Upon any claim of illegal assessment and collection, the taxpayer shall have the remedy provided in Tennessee Code Annotated, title 67, it being the intent of this chapter that the provisions of law which apply to the recovery of taxes illegally assessed and collected shall apply to the tax collected under the authority of this chapter. The City Recorder shall possess those powers and duties provided in Tennessee Code Annotated, § 67-1-707 with respect to the

adjustment and refund of the taxes provided for in this chapter. With respect to the adjustment and settlement with taxpayers of all errors of taxes collected by the City Recorder under the authority of this chapter, the City Recorder shall have the power to refund same. Notice of any tax paid under protest shall be given to the City Recorder, and suit for recovery shall be brought against the City Recorder. (Ord. #2013-12, June 2013)

5-1010. Use of proceeds. Tax proceeds generated by the provisions of this chapter shall be used as determined by the Board of Mayor and Aldermen of the City of Sevierville; provided, however, that seventy-five percent (75%) of the proceeds shall be used for tourism promotion, tourism advertising or tourism infrastructure, including, but not limited to, municipally owned or operated event centers and golf courses. (Ord. #2013-12, June 2013)

5-1011. Tax is 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. (Ord. #2013-12, June 2013)

5-1012. Rules and regulations. The City Recorder shall have the power to make and public reasonable rules and regulations not inconsistent with this chapter or other laws, for the enforcement of the provisions of this chapter and the collection of revenues hereunder. Further the City Recorder shall design, prepare, print and make available to all persons who are subject to this chapter, all necessary forms for filing returns and instructions to insure full compliance with the provisions of this chapter. (Ord. #2013-12, June 2013)

5-1013. Severability. If any provision of this chapter is deemed by a court of competent jurisdiction to be invalid, such invalidity shall not affect the other provisions or applications of this chapter which can be given effect without the invalid application, and to that end, the provisions of this chapter are declared severable. (Ord. #2013-12, June 2013)

TITLE 6

LAW ENFORCEMENT¹

CHAPTER

1. POLICE AND ARREST.
2. MISCELLANEOUS ENFORCEMENT.
3. RESERVE POLICE.
4. DRIVER'S LICENSE IN LIEU OF BAIL.

CHAPTER 1

POLICE AND ARREST²

SECTION

- 6-101. General operation of Police Department.
- 6-102. Police Officers to preserve law and order, etc.
- 6-103. Police Officers to wear uniforms and be armed.
- 6-104. When Police Officers to make arrests.
- 6-105. Police Officers may require assistance in making arrests.
- 6-106. Disposition of persons arrested.
- 6-107. Police Department records.

6-101. General operation of Police Department.

(1) General supervision of the Police Department is hereby delegated to the City Administrator, for the enforcement of all City ordinances, for traffic control, and for maintenance of law and order within the City. In addition, the City Administrator shall be the authority to issue directives and/or permits to qualified law enforcement personnel to carry handguns pursuant to Tennessee Code Annotated § 39-17-1315.

(2) The City Administrator will appoint a Chief of Police.

(3) In addition to his regular duties as a Police Officer, the Chief of Police will have the following duties and authority:

(a) Report to the City Administrator upon request as to the status of law enforcement within the City and the efficiency of police personnel.

¹Municipal code reference

Issuance of citations in lieu of arrest in traffic cases: title 15, chapter 7.

²Municipal code reference

Motor vehicles, traffic and parking: title 15.

(b) Make recommendations to the City Administrator as to the needs of the department for uniforms and other equipment.

(c) Establish uniform regulations.

(d) Pass on to all Officers all directions and orders of the City Administrator and see that such directions and orders are carried out.

(e) Establish duty rosters for the operation of the department.

(f) After consulting with the employees of the Police Department, designate the time when annual vacations in the department shall be taken.

(g) Supervise generally the work of all employees in the department.

(h) Make such reports and recommendations to the City Administrator as he may deem necessary to the efficient administration of the department.

(4) It shall be the duty of the Chief of Police and the members of the police force to preserve order in the City, protect the inhabitants and property owners therein from violence, crime, and all criminal acts, prevent the commission of crime, violations of law and of the City ordinances, and perform a general police duty. All Police Officers shall familiarize themselves with the various highways leading into and out of the City and shall be prepared at all times to give aid, assistance, and directions to tourists. (1996 Code, § 6-101, modified)

6-102. Police Officers to preserve law and order, etc. Police Officers shall preserve law and order within the City. They shall patrol the City and shall assist the City Court during the trial of cases. Police Officers shall also promptly serve any legal process issued by the City Court. (1996 Code, § 6-102, modified)

6-103. Police Officers to wear uniforms and be armed. All Police Officers shall wear such uniform and equipment necessary to the functions of their positions as the Mayor and Aldermen shall authorize. The uniform will be worn at all times while on duty unless otherwise directed by the Chief of Police. (Ord. #2011-017, Dec. 2011)

6-104. When Police Officers to make arrests.¹ Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a Police Officer in the following cases:

(1) Whenever he is in possession of a warrant for the arrest of the person.

(2) Whenever an offense is committed or a breach of the peace is threatened in the Officer's presence by the person, or when in domestic situations, in the Officer's discretion, a clear and present danger exists.

(3) Whenever a felony has in fact been committed and the Officer has reasonable cause to believe the person has committed it. (1996 Code, § 6-104, modified)

6-105. Police Officers may require assistance in making arrests. It shall be unlawful for any male person to willfully refuse to aid a Police Officer in making a lawful arrest when such person's assistance is requested by the Police Officer and is reasonably necessary to effect the arrest. (1996 Code, § 6-105, modified)

6-106. Disposition of persons arrested. Unless otherwise authorized by law, when any person is arrested for any offense other than one involving drunkenness he shall be brought before the City Court for immediate trial or allowed to post bond. When the arrested person is drunk or when the City Judge is not immediately available and the alleged offender is not able to post the required bond, he shall be confined. (1996 Code, § 6-106)

6-107. Police Department records. The Police Department shall keep a comprehensive and detailed daily record in permanent form, showing:

(1) All known or reported offenses and/or crimes committed within the corporate limits.

(2) All arrests made by Police Officers.

(3) All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the Police Department. (1996 Code, § 6-107, modified)

¹Municipal code reference

Motor vehicles, traffic and parking: title 15.

CHAPTER 2**MISCELLANEOUS ENFORCEMENT****SECTION**

6-201. Penalties.

6-201. Penalties. In any case where there shall be a violation of any part of the Sevierville Municipal Code for which no penalty is provided, the person violating such provision shall, upon conviction, be subject to a fine of not less than one dollar (\$1.00) nor more than fifty dollars (\$50.00) for each offense.

Each day such violation continues shall constitute a separate offense.
(1996 Code, § 6-201, modified)

CHAPTER 3

RESERVE POLICE

SECTION

6-301. Reserve Police.

6-301. Reserve Police. There is hereby created a Reserve Police force whose function is to supplement the regular Police Department of Sevierville.

(1) The Reserve Police is a volunteer/part time organization, the members of which have enrolled as a civic service to assist the regular police force of the Sevierville Police Department. All Reserve Officers will be sworn in by the City Recorder. All bonding and liability insurance shall be paid by the City. When performing their duties as Reserve Police and operating under the direction of the Sevierville Police Department, Reserve Police shall have the full rights and authority, and be subject to such regulations, as established by state and local laws for reserve and regular Police Officers.

(2) The Chief of Police shall have cognizance and control of the organization, government administration, operation and discipline of the Reserve Police.

(3) The numerical membership of the Reserve Police shall be designated by the City Administrator.

(4) No exception to any of the rules and regulations of the Reserve Police shall be made without express approval of the Chief of Police.

(5) Applicants for the Reserve Police must possess the following qualifications for membership:

(a) Must be at least eighteen (18) years of age.

(b) Must be a citizen of the United States.

(c) Must have no physical defects which would impair their ability to properly perform police duties, with reasonable accommodation.

(d) Have never been convicted of a felony, serious misdemeanor, gambling offense or series of offenses which indicate a disregard for constituted authority.

(e) Must be of excellent character and bear a good reputation in the community.

(f) Must have the approval of the Chief of Police and the City Administrator.

(6) The order of the designation of rank in the Reserve Police shall be:

(a) Lieutenant.

(b) Sergeant.

(c) Patrol Officer.

(7) Seniority of the members of the Reserve Police shall be determined in the following order:

(a) By rank.

(b) By length of service in the Reserve Police.

(c) By length of time served in rank.

(8) The Lieutenant and Sergeant shall be elected by the members of the Reserve Police after being nominated for the office by the members. Such nomination and election shall take place at the first regular meeting of the Reserve Police in January of each year. The term of office of those elected shall be for one (1) year dated from the date of installation. The installation of office shall be held at the first regular meeting following said election.

(9) The following qualifications are necessary for nomination to office:

(a) Membership for a period of not less than one (1) year.

(b) Satisfactory performance of all duties during the preceding year.

(c) Must hold the minimum rank of Reserve Patrol Officer.

(d) Must have the approval of the Chief of Police.

(10) The Lieutenant of the Reserve Police is charged with and responsible for the proper training, discipline, efficiency and administration of the Reserve Police. He shall act as liaison officer between the Reserve Police and the Police Department, and shall be responsible for the proper performance of any duties and/or details assigned to the Reserve Police by the Chief of Police. He shall call a regular meeting of the Reserve Police each January and as needed throughout the year and shall preside over the same. He shall delegate authority to the next ranking Officer present to act as Lieutenant in the latter's absence.

(11) The Sergeant of the Reserve Police shall act with the advice and approval of the Lieutenant and will exercise such authority and supervision over the functions of the Reserve Police as the Lieutenant may assign to him, and, in the absence of the Lieutenant, shall assume all of the duties and responsibilities of the Lieutenant.

(12) A Patrol Officer in the Reserve Police shall be appointed and approved by the Chief of Police and the City Administrator. He shall possess the following qualifications:

(a) Be qualified to carry firearms.

(b) Have sufficient training and knowledge to enable him to discharge his police duties.

(13) All Reserve Police shall be governed by such rules and regulations of the Sevierville Police Department as, in the opinion of the Chief of Police, are applicable to them.

(14) Members of the Reserve Police, in the performance of their designated duties, shall be subject to the supervision and direction of their superior Officers and the Officers of the regular police force.

(15) All regular Police Officers are senior to Reserve Police Officers, regardless of rank.

(16) Members of the Reserve Police shall properly perform such duties as are assigned to them by their superior Officers.

(17) Upon reporting for duty, Reserve Police shall be assigned to their duties by the Chief of Police or ranking regular Officer at his discretion.

(18) Reserve Police shall at all times, while on duty, wear the designated uniform and equipment of that organization, unless specifically assigned by the Chief of Police or other regular rated Officer of the Police Department to do otherwise.

(19) Reserve Police members shall not engage in any special duty, plainclothes duty, security duty, or group duty, unless the same shall have been authorized by the Reserve Lieutenant and the Chief of Police. Special duty shall include but not be limited to working ball games and parades. Compensation for these activities shall be paid through the City of Sevierville payroll system.

(20) Reserve Police may be assigned to patrol units to travel directly to and from special duty assignments. No Reserve Officer shall be allowed to operate a vehicle until he has met the following qualifications:

(a) Must possess a valid Tennessee operator's license.

(b) Minimum of six (6) months' service with the Sevierville Reserve Police.

(c) Must pass a training course on operation of vehicle.

(d) Approval of the Reserve Lieutenant, Chief of Police, and Officer in charge of shift. Reserve Officers may be assigned to operate a vehicle in non-special duty assignments only when such action is needed to protect the life, health, and convenience of Sevierville residents and is approved by the Chief of Police or his designee.

(21) No member of the Reserve Police shall be permitted to carry firearms until such time as he has met the following qualifications:

(a) Satisfactorily completed the Reserve Police basic training program.

(b) Completed all required firearms training.

(c) Passed the POST firearms qualification course.

(d) Approval of the Patrol Captain and the Chief of Police.

(22) Any complaints or charges against any Reserve Police member shall be investigated by the Reserve Lieutenant and Patrol Captain, who shall submit a written report to the Chief of Police with recommendations as to final disposition.

(23) The Chief of Police may discharge a member of the Reserve Police, either with or without charges being filed, by notice in writing to such member after investigation and conference with the Reserve Lieutenant, Patrol Captain and the Chief of Police.

(24) Continuance of membership depends upon the obedience to orders, satisfactory performance of duty, good behavior and the willingness by members to work as needed, unless sick, or otherwise excused by the Chief of Police. (Ord. #2011-018, Dec. 2011)

CHAPTER 4**DRIVER'S LICENSE IN LIEU OF BAIL****SECTION**

6-401. City Officers and employees shall comply.

6-401. City Officers and employees shall comply.¹ All City Officers and employees shall comply fully with the requirements of Tennessee Code Annotated § 55-50-801, et seq, and any implementing orders of the Department of Safety, State of Tennessee. (1996 Code, § 6-402)

¹Municipal code reference
Enforcement: title 15.

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. MISCELLANEOUS PROVISIONS.
2. DELETED.
3. FIRE DEPARTMENT.
4. FIREWORKS.

CHAPTER 1

MISCELLANEOUS PROVISIONS

SECTION

- 7-101. Fire limits described.
7-102. Open burning regulated.

7-101. Fire limits described. (1) The corporate fire limits, referred to in the NFPA 1 Uniform Fire Code, NFPA 101 Life Safety Code, and International Building Code, as the fire district, shall be and include all the territory within the C-1, Central Business District as outlined and defined by the Sevierville Zoning Ordinance and the Sevierville Zoning Map as adopted by the Sevierville Regional Planning Commission and the Sevierville Board of Mayor and Aldermen.

(2) Beginning August 22, 2017, and continuing for five (5) years thereafter, or until the completion of the City's Downtown Streetscape and Underground Utility Project, whichever occurs first, the fees and charges are listed below:

- (a) Alcoholic beverage licenses:
 - (i) Waive application fees for beer licenses. Five hundred dollars (\$500.00);
 - (ii) Waive annual privilege tax for on-premise licenses. One hundred dollars (\$100.00);
 - (iii) Waive annual privilege tax for off-premise licenses. One hundred dollars (\$100.00);
 - (iv) Waive annual privilege tax on liquor-by-the-drink licenses. (Varies).
- (b) Building permit fees:

¹Charter reference
Personnel: art. VIII, § 3.

- (i) Charge thirty dollar (\$30.00) base permit fee with no add-ons based on cost. (Varies).
- (c) Water and sewer add-on fees:
 - (i) Fire protection systems (eight hundred dollars (\$800.00)/inch);
 - (ii) Multi-family residential construction (two hundred dollars (\$200.00)/unit);
 - (iii) Restaurants (forty dollars (\$40.00)/seat);
 - (iv) Commercial (forty dollars (\$40.00)/one thousand (1,000) square feet).

Note: All water and sewer fee reductions are for add-on costs only. Base rates for connections will remain. (Ord. #2011-007, Dec. 2011, as amended by Ord. #O-2017-010, Aug. 2017)

7-102. Open burning regulated. It shall be unlawful for any person to kindle any brush or rubbish fire or authorize any such fire to be kindled or maintained without a permit issued by the Fire Chief or his authorized representative.

Permits will be issued upon the following conditions:

- (1) An adult (over eighteen (18) years of age) is present when the burning is done.
- (2) This person shall have a garden hose connected to the water supply or other fire extinguishing equipment readily available for use.
- (3) No gasoline, kerosene, diesel, or flammable liquids or solids are to be used as an accelerator.
- (4) Regardless of any established permit period, the Fire Chief or his authorized representative shall have the authority to forbid, restrict, or suspend any and all burning or cancel any permit upon determining burning to cause a health-related nuisance to the public, or if weather conditions are unfavorable or hazardous for outdoor fires.
- (5) Prior to burning, the permittee will call the Fire Department to inform them that a permit has been obtained and the permittee is going to be burning.
- (6) Non-commercial fires built as per the adopted fire code and used for cooking of food or for ceremonial, recreational, or comfort purposes, including barbeques, campfires, and outdoor fireplaces are exempted from permitting requirements.

Permits will be good for the period stated on the permit and shall be available at the burning site for examination during the hour(s) of burning. (Ord. #2011-007, Dec. 2011)

CHAPTER 2

DELETED

(Chapter 2, Fire Code,¹ was deleted by Ord. #O-2016-010, Aug. 2016
and relocated to § 12-101(7))

¹Municipal code reference

Building, utility, and residential codes: title 12.

CHAPTER 3

FIRE DEPARTMENT¹

SECTION

- 7-301. Establishment, equipment, and membership.
- 7-302. Objectives.
- 7-303. Organization, rules, and regulations.
- 7-304. Records and reports.
- 7-305. Tenure and compensation of members.
- 7-306. Chief responsible for training and maintenance.
- 7-307. Chief to be assistant to state officer.
- 7-308. Equipment to be used only within corporate limits.

7-301. Establishment, equipment, and membership. There is hereby established a Fire Department to be supported and equipped from appropriations by the Board of Mayor and Aldermen. All apparatus, equipment, and supplies shall be purchased by or through the City and shall be and remain the property of the City. The Fire Department shall be composed of a Chief and such number of physically-fit subordinate Officers and Firemen as shall be appointed or approved. (Ord. #2011-007, Dec. 2011)

7-302. Objectives. The Fire Department shall have as its objectives:

- (1) To prevent uncontrolled fires from starting.
- (2) To prevent the loss of life and property because of fires.
- (3) To confine fires to their places of origin.
- (4) To extinguish uncontrolled fires.
- (5) To prevent loss of life from asphyxiation or drowning.
- (6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable. (Ord. #2011-007, Dec. 2011)

7-303. Organization, rules, and regulations. The Chief of the Fire Department shall set up the organization of the department, make definite assignments to individuals, and shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the Fire Department. (Ord. #2011-007, Dec. 2011)

¹Municipal code reference

Special privileges with respect to traffic: title 15, chapter 2.

7-304. Records and reports. The Chief of the Fire Department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. He shall submit such written reports on such matters to the Board of Mayor and Aldermen once each month, and at the end of the year a detailed annual report shall be made. (Ord. #2011-007, Dec. 2011)

7-305. Tenure and compensation of members. The Chief and all Firemen shall serve so long as their conduct and efficiency are satisfactory to the City Administrator. However, so that adequate discipline may be maintained, the Chief shall have the authority to suspend temporarily any member of the Fire Department when he deems such action to be necessary for the good of the department. (Ord. #2011-007, Dec. 2011)

7-306. Chief responsible for training and maintenance. The Chief of the Fire Department shall be fully responsible for the training of the Firemen and the minimum training shall be established by the State of Tennessee or such commissions appointed to establish those minimums. (Ord. #2011-007, Dec. 2011)

7-307. Chief to be Assistant to State Officer. Pursuant to requirements of Tennessee Code Annotated § 68-102-108, the Fire Chief is designated as an Assistant to the State Commissioner of Commerce and Insurance and is subject to all the duties and obligations imposed by Tennessee Code Annotated, title 68, chapter 102, and shall be subject to the directions of the Commissioner in the execution of the provisions thereof. (Ord. #2011-007, Dec. 2011)

7-308. Equipment to be used only within corporate limits. No equipment of the Fire Department shall be used outside the corporate limits unless under the provisions of a mutual aid agreement. (Ord. #2011-007, Dec. 2011)

CHAPTER 4

FIREWORKS

SECTION

- 7-401. Fireworks defined.
- 7-402. Permit required for supervised displays.
- 7-403. Bond required.
- 7-404. Furnish information to Fire Marshal before permit is granted.
- 7-405. Non-residents cannot receive permit.
- 7-406. Uses not prohibited.
- 7-407. Enforcement.

7-401. Fireworks defined. The term "fireworks" shall mean and include any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include firecrackers, torpedoes, skyrockets, roman candles, daygo bombs, sparklers, smoke bombs, unmanned airborne devices capable of producing an open flame such as Sky Lanterns, or other fireworks of like construction and any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance. The term "fireworks" shall not include model rockets and model rocket engines, designed, sold and used for the purpose of propelling recoverable aero models. It also shall not include blank cartridges, starter pistols for athletic events, toy pistols, toy canes, toy guns or other devices in which paper and/or plastic and/or metal caps are used and toy paper and/or plastic and/or metal caps manufactured with the specific limitation of an average twenty-five hundredths (1/4) of a grain of explosive content per cap, the sale and use of which shall be permitted at all times. Each package containing said caps offered for retail sale shall be labeled to indicate the maximum explosive content per cap. (Ord. #2011-007, Dec. 2011)

7-402. Permit required for supervised displays. Except as hereinafter provided, no person, firm, co-partnership, or corporation shall offer for sale, expose for sale, sell at retail, keep with the intent to sell at retail; or possess, or use, or explode any fireworks, provided that the Fire Marshal may adopt reasonable rules and regulations for the granting of permits for supervised displays of fireworks by municipalities, fair associations, amusement parks, and other organizations or groups of individuals. Such permits may be granted upon application to said Fire Marshal and after approval of the Fire Chief, and Board of Mayor and Aldermen of Sevierville and the filing of a bond by the applicant as provided hereinafter. Every such display shall be handled by a competent operator licensed by the State of Tennessee or certificated as to

competency by the Fire Marshal. The operation shall be located in accordance with City codes and State law, so as to not endanger any person or persons and/or be hazardous to any property. After such privilege shall have been granted, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferrable. (Ord. #2011-007, Dec. 2011)

7-403. Bond required. The City Recorder shall require a bond from the licensee in a sum not less than one thousand dollars (\$1,000.00) conditioned on compliance with the provisions of this chapter and regulations adopted hereunder, provided no municipality shall be required to file such bond. (Ord. #2011-007, Dec. 2011)

7-404. Furnish information to Fire Marshal before permit is granted. Before any permit for pyrotechnic display shall be issued, the person, firm, corporation, or organization making application therefor shall furnish to the Fire Marshal the name of the organization sponsoring the display together with the names of persons actually in charge of the firing of the display; evidence of financial responsibility; the date and time of day at which the display is to be held; the exact location planned for the display; a description setting forth the age, experience, and physical characteristics of the persons who are to do the actual discharging of the fireworks; the number and kinds of fireworks to be discharged; the manner and place of storage of such fireworks prior to display; and a diagram of the grounds on which the display is to be held showing the point at which the fireworks are to be discharged, the location of all buildings, highways, and other lines of communication, the lines behind which the spectators will be restrained, and the location of all nearby trees, power lines, telephone lines or other overhead obstructions. This application for permit must be filed at least fifteen (15) days prior to the date of display. All displays must be set up in accordance with fire codes adopted in title 7, chapter 2 herein. (Ord. #2011-007, Dec. 2011)

7-405. Non-residents cannot receive permit. No permit shall be issued under the provisions of this act to a non-resident person, firm, or corporation of the State of Tennessee for conduct of a pyrotechnic display in the City of Sevierville until such person, firm, or corporation shall have appointed in writing a member of the bar in Sevier County and residing therein to be his attorney upon all process in action or proceeding against him may be served. (Ord. #2011-007, Dec. 2011)

7-406. Uses not prohibited. Nothing in this chapter shall be construed to prohibit the use of fireworks by transportation firms or agencies for signal purposes or illumination, or the sale or use of blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports, or for use by

military organizations, or the use of fireworks for agricultural purposes under conditions approved by local authorities. (Ord. #2011-007, Dec. 2011)

7-407. Enforcement. The Fire Marshal and/or his designee shall seize, take, remove, or cause to be removed at the expense of the owner all stocks of fireworks or combustibles offered or exposed for sale, stored, or held in violation of this chapter. Any person, firm, co-partnership, corporation, or organization violating this chapter shall be cited to City Court and upon conviction shall be punished as according to other provisions of the Sevierville Municipal Code. (Ord. #2011-007, Dec. 2011)

TITLE 8**ALCOHOLIC BEVERAGES**¹**CHAPTER**

1. INTOXICATING LIQUORS.
2. BEER.

CHAPTER 1**INTOXICATING LIQUORS****SECTION**

- 8-101. Definition of "alcoholic beverages."
- 8-102. Consumption of alcoholic beverages on premises.
- 8-103. Privilege tax on retail sale of alcoholic beverages for consumption on the premises.
- 8-104. Annual privilege tax to be paid to the City Recorder.
- 8-105. Sale and consumption on premises of sexually-oriented businesses and adult-oriented establishments prohibited.
- 8-106. Inspection fee.
- 8-107. Payment of inspection fee.
- 8-108. Inspections.

8-101. Definition of "alcoholic beverages." As used in this chapter, unless the context indicates otherwise: "alcoholic beverages" means and includes alcohol, spirits, liquor, wine, and every liquid containing alcohol, spirits, wine, and capable of being consumed by a human being, other than patented medicine or beer, where the latter contains an alcoholic content of five percent (5%) by weight, or less. (Ord. #2008-031, Jan. 2009)

8-102. Consumption of alcoholic beverages on premises. Tennessee Code Annotated, title 57, chapter 4, inclusive, is hereby adopted so as to be applicable to all sales of alcoholic beverages for on-premises consumption which are regulated by the said code when such sales are conducted within the corporate limits of Sevierville, Tennessee. It is the intent of the Board of Mayor and Aldermen that the said Tennessee Code Annotated, title 57, chapter 4, inclusive, shall be effective in Sevierville, Tennessee, the same as if said code sections were copied herein verbatim. (Ord. #2008-031, Jan. 2009)

¹State law reference

Tennessee Code Annotated, title 57.

8-103. Privilege tax on retail sale of alcoholic beverages for consumption on the premises. Pursuant to the authority contained in Tennessee Code Annotated § 57-4-301, there is hereby levied a privilege tax (in the same amounts levied by Tennessee Code Annotated, title 57, chapter 4, section 301, for the City of Sevierville general fund to be paid annually as provided in this chapter) upon any person, firm, corporation, joint stock company, syndicate, or association engaging in the business of selling at retail in the City of Sevierville alcoholic beverages for consumption on the premises where sold. (Ord. #2008-031, Jan. 2009)

8-104. Annual privilege tax to be paid to the City Recorder. Any person, firm, corporation, joint stock company, syndicate, or association exercising the privilege of selling alcoholic beverages for consumption on the premises in the City of Sevierville shall remit annually to the City Recorder the appropriate tax described in § 8-103. A licensee's first payment shall be due when the license is issued, and shall be paid on a prorated basis for each month, or portion thereof, remaining in the calendar year. Thereafter, the annual payment shall be due on January 1 of each calendar year. At the time of the passage of the ordinance comprising this chapter, any existing business subject to this tax shall pay the privilege tax on a prorated basis for each month, or portion thereof, remaining in the calendar year. Upon the transfer of ownership of such business or the discontinuance of such business, said tax shall be paid within thirty (30) days following such event. Any person, firm, corporation, joint stock company, syndicate, or association failing to make payment of the appropriate tax when due shall be subject to the penalty provided by law. (Ord. #2008-031, Jan. 2009)

8-105. Sale and consumption on premises of sexually-oriented businesses and adult-oriented establishments prohibited. Alcoholic beverages shall not be sold or consumed on the premises of any sexually-oriented business as defined in Section 326 of the Sevierville Zoning Ordinance, or on the premises of any "adult-oriented establishment" as defined in Tennessee Code Annotated § 7-51-1102(6). (Ord. #2008-031, Jan. 2009, modified)

8-106. Inspection fee.

(1) There is hereby imposed an inspection fee upon all licensed retailers of alcoholic beverages as defined by Tennessee Code Annotated, § 57-3-501, and on all retail food store wine licensees, located within the City of Sevierville.

(2) Except as provided in subsection (3) of this section, the inspection fee shall be eight percent (8%) of the wholesale price of alcoholic beverages supplied by a wholesaler.

(3) If a manufacturer of high alcohol content beer, as defined by Tennessee Code Annotated, § 57-3-101, obtains a retail license to sell its products which are manufactured on the manufacturer's premises, the inspection fee shall be fifteen percent (15%) of the wholesale price of the high alcohol content beer supplied to be sold on the premises. (as added by Ord. #O-2016-005, May 2016)

8-107. Payment of inspection fee.

(1) Each wholesaler shall furnish the chief financial officer of the city a monthly report of all alcoholic beverages supplied to each licensed retailer and retail food store wine licensee, which report shall contain all of the information required, and all such additional information as may be reasonably required by the chief financial officer, including but not limited to the wholesale price of such alcoholic beverages.

(2) Each manufacturer of high alcohol content beer supplying such products to be sold at retail on its premises shall furnish the chief financial officer of the city a monthly report of all high alcohol content beer so supplied, which report shall contain all of the information required, and all such additional information as may be reasonably required by the chief financial officer, including but not limited to the wholesale price of such high alcohol content beer.

(3) Each monthly report required by this section shall be filed with the chief financial officer not later than the twentieth (20th) day of the month following the month in which the products were supplied. Each wholesaler or manufacturer filing such a monthly report shall collect and remit the inspection fee (less any authorized reimbursement for the collection service, which reimbursement shall not exceed five percent (5%) of the amount of the inspection fee), to the chief financial officer of the city at the time the monthly report is made and in no event later than the twentieth (20th) day of the month following the month in which the products were supplied. A penalty of ten percent (10%) of the fee due shall be paid for each failure to file a timely report and/or to pay the required fee. (as added by Ord. #O-2016-005, May 2016)

8-108. Inspections. The city administrator, the chief financial officer, or the authorized representative of either of them, is authorized to examine the books, papers, and records of any wholesaler or manufacturer subject to the provisions of this chapter at any and all reasonable times for the purpose of determining whether the provisions of this chapter are being observed. The city administrator, chief financial officer, or the authorized representative of either of them, and the chief of police, and any police officer of the City of Sevierville are authorized to enter and inspect the premises of a licensed establishment at any time the licensed establishment is open for business. In addition to any other penalties imposed by law, each refusal to permit the examination of books, papers and records of a wholesaler or manufacturer, or the inspection and

examination of the premises of a licensed establishment, shall be a violation of this chapter, punishable by a fine of up to fifty dollars (\$50.00) for each day the violation occurs or continues. (as added by Ord. #O-2016-005, May 2016)

CHAPTER 2

BEER¹

SECTION

- 8-201. Definitions.
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- 8-226. Permits not transferable-cessation of business-relocation-name change-change of ownership.
- 8-227. Permit forfeited if permittee is convicted of certain offenses.
- 8-228. Suspension or revocation.
- 8-229. Procedure.

¹Municipal code references

Municipal offenses: title 11, chapter 1.

Tax provisions: title 5.

State law reference

For a leading case on a municipality's authority to regulate beer, see the Tennessee Supreme Court decision in Watkins v. Naifeh, 635 S.W.2d 104 (1982).

8-230. Civil penalty in lieu of suspension.

8-231. Loss of clerk's certification for sale to minor.

8-232. Severability.

8-201. Definitions.

(1) Applicant shall mean the person on whose behalf an application for beer permit is filed.

(2) Barrel shall mean thirty-one (31) gallons.

(3) Beer means beer, ale or other malt beverages, or any other beverages having an alcoholic content as defined in Tennessee Code Annotated, § 57-5-101(b), and any amendments thereto to become effective in the future; provided, however, that no more than forty-nine percent (49%) of the overall alcoholic content of such beverage may be derived from the addition of flavors and other non-beverage ingredients containing alcohol.

(4) Beer board or board means that administrative body organized and empowered under the authority of Tennessee Code Annotated, § 57-5-106.

(5) Certified clerk shall mean a clerk who has successfully satisfied the training requirements contained in this part, or who has received certification from a responsible vendor training program.

(6) Clerk shall mean any person working in a capacity to sell beer directly to consumers for off-premise consumption.

(7) Commission shall mean the Tennessee Alcoholic Beverage Commission.

(8) Craft beer enterprise shall mean a craft beer business whose primary business is the retail sale of craft beer.

(9) Craft beer shall mean beer manufactured by breweries with an annual production of six million (6,000,000) barrels or less.

(10) Growler shall mean a refillable rigid glass, plastic, aluminum or stainless steel container with a flip-top or screw-on lid that is no larger than two (2) liters (0.5283 gallons) into which craft beer is prefilled, filled or refilled for off-premises consumption.

(11) Hotel/motel shall mean any establishment which meets any definition found in Tennessee Code Annotated, § 57-4-102(20).

(12) Manufacture shall mean producing beer at a rate of at least two hundred (200) barrels each calendar year on the licensed premises.

(13) Meals shall be defined as any of the following:

(a) Food sold in a heated state or heated by the seller;

(b) Two (2) or more food ingredients mixed or combined by the seller for sale as a single item.

(c) Food sold with eating utensils provided by the seller, including plates, knives, forks, spoons, glasses, cups, napkins or straws. A plate does not include a container or packaging used to transport the food; or

(d) Non-alcoholic beverages, except for beverages sold in unopened containers to be consumed off-premises.

(14) Outdoor venue shall mean an outdoor location which does not meet the definition of premises as defined in § 8-201(19). It may or may not be on a separate non-adjacent parcel. It must be appropriately zoned for commercial activity.

(15) Package retail sales shall mean the sale of beer bottled or packaged at the manufacturer's or wholesaler's location and transported to the retail establishment.

(16) Permit shall mean any permit issued pursuant to this article.

(17) Permittee shall mean any person to whom any permit has been issued pursuant to this article.

(18) Person shall mean any private individual, partnership, joint venture, corporation, and any other business entity or association.

(19) Premises shall mean contiguous property owned, leased, or controlled by the permittee and so connected with the beer business in which the permittee is engaged as to form a component or integral part of it, including, but not limited to, the building and the parking areas surrounding it. Premises includes all decks, patios and other well-defined outdoor serving and consuming areas that are contiguous to the exterior of the building in which the business is located and that are operated by the business identified in the permit. A permit shall be valid for all decks, patios and other well-defined outdoor serving areas that are contiguous to the exterior of the building in which the business is located; that are operated by the business and only for a business operating under the name identified in the permit.

(20) Responsible vendor shall mean a person, corporation or other entity that has been issued a permit to sell beer and has received certification by the Tennessee Alcoholic Beverage Commission under the "Tennessee Responsible Vendor Act of 2006," Tennessee Code Annotated, § 57-5-601, et seq.

(21) Responsible vendor training program shall mean a training program related to the responsible sale of beer which has met all the statutory and regulatory requirements set forth in Tennessee Code Annotated, § 57-5-601 et seq.

(22) Restaurant shall mean a business establishment whose primary business is the sale of prepared food to be consumed on the premise.

(23) Storage shall mean the storing or possessing of beer for the purpose of resale by the permit holder.

(24) TABC shall mean the Tennessee Alcoholic Beverage Commission.

(25) The pronouns he, him and his shall refer to persons of the female, as well as the male, gender, as applicable. (1996 Code, § 8-201, as replaced by Ord. #O2013-023, Nov. 2013, and Ord. #O-2015-003, April 2015)

8-202. Authority to grant and revoke beer permits. The mayor shall, with the approval of the board of aldermen, designate and appoint three (3) persons who are citizens and residents of the City of Sevierville, Tennessee, one (1) of whom is a member of the board of aldermen, to act as a beer board for the purpose of granting, refusing, rescinding, or revoking permits for the sale, storage and warehousing of beer, for off-premises consumption, and on-premises consumption as set forth in this chapter, within the corporate limits of Sevierville, Tennessee. For purposes of this chapter, "beer" means beer as defined in Tennessee Code Annotated, § 57-5-101(b), and the "city" means the City of Sevierville, Tennessee. (1996 Code, § 8-202, as amended by Ord. #2005-011, June 2005, and replaced by Ord. #O2013-023, Nov. 2013, and Ord. #O-2015-003, April 2015)

8-203. Issuance of permits by beer board.

(1) The beer board is vested with full and complete authority to issue permits, which permits shall be issued only for locations which are within a commercially zoned area as indicated on the then current and applicable zoning map at the time the application is made, for the sale, storage, and warehousing of beer for on-premises consumption and off-premises consumption.

(2) The beer board may in its discretion issue a contingent permit to an applicant who has not yet met all of the requirements of this chapter for issuance of a permit. A contingent permit shall expire six (6) months from the date of issuance if all requirements of this chapter have not been satisfied, unless the board in its discretion grants a further extension of time. (1996 Code, § 8-203, as amended by Ord. #2005-011, June 2005, and replaced by Ord. #O2013-023, Nov. 2013, and Ord. #O-2015-003, April 2015)

8-204. Permits for the manufacture of beer. Permits for the manufacture of craft beer shall be issued in accordance with the general requirements of this chapter. A manufacturer of beer can further apply for permits for retail sale for on-premises and/or off-premises consumption. Documentation by the manufacturer of the number of barrels produced each calendar year may be required. (1996 Code, § 8-205, as amended by Ord. #2005-011, June 2005, and replaced by Ord. #O2013-023, Nov. 2013, and Ord. #O-2015-003, April 2015)

8-205. Permits for the sale of beer. There are two (2) types of permits and each type has classes of permits within the type. The two (2) types of permits the beer board may issue are:

A retailer's "off-premises" permit shall be issued for the sale of beer only for consumption off the business premises in accordance with the provisions of this chapter.

A retailer's "on-premises" permit shall be issued to any business engaged in the sale of beer where the beer is to be consumed by the purchaser or his guests upon the premises of the seller.

A retailer's "on-premises" permit may be issued only for use in connection with these establishments defined in § 8-210 through § 8-218 below.

A business can sell beer for both on-premises and off-premises consumption at the same location if otherwise permitted by law and this ordinance. Each type and class of permit is deemed to be a separate permit and requires a separate application processing fee.

If the character of the establishment changes from the classification under which a permit was originally issued, the permittee will be required to obtain a new permit to conform to the type of establishment being operated by the permittee. (Ord. #2005-011, June 2005, as amended by Ord. #2008-005, April 2008, and Ord. #2009-004, March 2009, and replaced by Ord. #O2013-023, Nov. 2013, and Ord. #O-2015-003, April 2015)

8-206. Permit required for engaging in beer business. It shall be unlawful for any person or entity to sell, store for sale, distribute for sale or manufacture beer without first making application to and obtaining a permit from the beer board pursuant to Tennessee Code Annotated, § 57-5-103. The application shall be made on such forms as the board shall prescribe and/or furnish, and shall be accompanied by a non-refundable application fee of five hundred dollars (\$500.00). Said fee shall be in the form of cash, cashier's check, or company check made payable to the city. Each person signing an application must be a person of good moral character and certify that he has read and is familiar with the provisions of this chapter. For purposes of this chapter, "entity" means a firm, partnership, limited liability company, corporation, joint stock company, syndicate, association or any other legal entity whatsoever. (Ord. #2005-011, June 2005, as amended by Ord. #2009-004, March 2009, as replaced by Ord. #O2013-023, Nov. 2013, and Ord. #O-2015-003, April 2015)

8-207. Qualifications for permits. In order to qualify for a permit to sell beer, an applicant must fully satisfy, comply with and adhere to the following qualifications and criteria for the applicant and location for the sale of beer:

(1) No sale of such beverages shall be made except in accordance with the permit granted.

(2) Neither the applicant nor any persons employed or to be employed by the applicant in such distribution or sale of such beverages shall have ever been convicted of any violation of law regarding the prohibition, sale, possession, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years.

(3) The applicant shall not have had a license for the sale of alcoholic beverages of any kind or nature revoked by any city, county, or state.

(4) The property upon which the business is operating is located in a zoning district approved for such use.

(5) The applicant shall execute an authorization enabling the city to receive from each and every wholesale supplier to the permittee, the dollar value and amounts of beer sold by the wholesaler or distributor to the permittee, at such time or times as the city may request such information. This authorization shall be in full force and effect during the entire term of the permit.

(6) The applicant shall not make a false statement in his application for any beer permit. Such a statement shall be cause for immediate revocation of the permit. (Ord. #2005-011, June 2005, as replaced by Ord. #O2013-023, Nov. 2013, and Ord. #O-2015-003, April 2015)

8-208. Requirements to maintain any permit issued under this section. The following requirements shall be met at all times to maintain a permit issued by the city beer board:

(1) A permit holder shall not:

(a) Operate a disorderly place.

(b) Permit boisterous or disorderly conduct on the premises.

(c) Sell or allow to be sold on the premises of the permittee, beer to any person using food stamps issued pursuant to state or federal law for the purchase of such beer.

(2) Hours and days of operations. It shall be unlawful to offer for sale or sell beer within the corporate limits of the city between the hours of 3:00 A.M. and 10:00 A.M. on Sunday and between the hours of 3:00 A.M. and 6:00 A.M. Monday through Saturday.

(3) Sales to minors or intoxicated persons. It shall be unlawful to sell or offer to sell beer to a person under the age of twenty-one (21) years or to a person who is visibly intoxicated.

(4) Sexually-oriented establishments prohibited. Alcoholic beverages shall not be sold or consumed on the premises of any sexually-oriented business as defined in the Sevierville Zoning Ordinance, or on the premises of any "adult-oriented establishment" as defined in Tennessee Code Annotated, § 7-51-1102(6).

(5) Condition of premises generally. No retailer's permit shall be granted to any person whose premises are not neat, clean and in good repair, both inside and outside. The premises shall at all times be free from litter, weeds, trash and other forms of debris. Any tires, old appliances, motor vehicle parts, tools, equipment or other similar materials shall not be displayed openly on the premises but must be stored inside an opaque enclosure.

(6) Inspection of beer businesses. Appropriately assigned officials from the city shall have the right to inspect at any and all times the entire premises and property where or upon or in which the beverages regulated by this chapter are sold, stored, transported or otherwise dispensed or distributed or handled, whether at retail or wholesale, in the city for any law violations.

(7) Continually operate the business. Any person who holds a permit shall continuously operate the business, and if any permit holder either voluntarily or involuntarily fails or refuses to carry on the business for a period of sixty (60) days, then said permit shall be revoked.

Any such establishment for which two (2) consecutive months or for any three (3) months in any calendar year does not meet the established minimums of non-alcoholic sales shall have their permit revoked.

(8) Properly pay all taxes, fees, and charges. All property taxes, license fees or other charges owed by the permittee, or by the owners of the permittee, to the City or Sevier County, Tennessee, must be kept current throughout the term of the license. This requirement shall not apply to the owners of a permittee that is a publicly held company.

(9) Maintain property in compliance with all state, county, and city regulatory requirements. The premises upon which the permit is granted shall at all times be in compliance with city zoning ordinances, and with all fire, health, safety and building codes of the city and/or the State of Tennessee. (Ord. #2009-004, March 2009, as replaced by Ord. #O2013-023, Nov. 2013, and Ord. #O-2015-003, April 2015)

8-209. Failure to maintain requirements. Failure on the part of any permittee to observe the requirements of this chapter after issuance of a permit shall constitute grounds for suspension or revocation of the permit. (1996 Code, § 8-209, as replaced by Ord. #O2013-023, Nov. 2013, and Ord. #O-2015-003, April 2015)

8-210. On-premises consumption permits defined. The following classes of permits for on-premises consumption are established.

- (1) Restaurant.
- (2) Craft beer establishment.
- (3) Hotel/motel.
- (4) Caterer.
- (5) Special venue.

Definitions for each of the classes are established in the section dedicated to the requirements and restrictions of each class. (1996 Code, § 8-210, as replaced by Ord. #O2013-023, Nov. 2013, and Ord. #O-2015-003, April 2015)

8-211. Classification of existing permits. All beer permits now issued and outstanding will be classified and placed in its appropriate category, and the holders of said beer permits shall be so notified, along with a copy of this ordinance. (Ord. #2009-004, March 2009, as replaced by Ord. #O2013-023, Nov. 2013, and Ord. #O-2015-003, April 2015)

8-212. Restaurant classification requirement and restrictions.

(1) An establishment must meet the restaurant requirements of Tennessee Code Annotated, § 57-4-102(29)A.

(2) In the event that a restaurant contains a bar or bar area, food service shall be equally available to the bar and bar area as it is in other areas of the restaurant.

(3) An establishment shall be eligible for a permit as a restaurant only if more than fifty percent (50%) of the gross revenue of the restaurant is generated from the serving of meals. Any such establishment for which two (2) consecutive months or for any three (3) months in any calendar year has fifty percent (50%) or less of its gross revenue from the serving of meals shall have its beer permit revoked.

(4) Have forty (40) seats in the interior of the building under a permanent roof and enclosed on all sides. Seats in an open air or patio area, as permitted by subsection (5) below, shall not count toward meeting the requirement of forty (40) interior seats required for this category of permit.

(5) A permittee having this category of license shall be allowed to sell and serve on a patio or open air area, for which access is provided only by going through the interior of the building. The patio or open air area shall be enclosed by a permanent fence, railing, or similar structure, a minimum of forty-two inches (42") in height, which obstructs normal walking access to the patio or open air area, except by entry through the interior of the building. The fence, railing, or other structure shall have at least one (1) emergency exit, to be opened only in the event of an emergency and so marked, which will emit an audible sound, such as a bell, siren or other like sound, when the emergency exit is opened. Additional such exits may be required depending on the size of the fenced in area, as specified in the Sevierville Fire Protection Ordinance.

(6) Within thirty (30) minutes from the time that sale of beer has ceased as required by § 8-208(2), all containers, glasses or other vessels of any type which have been used for serving and consumption of beer shall be removed by permittee from the area or areas where the beer had been consumed and shall be placed in areas not for access by patrons of the establishment. (1996 Code, § 8-212, as replaced by Ord. #O2013-023, Nov. 2013, and Ord. #O-2015-003, April 2015)

8-213. Hotel/motel classification requirements and restrictions.

(1) It shall be lawful for the beer board to issue a permit for the sale of beer to hotels, motels, or inns, subject to the limitations and restrictions contained in the state law and the rules and regulations and restrictions contained in the permit required by this chapter.

(2) Permits may be issued under this section to hotels, motels, or inns for sale and consumption on the premises in rooms where meals or lunches are served and in guests' rooms.

(3) Beer also may be sold and dispensed to adult guests only through locked, in-room units.

(4) Beer sold from a "convenience store" located within the confines of the sight and oversight of a paid employee may only be sold for consumption on the premises and to a bona guest of the hotel.

(5) The permittee is responsible for verifying the age and guest status of the purchaser.

(6) In the case of locked in-room units, a key separate from that used to enter the room shall be supplied and no person under the age of twenty-one (21) shall be issued or supplied with such a key. (1996 Code, § 8-213, as replaced by Ord. #O2013-023, Nov. 2013, and Ord. #O-2015-003, April 2015)

8-214. Craft beer enterprise requirements and restrictions.

(1) A craft beer enterprise shall meet the definition found in § 8-201.

(2) A craft beer enterprise may exist without a corresponding city manufacturing permit but craft beer enterprises which do not have a city manufacturing permit under the same business ownership are permitted only in the tourist development zone of the city as defined in the city zoning ordinance.

(3) A craft beer enterprise shall be required to have no less than thirty-four percent (34%) of the gross revenue of the enterprise generated from the serving of meals.

(4) Have forty (40) seats in the interior of the building under a permanent roof and enclosed on all sides. Seats in an open air or patio area, as permitted by subsection (5) below, shall not count toward meeting the requirement of forty (40) interior seats required for this category of permit.

(5) A permittee having this category of license shall be allowed to sell and serve on a patio or open air area, for which access is provided only by going through the interior of the building. The patio or open air area shall be enclosed by a permanent fence, railing, or similar structure, a minimum of forty-two inches (42") in height, which obstructs normal walking access to the patio or open air area, except by entry through the interior of the building. The fence, railing, or other structure shall have at least one (1) emergency exit, to be opened only in the event of an emergency and so marked, which will emit an audible sound, such as a bell, siren or other like sound, when the emergency exit is opened. Additional such exits may be required depending on the size of the fenced in area, as specified in the Sevierville Fire Protection Ordinance.

(6) Within thirty (30) minutes from the time that sale of beer has ceased as required by § 8-208(2), all containers, glasses or other vessels of any type which have been used for serving and consumption of beer shall be removed by permittee from the area or areas where the beer had been consumed and shall be placed in areas not for access by patrons of the establishment. (1996 Code, § 8-214, as replaced by Ord. #O2013-023, Nov. 2013, and Ord. #O-2015-003, April 2015)

8-215. Caterer classification requirements and restrictions.

(1) Meet the requirements of Tennessee Code Annotated, § 57-4-102(6) as a "caterer."

(2) Beer may be sold for consumption only at the permanent catering hall of the caterer or at a site for which the caterer has given advance notice to the city recorder.

(3) Only employees of a licensed caterer may serve beer at any event, whether at the caterer's designated premises or a remote venue.

(4) No caterer may provide only alcohol without meals present and available for consumption at any catered event. (Ord. #2008-005, April 2008, as replaced by Ord. #O2013-023, Nov. 2013, and Ord. #O-2015-003, April 2015)

8-216. Special venue classification. The special venue classification is a conditional permit issued by the beer board, which has requirements and restrictions based on the unique issues created by the location and type of use of the applicant.

A special venue is defined as:

(1) A single premises in a permanent location affixed to the earth whose area is defined by a foundation, permanent fencing, or permanent surfacing.

(2) The primary purpose of the premises cannot be for the sale of goods at either retail or wholesale.

(3) The serving of food is not a requirement.

(4) The establishment does not qualify for any other classification of permit.

(5) The premises is defined as eligible to receive a permit to serve alcoholic beverages, in Sevier County, under Tennessee Code Annotated chapter § 57-4-101 or is property currently owned in whole or in part by the city, and it is deemed appropriate that it have the right to sell beer. (1996 Code, § 8-216, as replaced by Ord. #O2013-023, Nov. 2013, and Ord. #O-2015-003, April 2015)

8-217. Special venue permit process.

(1) An establishment wishing to receive a special venue permit shall make application to the city's beer board through its assigned representative on a special venue application provided by the city. The application shall provide all information required of any other application for an on-premises permit. Additionally, the applicant shall state why a special venue permit is required, as opposed to a more generally classified permit, as well as the specifics of how, where, and when the beer will be served.

(2) The beer board will meet to consider the application and cause a finding to be made as to whether the applicant is entitled such a permit. They may at that time also include such conditions, requirements and restrictions as they deem necessary for the safe and prudent sale of beer in the location

identified as a "special venue." (1996 Code, § 8-217, as replaced by Ord. #O2013-023, Nov. 2013, and Ord. #O-2015-003, April 2015)

8-218. Existing venues holding a specifically named on-premises consumption permit. Any venue holding an on-premises consumption permit at the time of the adoption of this ordinance, but not fitting into one of the other permit classes shall receive a special venue permit with such conditions that were imposed under the previously codified ordinance as of the date of the adoption of this ordinance.

All beer permits now issued and outstanding will be classified and placed in an appropriate category under this ordinance, and the holders of said beer permits shall be so notified and shall be provided a copy of this ordinance. (1996 Code, § 8-218, as replaced by Ord. #O2013-023, Nov. 2013, and Ord. #O-2015-003, April 2015)

8-219. Outdoor venue approval. Beer may be sold on a temporary basis at an outdoor venue by businesses holding an on-premises permit under the following conditions:

(1) The location meets the Tennessee Alcoholic Beverage Commission's requirements for alcoholic service.

(2) An application has been submitted to the city recorder for the location and dates where the beer will be sold or provided.

(3) The review fee of one hundred dollars (\$100.00) per application has been paid.

(4) The city has adopted administrative policies that govern the process, timing, rules, and review procedures for outdoor venues. Copies of said policies shall be made available to all holders of permits for on-premises consumption. (as added by Ord. #O-2015-003, April 2015)

8-220. Off-premises consumption sales. The following classes of permits for off-premises consumption are established.

(1) Package retail sales.

(2) Growler sales.

(as added by Ord. #O-2015-003, April 2015)

8-221. Package retail classification requirements and restrictions.

(1) The monthly off-premises package retail beer sales of any establishment that holds an off-premises permit shall not exceed twenty-five percent (25%) of the gross sales of the establishment.

(2) The permittee shall not allow the sale of beer by way of a drive-in and/or a drive through window. (as added by Ord. #O-2015-003, April 2015)

8-222. Growler classification requirements and restrictions.

(1) A growler permit may be held by the holder of any other on-premises or off-premises permit holder. A growler permit may not be the only permit held by a permittee.

(2) Holders of the growler permit may fill or refill growlers on demand with beer for off-premises consumption provided the label as required by this section is affixed to the growler.

(3) Each growler must be securely sealed and removed from the premises in its original sealed condition. Each growler shall bear a twist-type closure, cork, stopper, or plug. At the time of the sale and/or refilling, a paper or plastic adhesive band, strip, or sleeve shall be applied to the container or bottle and extend over the top of the twist-type closure, cork, stopper, or plug forming a seal that must be broken upon opening of the container or bottle. The adhesive band, strip, or sleeve shall bear the name and address of the business filling the growler. The containers or bottles shall be labeled as a craft beer, contain the name of the beer, and bear the name, address and telephone number of the business selling the beer. Any known allergens shall also be included on any label.

(4) Growlers must be filled in a manner that is sanitary and meets all applicable food and alcohol handling laws and standards.

(5) Consumption of the contents of any growler on the premises where it was filled is strictly prohibited. However, the licensee may provide samples of any beer on tap. Each such sample shall not exceed one (1) fluid ounce.

(6) Sales of growlers shall be limited to the legal hours during which the licensee may sell such alcoholic beverages and must be removed from the premises before the applicable closing time. (as added by Ord. #O-2015-003, April 2015)

8-223. Personal conduct of individuals.

(1) Loitering. It shall be unlawful for a permittee to allow any minor to loiter about the permittee's place of business and the burden of ascertaining the age of a minor customer shall be upon the permittee.

(2) Unlawful for minor to misrepresent age. It shall be unlawful and a misdemeanor for any person under twenty-one (21) years of age to knowingly misrepresent his age in order to obtain or purchase beer within the corporate limits of the city, or to remain in a location where beer is legally being sold under the provisions of this chapter where minors are not allowed.

(3) Public consumption of beer prohibited. None of the beverages regulated by this chapter shall be consumed on any public street, alley, boulevard, bridge, nor upon the grounds of any cemetery or public school, nor upon any park or public grounds nor upon any vacant lot within two hundred feet (200') of any public street, highway, avenue, or other public place. Despite the provisions of this section, possession and consumption of beer is permitted during certain city sponsored or co-sponsored special events within the physical

parameters of the special event zone during the time of the special event if otherwise provided by resolution of the city council. (as added by Ord. #O-2015-003, April 2015)

8-224. Application for permit authorizing the sale of beer.

(1) Before any permit is issued by the beer board, the applicant shall make payment of a non-refundable application fee in the sum of five hundred dollars (\$500.00) to the city and file with the board a written application, under oath, containing the following information:

(a) The name of the applicant.

(b) The residential and business address of the applicant. If the person applying for the permit is acting as agent for another person or entity, the name and address of such other person or entity shall be listed.

(c) The owner or owners of the place of business must provide a copy as recorded in the Sevier County Register of Deeds office of the deed for the property evidencing ownership of the premises upon which the sale of beer will be conducted. If the premises are subject to a lease or rental agreement, a copy of all executed documents evidencing the right to use the premises must be submitted with the application. A copy of the current lease or rental agreement must be kept on file with the board at all times. If a lease or rental agreement is renewed, a copy of the renewed lease or rental agreement must be provided to the board.

(d) A valid copy of the applicant's Tennessee Department of Revenue sales and use tax certificate of registration.

(e) An authorization for criminal history inquiry form must be provided for each person having at least five percent (5%) ownership interest in the business, along with a copy of each such person's driver's license.

(2) An application shall become null and void if it is not presented to the board at a public meeting within three (3) months after the application is filed, or if another application for a permit for the same location is approved before the application is presented to the board at a public meeting. (as added by Ord. #O-2015-003, April 2015)

8-225. Privilege tax. There is hereby imposed on the business of selling, distributing, storing or manufacturing beer an annual privilege tax of one hundred dollars (\$100.00). Any person or entity engaged in the sale, distribution, storage or manufacture of beer shall remit the tax on January 1, 1994, and each successive January 1, to the city. At the time each new permit is issued to any business subject to this tax, the permittee shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date.

The annual privilege tax notice of payment due shall be mailed to permittee no later than thirty (30) days prior to January 1 of each year. Notice shall be mailed to the address specified by the permittee on the permit application. The annual privilege tax shall be payable and due no later than January 31 of each year. If a permittee does not pay the tax by January 31 of each year, then the city shall notify the permittee in writing, either by certified mail or by hand delivery by a member of the city police department, which the privilege tax is past due. If a permittee does not pay the tax within ten (10) days after receiving notice of its delinquency, then the permit shall automatically become revoked and void and any further sales of the licensed beverage after that time shall be illegal and in violation of the city beer ordinance. (as added by Ord. #O-2015-003, April 2015)

8-226. Permits not transferable - cessation of business - relocation - name change - change of ownership.

(1) Except as set forth in subsection (2) below, a permittee must return a permit to sell beer to the city recorder within fifteen (15) days of termination of the business, change in ownership, relocation of the business, or change of the business name. The provisions of this section regarding change in ownership shall not apply to a permittee that is a publicly held company. If the permittee is an entity other than a publicly held company, a change in ownership shall occur, for purposes of this chapter, when control of at least a fifty percent (50%) interest, whether it be stock or otherwise, in the entity is transferred to a new owner. Notwithstanding the failure to return a beer permit, as provided herein, a permit shall expire on the date of termination of business, change of ownership, relocation of the business, or change of the business name.

(2) In the event that there is a change of ownership, as defined above, the new owner shall be allowed to make beer sales under the permit of the prior owner until the next scheduled beer board meeting, provided that the new owner has filed with the beer board a completed application for a permit and the prior permittee has not surrendered its permit and states in writing to the city recorder that the new owner shall be allowed to operate under the prior permit until the beer board acts on the new owner's application. Immediately upon the beer board's acting on the new owner's application, the prior permit shall terminate and the prior permittee shall immediately surrender that permit to the city recorder. Should the prior permittee fail to immediately surrender the permit to the city recorder, the prior permittee shall not be eligible to apply for a beer permit within the city for a period of six (6) months thereafter. Any violation of any part or provision of this chapter by the new owner/applicant while the application is pending shall automatically result in the application being denied and the applicant shall not be eligible to apply for a beer permit within the city for a period of six (6) months thereafter.

(3) In the event that there is a change of the business name, the owner shall be allowed to make beer sales under the existing permit until the next

scheduled beer board meeting, provided that owner has filed with the beer board a completed application for a new permit. Any violation of any part or provision of the city's beer ordinance by the owner/applicant during the period the application is pending shall automatically result in the application being denied and the applicant shall not be eligible to apply for a beer permit within the city for a period of six (6) months thereafter. (as added by Ord. #O-2015-003, April 2015)

8-227. Permit forfeited if permittee is convicted of certain offenses. Any permittee who, after obtaining a permit, is convicted by any court of competent jurisdiction of violating any of the laws regarding possession, sale, manufacture, and/or transportation of intoxicating liquor or other alcoholic beverages, or of any crime involving moral turpitude, shall immediately upon conviction forfeit the permit without further action by the beer board. (as added by Ord. #O-2015-003, April 2015)

8-228. Suspension or revocation. The beer board is vested with the full and complete power and authority to suspend, cancel, or revoke permits to sell beer upon the following grounds:

- (1) Any violation of the provisions of this chapter.
- (2) Any violation of any law of the State of Tennessee, now in existence or hereinafter adopted, regulating the sale, manufacture or distribution of beer.
- (3) Any violation of the provisions of title 57, chapter 4, Tennessee Code Annotated, regarding the consumption of alcoholic beverages on premises, to the extent permitted by the provisions of said title 57. (as added by Ord. #O-2015-003, April 2015)

8-229. Procedure.

(1) When the beer board has reason to believe that any permittee has violated any of the provisions of this chapter or any provision of state law regarding regulating the sale, manufacture or distribution of beer, the board is authorized in its discretion to notify the permittee of the violation in writing and to give notice that the permittee must appear and show cause why the permit should not be suspended or revoked for the alleged violations. The notice to appear and show cause shall state the nature of the violation and shall be served upon the permittee either by certified mail or by a member of the city police department. The notice shall be served on or mailed to the permittee at least ten (10) days before the date scheduled for the hearing. The beer board shall, at the public hearing, allow evidence to be presented on behalf of the holder of the permit and thereafter, in its discretion, either dismiss the charges or complaint, or suspend or revoke the permit. The action of the beer board shall, in all such hearings, be final, subject only to review by a court of competent jurisdiction as provided by state law. When a permit is revoked, no new permit for the sale of beer shall be issued hereunder to the permittee, or to

any person or entity having any ownership interest in the permittee, until the expiration of one (1) year from the date the revocation becomes final. If any permittee has its beer permit revoked for a second time for the violation of the provisions of this chapter or state law, then that permittee shall not be eligible to apply for a new permit for a period of three (3) years from the date the revocation becomes final. If any permittee has its beer permit revoked for a third violation of the provisions of this chapter or the provisions of state law, then that permittee shall not thereafter be granted a permit to sell beer within the corporate limits of the city.

(2) If the State Alcoholic Beverage Commission suspends or revokes a license to sell alcoholic beverages on the premises at any establishment for any violation or violations as provided in title 57, chapter 4, Tennessee Code Annotated, and the commission notifies the beer board by certified mail, return receipt requested, of the action taken by the commission, and includes with such notice the record of evidence and the determination made by the commission in suspending or revoking the license of the establishment, then upon receipt of such notice, the beer board may temporarily suspend the beer permit of the establishment and shall:

(a) Schedule a hearing for the next regularly scheduled meeting of the beer board to be held at least fourteen (14) days following the date the beer board receives the certified letter to provide an opportunity for the permit holder to appear and show cause why the permit to sell beer on the premises should not be suspended or revoked for a violation or violations as provided in title 57, chapter 4, based on actions taken by the commission; and

(b) Notify the individual or business entity, which is listed as the permit holder at the same location where the alcoholic beverage license had been suspended or revoked, of the date and time of the hearing.

(3) If the beer board finds at a hearing that a sufficient violation or violations have occurred as provided in title 57, chapter 4, at such location, then the beer board may suspend or revoke the permit to the same extent and at least for the same period of time as the commission has suspended or revoked the license of the establishment.

(4) If the permit holder fails to appear or decides to surrender the permit to the beer board in lieu of appearing at the hearing, the permit may be suspended or revoked by the beer board; provided, that if the permit is suspended or revoked, no permit to sell beer on the premises shall be issued by the beer board to any person for the location where the commission had suspended or revoked the license for the period of time included in the decision of the commission.

(5) Pursuant to Tennessee Code Annotated, § 57-5-608, the beer board shall not revoke or suspend the permit of a "responsible vendor" qualified under the requirements of Tennessee Code Annotated, § 57-5-606 for a clerk's illegal

sale of beer to a minor if the clerk is properly certified and has attended annual meetings since the clerk's original certification, unless the vendor's status as a certified responsible vendor has been revoked by the alcoholic beverage commission. If the responsible vendor's certification has been revoked, the vendor shall be punished by the beer board as if the vendor were not certified as a responsible vendor. "Clerk" means any person working in a capacity to sell beer directly to consumers for off-premises consumption. Under Tennessee Code Annotated, § 57-5-608, the alcoholic beverage commission shall revoke a vendor's status as a responsible vendor upon notification by the beer board that the board has made a final determination that the vendor has sold beer to a minor for the second time in a consecutive twelve (12) month period. The revocation shall be for three (3) years.

(6) The decision of the beer board is final, and any party aggrieved thereby may appeal the decision of the beer board in accordance with Tennessee Code Annotated, § 57-5-108. (as added by Ord. #O-2015-003, April 2015)

8-230. Civil penalty in lieu of suspension.

(1) Definition. "Responsible vendor" means a person, corporation or other entity that has been issued a permit to sell beer and has received certification by the Tennessee Alcoholic Beverage Commission under the "Tennessee Responsible Vendor Act of 2006," Tennessee Code Annotated, § 57-5-601, et seq.

(2) Penalty, revocation or suspension. The beer board may, at the time it imposes a revocation or suspension, offer a permit holder that is not a responsible vendor the alternative of paying a civil penalty not to exceed two thousand five hundred dollars (\$2,500.00) for each offense of making or permitting to be made any sales to minors, or a civil penalty not to exceed one thousand dollars (\$1,000.00) for any other offense.

The beer board may impose on a responsible vendor a civil penalty not to exceed one thousand dollars (\$1,000.00) for each offense of making or permitting to be made any sales to minors or for any other offense.

If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn. Payment of the civil penalty in lieu of revocation or suspension by a permit holder shall be an admission by the holder of the violation so charged and shall be paid to the exclusion of any other penalty that the city may impose. (as added by Ord. #O-2015-003, April 2015)

8-231. Loss of clerk's certification for sale to minor. If the beer board determines that a clerk of an off-premises beer permit holder certified under Tennessee Code Annotated, § 57-5-606 sold beer to a minor, the beer board shall report the name of the clerk to the alcoholic beverage commission

within fifteen (15) days of determination of the sale. The certification of the clerk shall be invalid and the clerk may not reapply for a new certificate for a period of one (1) year from the date of the beer board's determination. (as added by Ord. #O-2015-003, April 2015)

8-232. Severability. If any section, subsection, sentence, clause, phrase or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof. (as added by Ord. #O-2015-003, April 2015)

TITLE 9**BUSINESSES, PEDDLERS, SOLICITORS, ETC.¹****CHAPTER**

1. MISCELLANEOUS.
2. PEDDLERS, SOLICITORS AND TRANSIENT VENDORS.
3. GARAGE SALES.

CHAPTER 1**MISCELLANEOUS****SECTION**

- 9-101. "Going out of business" sales.
9-102. Regulation of signs.

9-101. "Going out of business" sales. It shall be unlawful for any person to falsely represent a sale as being a "going out of business" sale. A "going out of business" sale, for the purposes of this section, shall be a "fire sale," "bankrupt sale," "loss of lease sale," or any other sale made in anticipation of the termination of a business at its present location. When any person after advertising a "going out of business" sale adds to his stock or fails to go out of business within ninety (90) days he shall prima facie be deemed to have violated this section. (1996 Code, § 9-101)

¹Municipal code references

Building, plumbing, wiring and residential regulations: title 12.

Junkyards: title 13.

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

Charter references

Franchises for public utilities and services: art. II, § 2.

Privilege taxes: art. II, § 2.

9-102. Regulation of signs. The erection, maintaining and use of signs, billboards, advertising, permanent or portable, off of the premises to which the signs, billboard or other advertising media is designated to identify and/or advertise within the corporate limits of the City of Sevierville is governed by the Zoning Ordinance (§ 409) and addendums as prescribed by the Sevierville Regional Planning Commission and adopted September 3, 1981. (1996 Code, § 9-102)

CHAPTER 2

PEDDLERS, SOLICITORS AND TRANSIENT VENDORS¹

SECTION

- 9-201. Definitions.
- 9-202. Exemptions.
- 9-203. Permit required.
- 9-204. Application for permit.
- 9-205. Issuance or refusal of permit.
- 9-206. Appeal.
- 9-207. Bond.
- 9-208. Loud noises and speaking devices.
- 9-209. Exhibition of permit.
- 9-210. Police to enforce.
- 9-211. Revocation or suspension of permit.
- 9-212. Reapplication.
- 9-213. Expiration and renewal of permit.
- 9-214. Restrictions on peddlers and solicitors.
- 9-215. Restrictions on transient vendors.
- 9-216. Special event vendors.
- 9-217. Display of permit.
- 9-218. Additional restrictions on solicitation.
- 9-219. Violation and penalty.

9-201. Definitions. Unless otherwise expressly stated, whenever used in this chapter, the following words shall have the meaning given to them in this section:

(1) "Commercial solicitation." For purposes of this chapter, the term "commercial solicitation" shall be defined as any act, delivery or exchange not initiated by the prospective customer, which directs attention to any business, mercantile or commercial establishment, or any other commercial activity, for the purpose of directly or indirectly promoting commercial interests through sales, rentals or any exchange of value.

(2) "Peddler" means any person, firm or corporation, either a resident or a non resident of the City, who has no permanent regular place of business and who goes from dwelling to dwelling, business to business, place to place, or from street to street, carrying or transporting goods, wares, merchandise or food and beverages and offering or exposing the same for sale.

¹Municipal code reference

Privilege tax provisions, etc.: title 5.

(3) "Solicitor" means any person, firm or corporation who goes from dwelling to dwelling, business to business, place to place, taking or attempting to take orders for any goods, wares or merchandise, or personal property of any nature whatever for future delivery, except that the term shall not include solicitors for charitable and religious purposes and solicitors for subscriptions as those terms are defined below.

(4) "Solicitor for charitable or religious purposes" means any person, firm, corporation or organization who or which solicits contributions from the public, either from door to door, business to business, place to place, or for any charitable or religious organization, and who does not sell or offer to sell any single item at a cost to the purchaser in excess of ten dollars (\$10.00). No organization shall qualify as a "charitable" or "religious" organization unless the organization meets one (1) of the following conditions;

(a) Has a current exemption certificate from the Internal Revenue Service issued under section 501(c)(3) of the Internal Revenue Service Code of 1954, as amended.

(b) Is a member of United Way, Community Chest or similar "umbrella" organizations for charitable or religious organizations.

(5) "Solicitor for subscriptions" means any person who solicits subscriptions from the public, either from door to door, business to business, place to place, and who offers for sale subscriptions to magazines or other materials protected by provisions of the Constitution of the United States.

(6) "Special event vendor." Any vendor who does business during recognized festivals, special events, or exhibitions/shows which have been approved by or sponsored by either the City of Sevierville or the Sevierville Chamber of Commerce and who limits the business to selling and offering to sell, novelty items, souvenirs, crafts, or food and beverages in the area recognized as that of the festival, special event, exhibition/show.

(7) "Transient vendor." Any person who brings into temporary premises and exhibits stocks of merchandise to the public for the purpose of selling or offering to sell the merchandise to the public. Transient vendor does not include any person selling goods by sample, brochure, or sales catalog for future delivery; or to sales resulting from the prior invitation to the seller by the owner or occupant of a residence. For purposes of this definition, "merchandise" means any consumer item that is or is represented to be new or not previously owned by a consumer, and "temporary premises" means any public or quasi-public place including a hotel, rooming house, storeroom, building or part of a building, tent, vacant lot, railroad car, or motor vehicle which is temporarily occupied for the purpose of exhibiting stocks of merchandise to the public. Premises are not temporary if the same person has conducted business at those premises for more than six (6) consecutive months or has occupied the premises as his or her permanent residence for more than six (6) consecutive months. (Ord. #2006-033, Oct. 2006)

9-202. Exemptions. The terms of this chapter shall not apply to persons selling at wholesale to dealers, to newsboys, or to bona fide merchants who merely deliver goods in the regular course of business. (Ord. #2006-033, Oct. 2006)

9-203. Permit required. No person, firm or corporation shall operate a business as a peddler, transient vendor, solicitor, and no solicitor for charitable or religious purposes or solicitor for subscriptions shall solicit within the City unless the same has obtained a permit from the City in accordance with the provisions of this chapter. (Ord. #2006-033, Oct. 2006)

9-204. Application for permit. Applicants for a permit under this chapter must file with the Recorder a sworn written application containing the following:

- (1) Name and physical description of applicant.
- (2) Complete permanent home address and local address of the applicant and, in the case of transient vendor, the local address from which proposed sales will be made.
- (3) A brief description of the nature of the business and the goods to be sold.
- (4) If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship.
- (5) The length of time or which the right to do business is desired.
- (6) A recent clear photograph approximately two (2) inches square showing the head and shoulders of the applicant.
- (7) A statement as to whether or not the applicant has been convicted of any crime or misdemeanor or for violating any municipal ordinance; the nature of the offense; and, the punishment or penalty assessed therefore.
- (8) The last three (3) cities or towns, if that many, where applicant carried on business immediately preceding the date of application and, in the case of transient vendor, the addresses from which such business was conducted in those municipalities.
- (9) At the time of filing the application, a fee of twenty dollars (\$20.00), except religious and charity solicitors, shall be paid to the City to cover the cost of investigating the facts stated therein. (Ord. #2006-033, Oct. 2006)

9-205. Issuance or refusal of permit.

- (1) Each application shall be referred to the Chief of Police for investigation. The Chief shall report his findings to the Recorder within seventy-two (72) hours.
- (2) If as a result of such investigation the Chief reports the applicant's criminal record, moral reputation, and/or business responsibility, to be unsatisfactory the Recorder shall notify the applicant that his application is disapproved and that no permit will be issued.

(3) If, on the other hand, the Chief's report indicates that the moral reputation; business responsibility and criminal record of the applicant are satisfactory the Recorder shall issue a permit upon the payment of all applicable privilege taxes and the filing of the bond required by § 9-207. The Recorder shall keep a permanent record of all permits issued. (Ord. #2006-033, Oct. 2006, modified)

9-206. Appeal. Any person aggrieved by the action of the Chief of Police and/or the Recorder in the denial of a permit shall have the right to appeal to the Board of Mayor and Aldermen. Such appeal shall be taken by filing with the Mayor within fourteen (14) days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The Mayor shall set a time and place for a hearing on such appeal and notice of the time and place of such hearing shall be given to the appellant. The notice shall be in writing and shall be mailed, postage prepaid, to the applicant at his last known address at least five (5) days prior to the date set for hearing, or shall be delivered by a Police Officer in the same manner as a summons at least three (3) days prior to the date set for hearing. (Ord. #2006-033, Oct. 2006)

9-207. Bond. Every permittee shall file with the Recorder a surety bond running to the City in the amount of one thousand dollars (\$1,000.00). The bond shall be conditioned that the permittee shall comply fully with all the provisions of the ordinances of the City and the statutes of the state regulating peddlers, canvassers, solicitors, transient merchants, or itinerant vendors, as the case may be, and shall guarantee to any citizen of the City that all money paid as a down payment will be accounted for and applied according to the representations of the permittee, and further guaranteeing to any citizen of the City doing business with said permittee that the property purchased will be delivered according to the representations of the permittee. Action on such bond may be brought by any person aggrieved and for whose benefit, among others, the bond is given, but the surety may, by paying, pursuant to order of the court, the face amount of the bond to the Clerk of the court in which the suit is commenced, be relieved without costs of all further liability. (Ord. #2006-033, Oct. 2006, modified)

9-208. Loud noises and speaking devices. No permittee, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell or use any sound amplifying device upon any of the sidewalks, streets, alleys, parks or other public places of the City or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the adjacent sidewalks, streets, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such permittee proposes to sell. (Ord. #2006-033, Oct. 2006)

9-209. Exhibition of permit. Permittees are required to exhibit their permits at the request of any Police Officer or any citizen solicited. (Ord. #2006-033, Oct. 2006, modified)

9-210. Police to enforce. It shall be the duty of all Police Officers to see that the provisions of this chapter are enforced. (Ord. #2006-033, Oct. 2006, modified)

9-211. Revocation or suspension of permit.

(1) Permits issued under the provisions of this chapter may be revoked by the Board of Mayor and Aldermen after notice and hearing, for any of the following causes:

(a) Fraud, misrepresentation, or incorrect statement contained in the application for a permit, or made in the course of carrying on the business of solicitor, canvasser, peddler, transient merchant, itinerant merchant, or itinerant vendor.

(b) Any violation of this chapter.

(c) Conviction of any crime or misdemeanor.

(d) Conducting the business of peddler, canvasser, solicitor, transient merchant, itinerant merchant, or itinerant vendor, as the case may be, in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

(2) Notice of the hearing for revocation of a permit shall be given by the Recorder in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed to the permittee at his last known address at least five (5) days prior to the date set for hearing, or it shall be delivered by a Police Officer in the same manner as a summons at least three (3) days prior to the date set for hearing.

(3) When reasonably necessary, in the public interest, the Mayor, City Administrator and his/her designee, may suspend a permit pending the revocation hearing. (Ord. #2006-033, Oct. 2006)

9-212. Reapplication. No permittee whose permit has been revoked shall make further application until a period of at least six (6) months has elapsed since the last revocation. (Ord. #2006-033, Oct. 2006)

9-213. Expiration and renewal of permit. Permits issued under the provisions of this chapter shall expire on the same date that the permittee's privilege license expires and shall be renewed without cost if the permittee applies for and obtains a new privilege license within thirty (30) days thereafter. Permits issued to permittees who are not subject to a privilege tax shall be issued for one (1) year. An application for a renewal shall be made substantially in the same form as an original application. However, only so much of the

application shall be completed as is necessary to reflect conditions which have changed since the last application was filed.

Special event permits shall only be for the dates of the special event, festival, etc. and shall expire at midnight of the last day of the event. (Ord. #2006-033, Oct. 2006)

9-214. Restrictions on peddlers and solicitors. No peddler, solicitor, solicitor for charitable purposes, solicitor for subscriptions, transient vendor or commercial solicitor shall:

(1) Be permitted to set up and operate a booth or stand on any street, sidewalk, or on any property owned by the City of Sevierville.

(2) Stand or sit in or near the entrance to any dwelling or place of business, or in any other place which may disrupt or impede pedestrian or vehicular traffic.

(3) Offer to sell goods or services or solicit in vehicular traffic lanes, or operate a "road block" of any kind.

(4) Call attention to his business or merchandise or to his solicitation efforts by crying out, by blowing a horn, by ringing, or creating other noise, except that the event vendor shall be allowed to cry out to call attention to his business or merchandise during recognized parade, special events or festival days of the City.

(5) Enter in or upon any premises or attempt to enter in or upon any premises wherein a sign or placard bearing the notice "Peddlers or Solicitors Prohibited," or similar language carrying the same meaning, is located.

(6) Engage in any of the activities of a "peddler," "solicitor," "solicitor for charitable purposes," or "solicitor for subscriptions," "transient vendors," "commercial solicitation"; cannot engage in any of the aforementioned described activities within or upon any City-owned or leased property utilized as a park, recreation area, recreation building, or parking lot serving Sevierville Convention Center. (Ord. #2006-033, Oct. 2006, modified)

9-215. Restrictions on transient vendors. A transient vendor shall not advertise, represent, or hold forth a sale of goods, wares or merchandise as an insurance, bankrupt, insolvent, assignee, trustee, estate, executor, administrator, receiver's manufacturer's wholesale, cancelled order, or misfit sale, or closing-out sale, or a sale of any goods damaged by smoke, fire, water or otherwise, unless such advertisement, representation or holding forth is actually of the character it is advertised, represented or held forth. (Ord. #2006-033, Oct. 2006)

9-216. Special event vendors. Special event vendors shall be allowed to engage in their vending activities at special events, festivals, shows/exhibits upon becoming a permittee to do so by doing the following:

(1) Provide to the sponsor of the event, either City of Sevierville or Sevierville Chamber of Commerce the following:

(a) Complete name and permanent address of the applicant.

(b) The name and address of each person who will make sales at the event.

(c) Brief description of the type of business and the goods to be sold.

(d) Applicant shall sign a statement that all rules, regulations and directions issued by City or Chamber will be complied with.

(e) If applicant is food vendor, a state health card for food handling is required.

(2) If the application is to the City, it shall be presented to the Department Head Coordinator of the event and if it is to the Sevierville Chamber of Commerce, it shall be presented to the person in charge of the event.

(3) There is no cost for the permits. (Ord. #2006-033, Oct. 2006)

9-217. Display of permit. Each peddler, solicitor, solicitor for charitable purposes or solicitor for subscriptions is required to have in his possession a valid permit while making sales or solicitations, and shall be required to display the same to any Police Officer upon demand. (Ord. #2006-033, Oct. 2006)

9-218. Additional restrictions on solicitation. (1) Definitions:

(a) "Solicit" or "solicitation" for the purpose of this section, is any request made in person on a street, sidewalk, or other area open to the public, or on private property as set forth in this section, asking for an immediate donation of money or other thing of value, including but not limited to the purchase of an item or service for an amount exceeding its value, under circumstances where a reasonable person would understand that the purchase is a donation. Solicitation shall not include passively standing or sitting with a sign or other indication that one is seeking donations without addressing the request to any specific person. A "solicitation" as defined in this section, shall be deemed completed when made, whether or not the person making the solicitation receives any donation or makes any sale referred to in this section;

(b) "Highway" for the purpose of this section, means the entire width between the boundary lines of every way when any part thereto is open to the use of the public for purposes of vehicular travel;

(c) "Median" for the purpose of this section, means the reserved area that separates opposing lanes of traffic on divided roadways.

(2) Restrictions on solicitation. Solicitation in any of the following manners, times and places is prohibited:

(a) By using profane or abusive language, either during the solicitation or following a refusal;

(b) By intentionally touching the person being solicited without the person's consent;

(c) By intentionally obstructing the path of the person, or of the vehicle of the person, being solicited;

(d) By following a person who is walking away from the person soliciting the donation, unless that person has indicated that the person wishes to make a donation;

(e) By making any statement, gesture, or other communication that would cause a reasonable person to feel fear of personal harm for refusing a solicitation of a donation;

(f) By intentionally obstructing pedestrian or vehicular traffic;

(g) After sunset or before sunrise. The times of sunset and sunrise shall be as published by the United States Naval Observatory;

(h) In any public transportation vehicle or facility or within twenty feet (20') of any bus or other public transportation hub;

(i) From any operator or occupant of a motor vehicle or from any person entering or exiting a motor vehicle, including but not limited to an offer to clean the vehicle's windows or any interior/exterior parts of the vehicle;

(j) Upon any portion of the highway, or median area;

(k) Within twenty feet (20') of any intersection or crosswalk;

(l) Within twenty feet (20') of any automated teller machine; provided, however, that when an automated teller machine is located within an automated teller machine facility, the distance shall be measured from the entrance or exit of the automated teller machine facility;

(m) Within twenty feet (20') of the entrance to or exit from any public toilet facility, including but not limited to any temporary use site or portable toilet;

(n) Within twenty feet (20') of any sidewalk cafe or outdoor dining area;

(o) From any person standing in line waiting to be admitted to a commercial establishment, or to a public or private assembly or event;

(p) In any parking lot or garage owned or operated by the City, or in any entrances thereto or exits therefrom; or

(q) On private property if the owner, tenant or lawful occupant has asked the person not to solicit on the property, or on private property where signs are posted prohibiting panhandling or soliciting.

(3) False or misleading solicitations. It is unlawful for any person to knowingly make any false or misleading representation in the course of a solicitation. False or misleading representations include, but are not limited to the following:

- (a) Making any statement that is untruthful in nature;
 - (b) Stating that the donation is needed to meet a specific need, when there are already sufficient funds to meet that need;
 - (c) Stating that the donation is needed to meet a need that does not exist;
 - (d) Stating that the solicitor is from out of town and is stranded, when that is not true;
 - (e) Stating or representing, by use of a uniform or otherwise, that a person is a member or former member of a military service, when the person is neither a present nor former member of the service indicated;
 - (f) Stating or displaying an indication of physical disability, when the person does not suffer the disability indicated;
 - (g) Use of any makeup or device to simulate any deformity; or
 - (h) Stating that a person is homeless, when he or she is not.
- (4) Severability. If any sentence, clause or phrase of this section is held invalid or unconstitutional by a court of competent jurisdiction, then such judgment shall in no way affect or impair the validity of the remaining portions of this section. (as added by Ord. #O-2017-011, Sept. 2017)

9-219. Violation and penalty. In addition to any other action the City may take against a permit holder in violation of this chapter, such violation shall be punishable by a fine not in excess of fifty dollars (\$50.00). Each day a violation occurs shall constitute a separate offense. (Ord. #2006-033, Oct. 2006, as renumbered by Ord. #O-2017-011, Sept. 2017)

CHAPTER 3

GARAGE SALES

SECTION

9-301. Definitions.

9-302. Garage sales in residential zones.

9-303. Garage sales in commercial and industrial zones.

9-304. Signage.

9-305. Persons and sale exempted.

9-301. Definitions.

(1) "Garage sales" shall mean and include all sales entitled "garage sale," "lawn sale," "attic sale," "rummage sale," or any similar casual sale of tangible personal property which is advertised by any means whereby the public at large is or can be made aware of said sale.

(2) "Goods" are meant to include any goods, warehouse merchandise or other property capable of being the object of a sale regulated hereunder.

(3) "Person" shall mean and include individuals, partnerships, voluntary associations, and corporations. (1996 Code, § 9-501)

9-302. Garage sales in residential zones. Garage sales are permitted on premises located in a residential zone, according to the zoning map of the City of Sevierville, provided that:

(1) Such sales shall be limited to three (3) consecutive calendar days within each month;

(2) The person conducting the sale shall be the owner or occupant of the property upon which the sale is to take place;

(3) The person conducting the sale does not conduct such sales on a regular basis. (1996 Code, § 9-502, as amended by Ord. #2011-011, Nov. 2011)

9-303. Garage sales in commercial and industrial zones. Garage sales, car washes, charity auctions, and other such temporary fund raising activities are permitted on premises located in a commercial or industrial zone, according to the zoning map of the City of Sevierville, provided that such activities are conducted by or on behalf of non-profit service clubs, charitable associations, local government, or religious groups. Any person aggrieved by the action of the Code Enforcement Officer, in denial of permission to conduct a fund-raising activity, shall have the right to appeal to the Sevierville Regional Planning Commission at their next scheduled meeting. (Ord. #2011-011, Nov. 2011)

9-304. Signage. The following regulations shall govern signage for all garage sales:

- (1) No off-premises directional and/or advertising signs are permitted;
- (2) No more than two (2) signs may be placed at the location of the sale;
- (3) Signs may be posted no earlier than one (1) day prior to the beginning of the sale, and must be removed within one (1) day of the close of the sale. (1996 Code, § 9-504)

9-305. Persons and sale exempted. The provisions of this chapter shall not apply to persons selling or advertising for sale an item or items of personal property which are specifically named or described in the advertisement and which separate items do not exceed five (5) in number. (1996 Code, § 9-505)

TITLE 10**ANIMAL CONTROL****CHAPTER**

1. IDENTIFICATION AND VACCINATION.
2. INJURY TO PROPERTY.
3. MANNER OF KEEPING.
4. DOGS AND CATS RUNNING AT LARGE.
5. KEEPING BARKING DOGS AND CRYING CATS.
6. KEEPING OF NUMEROUS DOGS AND CATS IN THE CITY.
7. PIGEON CONTROL.
8. BEES.
9. WILD OR VICIOUS ANIMALS.
10. RABIES AND ANIMAL BITES.
11. KEEPING ANIMALS AND BIRDS.
12. MISCELLANEOUS PROVISIONS.
13. FEEDING WATER FOWL AND/OR AQUATIC LIFE PROHIBITED.

CHAPTER 1**IDENTIFICATION AND VACCINATION****SECTION**

- 10-101. Identification of dogs.
10-102. Identification of cats.
10-103. Vaccination.
10-104. Penalties.

10-101. Identification of dogs. Each owner of a dog more than three (3) months of age shall attach a metal tag or otherwise affix to the collar of said dog information including but not limited to the owner's name and address. Such identification shall be in addition to any vaccination tag otherwise required by law. (1996 Code, § 10-101, as amended by Ord. #O-2017-001, April 2017)

10-102. Identification of cats. Each owner of a cat more than six (6) months of age shall attach a metal tag or otherwise affix to the collar of said cat information including but not limited to the owner's name and address. Such identification shall be in addition to any vaccination tag otherwise required by law. (1996 Code, § 10-102, as amended by Ord. #O-2017-001, April 2017)

10-103. Vaccination.

(1) It shall be the duty of each dog owner to have such dog inoculated with a rabies vaccine according to the provisions of state law, by or under the supervision of a veterinarian licensed in this or another state.

(2) It shall be the duty of each cat owner to have such cat inoculated with a rabies vaccine according to the provisions of state law, by or under the supervision of a veterinarian licensed in this or another state.

(3) Any dog or cat, for which a veterinarian licensed by this or another state issues a certificate to the effect that the required inoculation would be harmful, shall be exempt from the inoculation prescribed by this chapter. (1996 Code, § 10-103, as replaced by Ord. #O-2017-001, April 2017)

10-104. Penalties. In addition to the penalties hereinafter provided any Police Officer of the City or any person designated by the Chief of Police shall impound any such dog or cat which does not carry tags. The owner may obtain possession of any dog or cat so impounded or seized by paying an impounding fee in accordance with schedule set forth in § 10-402 and paying the reasonable cost of keeping such dog or cat during the time that it is impounded, provided, however, that said dog or cat shall not be released until proof has been furnished to the Police Officer that the dog or cat has been inoculated with antirabic vaccine in accordance with the terms of this chapter.

After such dog or cat has been so impounded for a period of not less than seventy-two (72) hours without having been reclaimed by its owner or anyone in behalf of said owner, said dog or cat shall be destroyed under the direction of the county humane society. Notice of impounding shall be given by the person or Officer in the possession of the dog or cat within twenty-four (24) hours of impounding to the owner of the dog or cat to the owner of the dog or cat if known. (1996 Code, § 10-104)

CHAPTER 2

INJURY TO PROPERTY

SECTION

10-201. Injury to property.

10-202. Waste products accumulations.

10-201. Injury to property. It shall be unlawful for any person owning or possessing a dog or cat to permit such dog or cat to go upon any sidewalk, parkway, or private lands or premises without the permission of the owner of such premises and break, bruise, tear up, crush or injure any lawn, flowerbed, plant, shrub, tree or garden in any manner whatsoever, or to defecate thereon. (1996 Code, § 10-201)

10-202. Waste products accumulations. It shall be unlawful for any person to cause or permit a dog or cat to be on property, public or private, not owned or possessed by such person unless such person has in his immediate possession an appropriate device for scooping excrement and an appropriate depository for the transmission of excrement to a receptacle located upon property owned or possessed by such person. This section shall not apply to a person who is visually or physically handicapped, or to a designated receptacle located in a City park, to be deposited in such receptacle. (1996 Code, § 10-202, as amended by Ord. #O-2017-001, April 2017)

CHAPTER 3**MANNER OF KEEPING****SECTION**

10-301. Pens, yards, or runs.

10-302. Fences.

10-301. Pens, yards, or runs. All pens, yards or runs or other structures wherein any animal is kept shall be of such construction so as to be easily cleaned and kept in good repair. (1996 Code, § 10-301)

10-302. Fences. Fences which are intended as enclosures for any animal shall be securely constructed, shall be adequate for the purpose, kept in good repair and shall not be allowed to become unsightly. (1996 Code, § 10-302)

CHAPTER 4

DOGS AND CATS RUNNING AT LARGE

SECTION

10-401. Prohibition.

10-402. Impounding dogs and cats.

10-401. Prohibition. It shall be unlawful for any person owning or possessing any dog or cat to permit the same to run at large. For the purpose of this paragraph, "running at large" shall be defined to be the presence of a dog or cat at any place except upon the premises of the owner, except as follows:

(1) A dog or cat shall not be considered to be running at large if it is on a leash and under control of a person physically able to control it, nor shall a dog be considered to be running at large if it is off leash within any fenced portion of a City park marked as being set apart as a "Dog Park," in accordance with the rules and regulations applicable to such "Dog Park."

(2) No dog or cat shall be permitted in any cemetery.

(3) No dog or cat shall be allowed in any beaches or any swimming areas open to the public in the City, except during special events that may be permitted by the City, in which case a dog may be permitted in such areas according to special event rules and regulations established by the City. (1996 Code, § 10-401, modified, as amended by Ord. #O-2017-001, April 2017)

10-402. Impounding dogs and cats. Whenever any Police Officer or other person designated by the Chief of Police shall find any dog or cat running at large as defined in this chapter, he shall, if possible, pick up and impound such animal in such place as the Chief of Police may direct.

Whenever any impounded dog or cat shall bear an identification mark such as a collar or tag, the owner shall be notified forthwith. Any dog impounded shall be held for a period of not less than seventy-two (72) hours. There shall be no required holding period before returning any impounded cat to the owner, unless such cat is suspected of having rabies, in which case the impounded cat shall be held for a period of seven (7) days. At the end of seven (7) days the impounded dog or cat shall be disposed of unless the owner thereof shall reclaim such dog or cat and pay at the Police Department the reasonable cost of keeping such dog or cat and an impounding fee of ten dollars (\$10.00) for the first impounding and of fifteen dollars (\$15.00) and twenty-five dollars (\$25.00) for the second and third impounding respectively in one (1) year. The destruction of any impounded dogs or cats by any Police Officer or any person designated by the Chief of Police under the provisions of this chapter shall be by means of a manner prescribed by the county humane society. (1996 Code, § 10-402)

CHAPTER 5**KEEPING BARKING DOGS AND CRYING CATS****SECTION**

10-501. Harboring.

10-502. Petitions complaining of vicious or barking dogs or crying cats.

10-501. Harboring. It shall be unlawful for any person knowingly to keep or harbor any dog which habitually cries or howls to the great discomfort of the peace and quiet of the neighborhood, or in such manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such dogs and cats are hereby declared to be a public nuisance. (1996 Code, § 10-501)

10-502. Petitions complaining of vicious or barking dogs or crying cats.

(1) Whenever any person shall complain to the Police Department that a dog which habitually barks, howls or yelps or a cat which habitually cries or howls is being kept by any person in the City, the Police Department shall notify the owner of said dog or cat that a complaint has been received and that the person should take whatever steps necessary to alleviate the howling, yelping or crying.

(2) If the warning given to the person alleged to be keeping a dog or cat as set forth in (1) above is ineffective, then a verified complaint of at least two (2) citizens not from the same family may be presented to the Police Department, alleging that a vicious dog or a dog which habitually barks, howls or yelps, or a cat which habitually cries or howls is being kept by any person within the City. The Police Department shall inform the owner of such dog or cat that said petition has been received and shall cite the owner of the dog or cat for the violation alleged in said petition. (1996 Code, § 10-502)

CHAPTER 6**KEEPING OF NUMEROUS DOGS AND CATS IN THE CITY****SECTION**

10-601. Nuisance.

10-602. Number of dogs and cats limited.

10-603. Kennels.

10-601. Nuisance. The keeping of an unlimited number of dogs and cats in the City for a considerable period of time detracts from and, in many instances, is detrimental to the healthful and comfortable life for which such areas were created. The keeping of an unlimited number of dogs and cats is, therefore, declared to be a public nuisance.

(1) "Dog" shall mean any canine, regardless of age or sex.

(2) "Cat" shall mean any feline, regardless of age or sex. (1996 Code, § 10-601)

10-602. Number of dogs and cats limited.

(1) It shall be unlawful for any person or persons to keep more than five (5) dogs or five (5) cats within the City, with the exception that a litter of pups or a litter of kittens, or a portion of a litter may be kept for a period of time not exceeding five (5) months from birth.

(2) The provisions of this section shall not apply to any establishment wherein dogs or cats are kept for breeding, sale, sporting purposes or boarding. (1996 Code, § 10-602)

10-603. Kennels. In the areas where kennels are permitted, no kennel shall be located closer than one hundred feet (100') to the boundary of the nearest adjacent residential lot. (1996 Code, § 10-603)

CHAPTER 7**PIGEON CONTROL****SECTION**

10-701. Pigeons.

10-702. Complaints.

10-701. Pigeons. Owners of pigeons allowing their pigeons to roost or linger on the property or buildings of others pose a health hazard in addition to offending aesthetic senses by pigeon contamination. Such lingering or roosting is declared to be a public nuisance. (1996 Code, § 10-901)

10-702. Complaints. Whenever a verified complaint of at least two (2) citizens is presented to the Police Department, alleging that a person is allowing pigeons to linger upon the property of the complainants, the Police Department shall inform the owner of such pigeons that said petition has been received and shall cite the owner of the pigeons for the violation alleged in said petition. (1996 Code, § 10-902)

CHAPTER 8**BEEES****SECTION**

10-801. Keeping of bees.

10-801. Keeping of bees.

(1) It shall be unlawful for any person to establish or maintain any hive, stand, or box where bees are kept, or keep any bees in or upon any premises within the corporate limits of the City unless the bees are kept in accordance with the following provisions:

(a) If bee colonies are kept within fifty feet (50') of any exterior boundary of the property on which the hive, stand, or box is located, a barrier that will prevent bees from flying through it, no less than five feet (5') high, shall be installed and maintained along said exterior boundary. Said barrier may be either a plant or artificial.

(b) Fresh, clean watering facilities for bees shall be provided on the said premises.

(c) The bees and equipment shall be kept in accordance with the provisions of the state statutes.

(2) Nothing in this section shall be deemed or construed to prohibit the keeping of bees in a hive, stand or box located or kept within a school building for the purpose of study or observation. (1996 Code, § 10-1001)

CHAPTER 9**WILD OR VICIOUS ANIMALS****SECTION**

10-901. Keeping of wild and vicious animals.

10-902. Definitions.

10-901. Keeping of wild and vicious animals.

(1) It shall be unlawful for any person to keep or permit to be kept on his premises any wild or vicious animal for display or for exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to zoological parks, performing animal exhibitions, or circuses.

(2) It shall be unlawful for any person to keep or permit to be kept any wild animal as a pet, unless a permit is granted by the department of natural resources of the state.

(3) It shall be unlawful for any person to harbor or keep a vicious animal within the City. Any animal which is found off the premises of its owner may be seized by any Police Officer or Humane Officer and upon establishment, to the satisfaction of any court of competent jurisdiction, of the vicious character of said animal, it may be killed by a Police Officer or Humane Officer; provided however, that this section shall not apply to animals under the control of a law enforcement or military agency, nor to animals which are kept for the protection of property, provided that such animals are restrained by a leash or chain, cage, fence, or other adequate means, from contact with the general public or with persons who enter the premises with the actual or implied permission of the owner or occupant.

(4) The Police Department may issue a temporary permit for the keeping, care and protection of an infant animal native to this area which has been deemed to be homeless. (1996 Code, § 10-1101)

10-902. Definitions.

(1) "Vicious animal" shall mean any animal which has previously attacked or bitten any person or which has behaved in such a manner that the person who harbors said animal knows or should reasonably know that the animal is possessed of tendencies to attack or bite persons.

(2) "Wild animal" shall mean any live monkey or ape, raccoon, skunk, fox, snake, other reptile, leopard, panther, tiger, lion, lynx or any other animal or any bird of prey which can normally be found in the wild state. (1996 Code, § 10-1102)

CHAPTER 10**RABIES AND ANIMAL BITES****SECTION**

10-1001. Reporting.

10-1002. Control.

10-1001. Reporting. Anyone having knowledge or reason to believe that any animal in the City has bitten a person shall report within twenty-four (24) hours, so far as is known, the name and address of the owner and circumstances of the animal. Such report concerning bites shall be made to the Police Department. (1996 Code, § 10-1201)

10-1002. Control.

(1) Whenever any domesticated animal has bitten a person, it shall be confined in such place as the Police Department may direct and for such period of observation as may be necessary, unless such animal is too vicious and dangerous to be impounded safely, in which case it may be killed and head shipped to the state laboratory for rabies examination.

(2) Whenever a wild animal has bitten a person, it shall be killed, avoiding damage to the head (brain) area, and shipped to the Tennessee Department of Agriculture Knoxville Branch Rabies Laboratory, under refrigeration, but not frozen, for rabies examination. (Ord. #2011-021, Dec. 2011)

CHAPTER 11**KEEPING ANIMALS AND BIRDS****SECTION**

10-1101. Regulations.

10-1102. Buildings and coops.

10-1101. Regulations. It shall be unlawful for any person to erect, place, maintain or continue any pen, coop, yard or other building upon any lot or ground in the City for the purpose of confining or housing any domestic animal or bird unless the same is at least twenty-five feet (25') distance from any dwelling, house, apartment, hotel, restaurant, food or drinking establishment or rooming house, school, church, or any building wherein people are employed and unless the floor of such building or coop is constructed of such material and in such a manner that it can be kept clean and sanitary at all times, and unless the location of such shall be authorized by the board of health. (1996 Code, § 10-1301)

10-1102. Buildings and coops. All coops and other buildings wherein domesticated animals and birds are kept shall be provided with flytight bins or other tightly closed receptacles for manure, of dimensions sufficient to contain all accumulations of manure as to prevent its becoming a nuisance. No manure shall be allowed to accumulate on the floor or on adjacent ground. (1996 Code, § 10-1302)

CHAPTER 12**MISCELLANEOUS PROVISIONS****SECTION**

10-1201. Certain prohibitions.

10-1202. Exception.

10-1203. Powers of Police Chief.

10-1204. Special permits.

10-1201. Certain prohibitions. Except as otherwise provided in this chapter no person shall keep within the City any cattle, cows, horses, sheep, swine, goats, chickens, ducks, turkeys, geese, or other livestock. (1996 Code, § 10-1401)

10-1202. Exception. This chapter shall not apply in areas of the City that are agricultural in nature nor shall this chapter apply to livestock brought into the City for the purpose of being shipped out of the City. (1996 Code, § 10-1402)

10-1203. Powers of Police Chief. The Police Chief shall have the power to issue an order prohibiting the keeping of any animal, fowl, or bird which is deemed to pose a health hazard to the general public. (1996 Code, § 10-1403)

10-1204. Special permits. The keeping of animals, birds or fowls otherwise prohibited by this chapter may be permitted by applying for a special permit from the Board of Mayor and Aldermen. Such permits may be issued to permit circus performances or other public exhibition or entertainment events. (1996 Code, § 10-1404)

CHAPTER 13**FEEDING WATER FOWL AND/OR AQUATIC LIFE PROHIBITED****SECTION**

10-1301. Feeding on public property prohibited.

10-1302. Definitions.

10-1303. Penalties.

10-1301. Feeding on public property prohibited. It shall be unlawful for any person to feed water fowl or aquatic life in or on any of the City parks, golf courses, walking trails and/or greenways or other City property. (Ord. #2007-016, July 2007)

10-1302. Definitions.

(1) "Aquatic life" is defined as fish, turtles, frogs, and other like water breeding vertebrates and invertebrates.

(2) "Feeding" is defined as providing substances which are subject to being eaten by water fowl or aquatic life and/or that may be consumed by either water fowl or aquatic life. Feeding shall include but not be limited to, hand feeding of water fowl, placement of food on the ground, casting of food out upon the grounds or in the water, for consumption by water fowl or aquatic life.

(3) "Water fowl" is defined but not limited to, aquatic birds such as geese, ducks, swans, and other like birds. (Ord. #2007-016, July 2007)

10-1303. Penalties. Persons found guilty of violating this chapter shall be liable for a fine of up to fifty dollars (\$50.00) plus court costs in Sevierville City Court. (Ord. #2007-016, July 2007)

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

1. ALCOHOL.
2. OFFENSES AGAINST THE PEACE AND QUIET AND OTHER NUISANCES.
3. INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL.
4. FIREARMS, WEAPONS AND MISSILES.
5. MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC.
6. MISCELLANEOUS.
7. USE OF TOBACCO PRODUCTS IN CITY-OWNED FACILITIES.
8. LITTER AND DISTRIBUTION OF CERTAIN UNSOLICITED PRINTED MATERIALS.
9. CURFEW FOR MINORS.

CHAPTER 1

ALCOHOL²

SECTION

11-101. Drinking beer, etc., on streets, etc.

11-101. Drinking beer, etc., on streets, etc. It shall be unlawful for any person to drink, consume or have an open can or bottle of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place. (1996 Code, § 11-101)

¹Municipal code references

Animal control: title 10.

Residential and utilities: title 12.

Fireworks and explosives: title 7.

Traffic offenses: title 15.

Streets and sidewalks (non-traffic): title 16.

²Municipal code reference

Sale of alcoholic beverages, including beer: title 8.

State law reference

See Tennessee Code Annotated § 33-8-203 (Arrest for Public Intoxication, cities may not pass separate legislation).

CHAPTER 2**OFFENSES AGAINST THE PEACE AND QUIET AND OTHER
NUISANCES****SECTION**

- 11-201. Definitions.
- 11-202. Restrictions.
- 11-203. Declared unnecessary noises enumerated.
- 11-204. Nonvehicular noises restricted.
- 11-205. Vehicular noise regulations.
- 11-206. Exemptions.
- 11-207. Sound measurements.
- 11-208. Nuisance caused by dust, odors and airborne pollutants.
- 11-209. Prevailing standards.
- 11-210. Severability.
- 11-211. Nuisance injunction.
- 11-212. Penalty.

11-201. Definitions. As used in this chapter, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

- (1) "City." The City of Sevierville, Tennessee.
- (2) "dbAs." Decibels shown in a reading on the dbA scale.
- (3) "Decibel." A unit for measuring the volume of a sound equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals per square meter.
- (4) "Sound level meter." An instrument used for measurement of the intensity of sound and accurately calibrated in decibels. Readings shall be made on a dbA scale.
- (5) "Sound pressure." The average rate at which sound energy is transmitted through a unit area in a specified direction.
- (6) "Vehicular." Pertaining to motor vehicles required to be registered by the Division of Motor Vehicles for the State of Tennessee. (1996 Code, § 11-301, modified)

11-202. Restrictions.

- (1) The making, creation or permitting of any unreasonably loud, disturbing or unnecessary noise in the City is prohibited.
- (2) The making, creating or permitting of any noise of such character, intensity or duration as to be detrimental to the life, health or welfare of any individual or which either steadily or intermittently annoys, disturbs, injures or endangers the comfort, repose, peace or safety of any individual is prohibited.

- (3) The following standards shall apply:
- (a) Residential zones. No person shall cause, suffer, allow or permit sound from any source which when measured at the point of annoyance, is in excess of:
 - (i) 7:00 A.M. to 10:00 P.M.:
 - (A) Continuous airborne sound which has a sound level of fifty-five (55) dbAs.
 - (B) Impulsive sound in air with an impulsive sound level of eighty (80) dbAs.
 - (ii) 10:00 P.M. to 7:00 A.M.:
 - (A) Continuous airborne sound which has a sound level of fifty (50) dbAs.
 - (B) Impulsive sound in air with an impulsive sound level of eighty (80) dbAs.
 - (b) Industrial and commercial zones. No person shall cause, suffer, allow or permit sound from any source which when measured at the point of annoyance, is in excess of:
 - (i) 7:00 A.M. to 10:00 P.M.:
 - (A) Continuous airborne sound which has a sound level of sixty-five (65) dbAs.
 - (B) Impulsive sound in air with an impulsive sound level of eighty (80) dbAs.
 - (ii) 10:00 P.M. to 7:00 A.M.:
 - (A) Continuous airborne sound which has a sound level of fifty-five (55) dbAs.
 - (B) Impulsive sound in air with an impulsive sound level of eighty (80) dbAs. (1996 Code, § 11-302)

11-203. Declared unnecessary noises enumerated. The following acts, among others, are declared to be loud or disturbing or unnecessary noises in violation of this chapter even if the noises referred to do not violate the standard noise level for the City.

- (1) Horns, signal devices and the like.
 - (a) The sounding of any horn or signal device of any automobile, motorcycle, bus or other vehicle:
 - (i) While not in motion, except as a danger signal that another vehicle is approaching apparently dangerously; or
 - (ii) If in motion:
 - (A) After or as brakes are being applied and deceleration of the vehicle is intended;
 - (B) Before passing another vehicle as a signal of intent to so pass;
 - (C) Where state motor vehicle statutes require the sounding of such a horn or signaling device; or

(D) When otherwise necessary as a danger signal.

(b) Wherever the sounding of any horn or signal device is permitted or required such sound shall not be unreasonably loud or harsh and shall not be for an unreasonable duration of time.

(2) Animals and birds. The keeping of any animal or bird which, by causing frequent or long-continued noise, disturbs the comfort and repose of any person in their vicinity.

(3) Defect in vehicle or noisy load. The use of any automobile, motorcycle or other vehicle so out of repair or loaded in such a manner as to create loud or unnecessary grating, grinding, rattling or other noise.

(4) Steam whistles. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of danger.

(5) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motorcycle engine except through a muffler or other device which meets the standards established for such devices by applicable state laws and regulations.

(6) Mechanical devices. The use of mechanical devices operated by compressed air unless the noise created thereby is effectively muffled and reduced.

(7) Schools, courts, churches, and hospitals. The creation of any loud or excessive noise on any street adjacent to any school or institution of learning or judicial court while the same are in session or on any street adjacent to any hospital, which noise unreasonably interferes with the workings of such institutions; this restriction shall be in force only if signs are displayed in such streets indicating the same is a school, hospital, or court street or quiet zone.

(8) Loading or unloading of vehicles; opening or destruction of boxes. The creation of a loud or excessive noise in connection with loading or unloading any vehicle or the opening or destruction of bales, boxes, crates, and containers.

(9) Devices attached to buildings. The sounding of any bell, gong or device attached to any building or premises, particularly during the hours between 11:00 P.M. and 7:00 A.M., which disturbs the quiet or repose of any persons in the vicinity of the devices. This rule shall not apply if the bell, gong or device is sounded as a warning of danger.

(10) Trains, vehicles and buses. The unnecessary or prolonged blowing or sounding of any horn, whistle, bell or other device attached to any train, locomotive, motor vehicle, bus or truck while passing through the City or while loading passengers or freight within the City.

(11) Loudspeakers and amplifiers on vehicles. The use of mechanical loudspeakers or amplifiers on trucks or other vehicles for advertising or other commercial purposes, except where a specific license or permit is received from the Police Department.

(12) Construction or repair of buildings. Construction, demolition, repair, paving or alteration of buildings or streets or excavation when conducted

between the hours of 7:00 P.M. and 7:00 A.M. (9:00 A.M. on Sundays), except in emergencies. (1996 Code, § 11-303)

11-204. Nonvehicular noises restricted. No person shall use or operate any facility, machine or instrument or produce or cause to be produced any sound in the City, when the same shall produce noise, the sound-pressure level of which measured at the point of annoyance complained of shall exceed the standard noise level of the City established for that location and time of day. In measuring noises to determine if the standard noise level of the City has been exceeded, the measurement shall be measured on the A-weighting of an accurate sound-level meter. The background sound level is defined as the sound present when the offending noise source is silenced. (1996 Code, § 11-304)

11-205. Vehicular noise regulations.

(1) No person shall operate, within the limits of the City, any vehicle which will emit noise which will exceed the standard noise level of the City established for the size vehicle when used under ordinary circumstances. For noncommercial vehicles, the standard noise level of the City is hereby established as follows:

<u>Type of vehicle</u>	<u>Maximum noise level (dbAs)</u>
Vehicle other than motorcycles	76
Motorcycles	82

(2) Measurements shall be taken fifty feet (50') from the source. (1996 Code, § 11-305)

11-206. Exemptions. Exemptions from noise level limits shall be as follows:

(1) Emergency construction, repair, pavings demolition, or alteration of a street or building. Permission of the City Administrator shall be proof that such emergency exists.

(2) Emergency activities of municipal, county, state, or federal government agencies and emergency activities of public utilities when they are seeking to provide electricity, water or other public utility services and the public health, safety or welfare are involved.

(3) Warning devices on authorized emergency vehicles and on vehicles used for traffic safety purposes.

(4) Attendant on-site noise connected with the actual performance of sporting events, parades, auctions, fairs and festivals.

(5) Power lawn mowers, when operated between the hours of 8:00 A.M. (9:00 A.M. on Sundays) and 10:00 P.M.

(6) Air conditioners that increase the background or ambient noise level no more than five (5) dbAs. (1996 Code, § 11-306)

11-207. Sound measurements. Sound measurements shall be made with a sound-level meter. (1996 Code, § 11-307)

11-208. Nuisance caused by dust, odors and airborne pollutants. Within the City of Sevierville, the following is hereby declared to be a nuisance: The creation of dust, fumes, airborne pollutants, or odors by the operation of motor vehicles, racing cars, amusement rides, rides or other motor driven contrivances, where the dust, fumes, airborne pollutants, or odors are carried beyond the boundaries or property line of the property whereon the above enumerated vehicles and/or motor driven contrivances may be operated in such quantities as to do any of the following:

- (1) Interferes with the reasonable enjoyment of any property; or
- (2) Affects a person's health or ability to breathe by reason of air that contains dust, fumes, airborne pollutants or odors; or
- (3) Leaves any visible or detectable dust, residue, or the residue of dust, and/or airborne pollutants on or over any property in the City; or
- (4) Limits or restricts visibility upon public roadways within the City.

No person, firm or proper corporation shall cause any such nuisance, as aforescribed, anywhere in the City of Sevierville. (Ord. #2005-024, Oct. 2005)

11-209. Prevailing standards. Whenever any provision of this chapter conflicts with any other applicable municipal, county, state or federal ordinance or statute, the higher standard shall prevail. (1996 Code, § 11-308)

11-210. Severability. The provisions of this chapter are severable. If any provision of this chapter or its application to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provisions or applications. (1996 Code, § 11-309)

11-211. Nuisance injunction. Any violation of this chapter is declared to be a nuisance. In addition to any other relief provided in this chapter, the City Attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this chapter. Such application for relief may include seeking a temporary restraining order, temporary injunction and permanent injunction. (1996 Code, § 11-310)

11-212. Penalty. Any person, firm or corporation violating any provision of this chapter shall be fined no less than five dollars (\$5.00) nor more than fifty

dollars (\$50.00) for each offense, and a separate offense shall be deemed committed on each day or during or on which a violation occurs or continues. (1996 Code, § 11-311)

CHAPTER 3**INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL****SECTION**

11-301. Impersonating a government officer or employee.

11-302. False emergency alarms.

11-301. Impersonating a government officer or employee. No person other than an official Police Officer of the City shall wear the uniform, apparel, or badge, or carry any identification card or other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official Police Officers of the City. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1996 Code, § 11-402)

11-302. False emergency alarms.¹ It shall be unlawful for any person to intentionally make, turn in, or give a false alarm of fire, or of need for Police or ambulance assistance, or to aid or abet in the commission of such act. (1996 Code, § 11-403)

¹Municipal code reference
False alarms: title 20.

CHAPTER 4

FIREARMS, WEAPONS AND MISSILES

SECTION

11-401. Air rifles, etc.

11-402. Weapons and firearms generally.

11-401. Air rifles, etc. It shall be unlawful for any person in the City of Sevierville to discharge any air gun, air pistol, air rifle, "BB" gun, or sling shot capable of discharging a metal bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (1996 Code, § 11-501)

11-402. Weapons and firearms generally. It shall be unlawful for any persons to carry in any manner whatever, with the intent to go armed, any razor, dirk, knife, blackjack, brass knucks, pistol, revolver, or any other dangerous weapon or instrument, except as hereinafter set forth. It shall also be unlawful for any unauthorized person to discharge a firearm within the municipality, except as hereinafter set forth.

(1) Persons who possess a valid handgun carry permit issued by the State of Tennessee may carry a handgun in accordance with the permit and applicable Tennessee laws governing the carrying of a handgun.

(2) It shall not be unlawful to discharge a firearm within the City of Sevierville when such discharge of a firearm takes place within an indoor firing range that complies with the following:

(a) The indoor firing range is constructed in an area zoned for which such activity would be a lawful use.

(b) The use, occupancy, and construction of the indoor firing range, shall conform to any and all applicable building codes adopted by the City of Sevierville and State of Tennessee.

(c) The design and construction of the firing range shall totally confine all ammunition rounds discharged, within the building, and same being done in a controlled manner. The design and construction of the indoor firing range shall be certified by a registered engineer in the State of Tennessee. The certified plans shall include the specifications for the construction of bullet baffles/traps, ceilings, exterior and interior walls and floors. The certified plan shall state what type and caliber of ammunition the range is designed to totally confine.

(d) In addition to the foregoing design and construction criteria, the indoor firing range building shall comply with all applicable rules and regulations of the Environmental Protection Agency and OSHA standards for indoor ventilation, emissions into the atmosphere, indoor sound levels,

lead containment, outside sound noises standards and that meet sound criteria of the City of Sevierville.

(e) The firing range shall by signage, display the types and calibers of ammunition for which the building is designed and constructed for being discharged within it.

(3) It shall be unlawful for any person within an indoor firing range to discharge ammunition that exceeds the certified design and construction specifications for the firing range. (Ord. #2005-003, March 2005)

CHAPTER 5

MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC

SECTION

11-501. Interference with traffic.

11-501. Interference with traffic. It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere with the free passage of pedestrian or vehicular traffic thereon. (1996 Code, § 11-602)

CHAPTER 6**MISCELLANEOUS****SECTION**

11-601. Caves, wells, cisterns, etc.

11-602. Posting notices, etc.

11-603. Littering.

11-604. Regulation of aviation.

11-601. Caves, wells, cisterns, etc. It shall be unlawful for any person to permit to be maintained on property owned or occupied by him any cave, well, cistern, or other such opening in the ground which is dangerous to life and limb without an adequate cover or safeguard. (1996 Code, § 11-702)

11-602. Posting notices, etc.¹ No person shall fasten, in any way, any show-card, poster, or other advertising device upon any public or private property unless legally authorized to do so. (1996 Code, § 11-703)

11-603. Littering. A person commits an offense who:

(1) Knowingly places, drops or throws litter on any public or private property without permission and does not immediately remove it;

(2) Negligently places or throws glass or other dangerous substances on or adjacent to water to which the public has access for swimming or wading, or on or within fifty feet (50') of a public highway; or

(3) Negligently discharges sewage, minerals, oil products or litter into any public waters or lakes within the City. (1996 Code, § 11-705)

11-604. Regulation of aviation. It shall be unlawful for any person or persons to ascend, descend, or cause to descend or alight, take off or land, within or upon any area within the corporate limits of the City of Sevierville any aircraft, except for take-offs and landings at an airport facility being designated as a public general aviation airport facility and being listed in the United States Government Flight Information Publication Airport/Facility Directory, Southeast U.S., which is effective at such time as the take-off and landing takes place; except for law enforcement, emergency medical services, or public safety personnel in the exercise of their official duties and responsibilities; or except in a situation requiring a documented emergency landing. Military aircraft in

¹Municipal code reference
Regulation of signs: § 9-102.

the performance of public information and public relations activities shall require the prior approval of the Board of Mayor and Aldermen to land and take-off at non-authorized locations. (Ord. #2011-030, Dec. 2011)

CHAPTER 7

USE OF TOBACCO PRODUCTS IN CITY-OWNED FACILITIES

SECTION

- 11-701. Purpose.
- 11-702. Definitions.
- 11-703. Prohibitions.
- 11-704. Posting of signs.
- 11-705. Penalty for violations.

11-701. Purpose. The declared purpose of this chapter is to prohibit the smoking of tobacco products in City-owned facilities. (1996 Code, § 11-801)

11-702. Definitions.

(1) "City-owned facility" means any enclosed area or facility which is owned, operated, leased or under the control of the City of Sevierville to which the public is invited or in which the public is permitted; including, but not limited to theaters, waiting rooms, reception areas, recreational facilities, meeting rooms, hallways, work areas, employee lounges, and conference rooms.

(2) "Smoking of tobacco products" means the carrying of a lighted pipe, or lighted cigar, or lighted cigarette of any kind, or the lighting of a pipe, cigar, or cigarette of any kind. (1996 Code, § 11-802)

11-703. Prohibitions.

(1) No person shall smoke tobacco products in any City-owned facility.

(2) The person in charge of any City-owned facility, employees of same or other City official shall be required to orally inform persons violating this chapter of the provisions thereof. The duty to inform such violator shall arise when above named individual becomes aware of such violations.

(3) Anyone smoking contrary to this chapter after a warning to cease smoking, shall be deemed to be in violation of this chapter. (1996 Code, § 11-803)

11-704. Posting of signs.

(1) Signs which indicate NO SMOKING shall be clearly, sufficiently, and conspicuously posted in all facilities covered by this chapter.

(2) The manner of such posting shall be at the discretion of the person having control of such City facility. (1996 Code, § 11-804)

11-705. Penalty for violations. Any person violating the NO SMOKING provision of this chapter shall be guilty of an offense and upon

conviction shall pay a penalty of no more than fifty dollars (\$50.00) for each offense. Each occurrence shall constitute a separate offense. (1996 Code, § 11-805)

CHAPTER 8

**LITTER AND DISTRIBUTION OF CERTAIN
UNSOLICITED PRINTED MATERIALS****SECTION**

11-801. Distribution on sidewalks, streets, or other public places.

11-802. Distribution on private premises.

11-803. Exception.

11-804. Violation and penalty.

11-801. Distribution on sidewalks, streets, or other public places.

(1) No person shall throw or deposit or cause to be thrown or deposited any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, placard, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature in or upon any sidewalk, street or other public place within the City limits of the City of Sevierville, Tennessee.

(2) This section shall in no way prohibit or impede the distribution of any otherwise lawful, printed material in public places to those who consent to accepting such printed material.

(3) This section shall in no way prohibit or impede any person or business from depositing printed material in designated places. (1996 Code, § 11-901)

11-802. Distribution on private premises.

(1) No person shall throw or deposit or cause to be thrown or deposited any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, placard, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature in or upon any private premises unless such material includes a notice identifying the source of the material and the mailing address and telephone number that the occupant or owner of the private property may use to request that future deliveries cease. The publisher, printer or distributor of such materials which cause the afore-described material to be thrown or deposited upon private premises two (2) or more times within any thirty (30) day period shall also enclose a pre-addressed postcard every six (6) months identifying the source of the material, so that the occupant may mail to the publisher or printer to request that the publisher or printer cease future deliveries. The pre-addressed postcard shall also include a telephone number of the publisher or printer of the material.

(2) Any person throwing or depositing or causing to be thrown or deposited material set forth in subsection (1) above upon private property after the owner or occupant has notified, either in writing or verbally, the printer, publisher or distributor that deliveries of the material set forth in subsection (1)

above shall cease being made to the address(es) set forth or identified by the owner or occupant, shall be in violation of this chapter.

(3) No person shall throw or deposit or cause to be thrown or deposited any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, placard, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature in or upon any private premises if material that was previously delivered by that person or caused to be thrown or deposited previously is visible on the premises.

(4) Any person throwing or depositing, or causing to be thrown or deposited, any material in violation of subsection (3) above shall be entitled to notice, either in writing or verbally, that a delivery prohibited by subsection (3) has occurred. Any person throwing or depositing, or causing to be thrown or deposited, any such material upon the same premises, after having received notice of a delivery prohibited by subsection (3) at that premises, shall be in violation of this chapter; provided, however, that there shall be no violation if such delivery is made with the express permission of the premises resident. (1996 Code, § 11-902)

11-803. Exception. The above sections do not apply to mail delivered by the United States Postal Service. (1996 Code, § 11-903)

11-804. Violation and penalty. Any person, including the publishers, printers and distributors of the materials referenced in the above sections, violating any provision of this chapter shall be fined no less than five dollars (\$5.00), nor more than fifty dollars (\$50.00) for each separate offense, and a separate offense shall be deemed committed for each and every separate throwing, depositing, causing to be thrown or deposited, each separate piece of material, item or matter set forth in any provision of this chapter and further that separate offense(s) shall be deemed committed on each day in which a violation occurs. (1996 Code, § 11-904)

CHAPTER 9**CURFEW FOR MINORS****SECTION**

- 11-901. Purpose.
- 11-902. Definitions.
- 11-903. Curfew enacted; exceptions.
- 11-904. Parental involvement in violation unlawful.
- 11-905. Involvement by owner or operator of vehicle unlawful.
- 11-906. Involvement by operator or employee of establishment unlawful.
- 11-907. Giving false information unlawful.
- 11-908. Enforcement.
- 11-909. Violations punishable by fine.

11-901. Purpose. The purpose of this chapter is to:

- (1) Promote the general welfare and protect the general public through the reduction of juvenile violence and crime within the City;
- (2) Promote the safety and well-being of minors, whose inexperience renders them particularly vulnerable to becoming participants in unlawful activity, particularly unlawful drug activity, and to being victimized by older criminals; and
- (3) Foster and strengthen parental responsibility for children.
(Ord. #2011-029, Dec. 2011)

11-902. Definitions. As used in this chapter, the following words have the following meanings:

- (1) "Curfew hours" means the hours of 12:30 A.M. through 6:00 A.M. each day.
- (2) "Emergency" means unforeseen circumstances, and the resulting condition or status requiring immediate action to safeguard life, limb, or property. The word includes, but is not limited to, fires, natural disasters, automobile accidents, or other similar circumstances.
- (3) "Establishment" means any privately-owned business place within the City operated for a profit and to which the public is invited, including, but not limited to, any place of amusement or entertainment. The word "operator" with respect to an establishment means any person, firm, association, partnership (including its members or partners), and any corporation (including its officers) conducting or managing the establishment.
- (4) "Minor" means any person under eighteen (18) years of age who has not been emancipated under Tennessee Code Annotated § 29-31-101, et seq.
- (5) "Parent" means:

(a) A person who is a minor's biological or adoptive parent and who has legal custody of the minor, including either parent if custody is shared under a court order or agreement;

(b) A person who is the biological or adoptive parent with who a minor regularly resides;

(c) A person judicially appointed as the legal guardian of a minor; and/or

(d) A person eighteen (18) years of age or older standing in loco parentis (as indicated by authorization by a parent as defined in this definition for the person to assume the care or physical custody of the minor, or as indicated by any other circumstances).

(6) "Person" means an individual and not a legal entity.

(7) "Public place" means any place to which the public or a substantial portion of the public has access, including, but not limited to: streets, sidewalks, alleys, parks, and the common areas of schools, hospitals, apartment houses or buildings, office buildings, transportation facilities, and shops.

(8) "Remain" means:

(a) To linger or stay at or upon a place; or

(b) To fail to leave a place when requested to do so by a Law Enforcement Officer or by the owner, operator, or other person in control of that place.

(9) "Temporary care facility" means a non-locked, non-restrictive shelter at which a minor may wait, under visual supervision, to be retrieved by a parent. A minor waiting in a temporary care facility may not be handcuffed or secured by handcuffs or otherwise to any stationary object. (Ord. #2011-029, Dec. 2011)

11-903. Curfew enacted: exceptions. It is unlawful for any minor, during curfew hours, to remain in or upon any public place within the City, to remain in any motor vehicle operating or parked on any public place within the City, or to remain in or upon the premises of any establishment within the City, unless:

(1) The minor is accompanied by a parent; or

(2) The minor is involved in an emergency; or

(3) The minor is engaged in an employment activity, or is going to or returning home from employment activity, without detour or stop; or

(4) The minor is on the sidewalk directly abutting a place where he or she resides with a parent; or

(5) The minor is attending an activity supervised by adults and sponsored by a school, religious, or civic organization, by a public organization or agency, or by a similar organization, or the minor is going to or returning from such an activity without detour or stop; or

(6) The minor is on an errand at the direction of a parent, and the minor has in his or her possession a writing signed by the parent containing the

name, signature, address, and telephone number of the parent authorizing the errand, the telephone number where the parent may be reached during the errand, the name of the minor and a brief description of the errand, the minor's destination(s) and the hours the minor is authorized to be engaged in the errand; or

(7) The minor is involved in interstate travel through, or beginning or terminating in, the City of Sevierville; or

(8) The minor is exercising First Amendment rights protected by the U.S. Constitution, such as the free exercise of religion, freedom of speech, and freedom of assembly. (Ord. #2011-029, Dec. 2011)

11-904. Parental involvement in violation unlawful. It is unlawful for a minor's parent knowingly to permit, allow, or encourage a violation of § 11-903 of this chapter. (Ord. #2011-029, Dec. 2011)

11-905. Involvement by owner or operator of vehicle unlawful. It is unlawful for a person who is the owner or operator of a motor vehicle knowingly to permit, allow, or encourage a violation of § 11-903 of this chapter using the motor vehicle. (Ord. #2011-029, Dec. 2011)

11-906. Involvement by operator or employee of establishment unlawful. It is unlawful for the operator or any employee of an establishment knowingly to permit, allow, or encourage a minor to remain on the premises of the establishment during curfew hours. It is a defense to prosecution under this section that the operator or employee promptly notified law enforcement officials that a minor was present during curfew hours and refused to leave. (Ord. #2011-029, Dec. 2011)

11-907. Giving false information unlawful. It is unlawful for any person, including a minor, knowingly to give a false name, address, or telephone number to any Law Enforcement Officer investigating a possible violation of § 11-903 of this chapter. Each violation of this section is punishable by a maximum fine of fifty dollars (\$50.00). (Ord. #2011-029, Dec. 2011)

11-908. Enforcement.

(1) Minors. Before taking any enforcement action, a Law Enforcement Officer who is notified of a possible violation of § 11-903 shall make an immediate investigation to determine whether or not the presence of the minor in a public place, motor vehicle, or establishment during curfew hours is a violation of that section. If the investigation reveals a violation and the minor has not previously been issued a warning, the Officer shall issue a verbal warning to the minor to be followed by a written warning mailed by the Police Department to the minor and his/her parent(s). If the minor has previously been issued a warning for a violation, the Officer shall charge the minor with a

violation of § 11-903 and shall issue a citation requiring the minor to appear in court. In either case, the Officer shall, as soon as practicable, release the minor to his/her parent(s) or place the minor in a temporary care facility for a period not to exceed the remainder of the curfew hours so the parent(s) may retrieve the minor. If a minor refuses to give an Officer his/her name and address or the name and address of his/her parent(s), or if no parent can be located before the end of the applicable curfew hours, or if located, no parent appears to accept custody of the minor, the minor may be taken to a crisis center or juvenile shelter and/or may be taken to a Judge or Juvenile Intake Officer of the Juvenile Court to be dealt with as required by law.

(2) Others. If an Officer's investigation reveals that a person has violated §§ 11-903, 11-904, 11-905, or 11-906 of this chapter and the person has not been issued a warning with respect to a violation, the Officer shall issue a verbal warning to the person to be followed by a written warning mailed by the Police Department to the person. If there has been a previous warning to the person, the Officer shall charge the person with a violation and issue a citation directing the person to appear in court. (Ord. #2011-029, Dec. 2011)

11-909. Violations punishable by fine. A violation of §§ 11-903, 11-904, 11-905 or 11-906 subsequent to receiving a verbal warning as provided in § 11-908 is punishable by a maximum fine of fifty dollars (\$50.00) for each violation. (Ord. #2011-029, Dec. 2011)

TITLE 12

BUILDING, UTILITY, ETC. CODES

CHAPTER

1. ADOPTION OF STANDARD CODES.
- 2.--7. DELETED.

CHAPTER 1

ADOPTION OF STANDARD CODES¹

SECTION

- 12-101. Codes adopted by reference.
- 12-102. Severability.
- 12-103. Modifications.
- 12-104. Fee schedule.
- 12-105. Deleted.

12-101. Codes adopted by reference.

- (1) International Building Code, 2012 edition as published by the International Code Council. Include adoption of appendices: A and C.
 - (a) Omitting reference to:
 - International Electrical Code
 - International Property Maintenance Code
 - International Private Sewage Disposal Code
 - International Fuel Gas Code
 - International Wildland-Urban Interface Code
 - (b) Omitting the following chapters:
 - Chapter 17 (special inspections)
 - Chapter 31 (special construction)
- (2) International Residential Code, (IRC), 2018 edition, as published by the International Code Council including Appendix Q except that:
 - (a) Section R313 Automatic Fire Sprinkler Systems is not mandatory, pursuant to T.C.A. § 68-120-101(a)(8).
 - (b) Chapters 34-43 relating to Electrical Installations are deleted and electrical standards adopted in 0780-02-01 Electrical Installations shall apply.

¹Copies of these codes (and any amendments) may be purchased from the International Code Council, 4051 W. Flossmoor Road, Country Club Hills, Illinois 60478.

- (c) Figure R301.2(2) Seismic Design Categories is deleted and replaced with Figure R301.2(2) Seismic Design Categories Site Class D from 2015 IRC.
 - (d) Section R314.6 Power Source relating to Smoke Alarms is amended to create Exception 3 that shall read:
Exception 3. Interconnection and hardwiring of smoke alarms in existing areas shall not be required where the alterations or repairs do not result in the removal of interior walls or ceiling finishes exposing the structure.
 - (e) Section N1 102.4.1.2 (R402.4.1.2) Testing is replaced with Section N1 102.4.2.1 Testing Option and Section NI 102.4.2.2 Visual Inspection from 2009 IRC.
 - (f) Section N1 103.3.3 (R403.3.3) Duct Testing (Mandatory) and Section N1 103.3.4 (R403.3.4) Duct Leakage (Prescriptive) are optional.
 - (g) Table NI 102.1.2 (R402.1.2) Insulation and Fenestration Requirement by Component and Table N1102.1.4 (R402.1.4) Equivalent U-Factors from 2018 IRC are replaced with Table N1102.1 Insulation and Fenestration Requirements by Component and Table NI 102.1.2 Equivalent U-Factor from 2009 IRC.
 - (h) Section N1 102.4.4 (R402.4.4) Rooms Containing Fuel-Burning Appliances is deleted in its entirety.
 - (i) Table N1 102.1 Insulation and Fenestration Requirements by Component in the 2009 edition is adopted and amended by adding the following as footnote "m": "Log walls complying with ICC400 and with a minimum average wall thickness of 5" or greater shall be permitted in Zone 4 when a Fenestration U-Factor of .35 or lower is used, a Skylight U-Factor of .60 or lower is used, a 90 AFUE Furnace is used, an 85 AFUE Boiler is used, and a 9.0 HSPF Heat Pump (heating) and 15 SEER (cooling) are used."
- (3) International Plumbing Code, 2012 edition as published by the International Code Council. Include adoption of appendices: B, D, E and F.
- (a) Omitting reference to:
International Private Sewage Disposal Code
International Fuel Gas Code
 - (b) Omitting Section 106.6 (fees)
 - (c) Omitting Section 109.2.1 (qualifications of Board of Appeals members)
 - (d) Omitting the first sentence of section 312.3
 - (e) Removing the words "for piping systems other than plastic" in Section 312.5

- (4) International Mechanical Code, 2012 edition as published by the International Code Council.
- (a) Omitting reference to:
International Electrical Code
International Fuel Gas Code
 - (b) Omitting Section 109.2.1 (qualifications of Board of Appeals members)
- (5) International Energy Conservation Code (IECC), 2018 edition as published by the International Code Council except that:
- (a) Section R402.4.1 .2 Testing is deleted and replaced with Section 402.4.2.1 Testing Option and Section 402.4.2.2 Visual Inspection Option from 2009 IECC.
 - (b) Section R403.3.3 Duct Testing (Mandatory) and Section R403.3.4 Duct Leakage (Prescriptive) are optional.
 - (c) Table 402.1.2 Insulation and Fenestration Requirements by Component and Table R402.1 .4 Equivalent U-Factors are deleted and replaced with Table 402.1.1 Insulation and Fenestration Requirements by Component and Table 402.1.3 Equivalent U-Factors 2009 IECC.
- (6) International Existing Building Code, 2012 edition as published by the International Code Council.
- (a) Omitting reference to:
International Fuel Gas Code
International Property Maintenance Code
- (7) International Fire Code,¹ 2012 edition as published by the International Code Council. Include adoption of appendices: B, C, D and I.
- Amend Section 901.6 Inspection Testing and Maintenance by adding the following phrase to the last sentence: " ... , only with approval of the fire official."
- Omitting all reference to Fire Sprinkler requirements in One and Two Family and Townhomes per State Laws.
- 105.6 Required operational permits. The fire code official is authorized to issue operational permits for the operations set forth in Sections 105.6.1 through 105.6.48.
- 105.6.47 Short-Term Rental Unit An operational permit is required for the operation of a Short-Term Rental Unit and shall meet the requirements of 105.6.47.1 through 105.6.47.3
- 105.6.47.1 Definition A Short-Term Rental Unit is a residential dwelling that is rented, either in full or in part, for less than 30 continuous days. This includes, but is not limited to, a cabin, house,

¹Originally in title 7, chapter 2.

condominium, or apartment. A Short-Term Rental Unit is not a hotel or similar constructed establishment.

105.6.47.2 Occupant load

- 1) Shall be posted in a location that is acceptable to the fire code official
- 2) Shall be calculated at one occupant for every 200 square feet gross, not including children under four (4) years of age.

Exception:

1. Existing short-term rental units may continue at current occupant load, provided that a reasonable amount of life safety is present in sleeping areas, including, but not limited to, emergency egress and smoke detection; and that the current occupant load does not exceed the above calculated amount per square footage.

105.5.47.3 Floor Plan A floor plan showing the locations of sleeping areas shall be provided prior to the permit being issued.

105.6.48 Mobile Cooking Unit A permit is required for mobile or temporary food preparation that uses appliances that produce smoke or grease-laden vapors.

(8) NFPA 101 Life Safety Code, 2012 edition as published by the National Fire Protection Association.

Shall be amended by deleting Chapter 24 One and Two-Family Dwellings Omitting all reference to Fire Sprinkler requirements in One and Two Family and Townhomes per State Laws.

(9) ICC A117.1 - 2009 Accessible and Usable Buildings and Facilities 2009 edition as published by the International Code Council. (Ord. #2011-009, Oct. 2011, as replaced by Ord. #O-2016-010, Aug. 2016, and Ord. #O-2017-003, May 2017, and amended by Ord. #O-2021-004, March 2021 **Ch6_02-07-22**, and Ord. #O-2021-013, Aug. 2021 **Ch6_02-07-22**)

12-102. Severability. Matters in said codes which are contrary to existing ordinances of the City of Sevierville shall prevail and any existing ordinances to the contrary are hereby repealed. (Ord. #2011-009, Oct. 2011, as replaced by Ord. #O-2016-010, Aug. 2016, and Ord. #O-2017-003, May 2017)

12-103. Modifications. Within said codes, when reference is made to the duties of a certain official named therein, that designated official of the City of Sevierville who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of said code are concerned. (Ord. #2011-009, Oct. 2011, as replaced by Ord. #O-2016-010, Aug. 2016, and Ord. #O-2017-003, May 2017)

12-104. Fee schedule. The board of mayor and aldermen shall establish a schedule of fees for all permits issued relating to construction and to

maintenance of buildings within said City of Sevierville. A copy of said schedule shall be kept in the city recorder's office for public inspection. (Ord. #2011-009, Oct. 2011, as replaced by Ord. #O-2016-010, Aug. 2016, and Ord. #O-2017-003, May 2017)

12-105. Deleted. (Ord. #2011-009, Oct. 2011, as deleted by Ord. #O-2016-010, Aug. 2016)

CHAPTERS 2-7

DELETED

(as deleted by Ord. #O-2016-010, Aug. 2016)

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. SLUM CLEARANCE.
3. JUNKYARDS.
4. STORAGE, ABANDONMENT AND IMPOUNDMENT OF VEHICLES.

CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Smoke, soot, cinders, etc.
- 13-102. Stagnant water.
- 13-103. Overgrown and dirty lots.
- 13-104. Health Officer.
- 13-105. Untenable buildings.

13-101. Smoke, soot, cinders, etc. It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, or gases as to be detrimental to or to endanger the health, comfort, and safety of the public or so as to cause or have a tendency to cause injury or damage to property or business. (1996 Code, § 13-101)

13-102. Stagnant water. It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property without treating it so as effectively to prevent the breeding of mosquitoes. (1996 Code, § 13-102)

13-103. Overgrown and dirty lots.

(1) Prohibition. Pursuant to the authority granted to municipalities under Tennessee Code Annotated § 6-54-13, it shall be 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

¹Municipal code references

Animal control: title 10.

Littering streets, etc.: § 16-207.

Wastewater treatment: title 18, chapter 2.

of debris, trash, litter, or garbage or any combination of the proceeding elements so as to endanger the health, safety, or welfare of other citizens or to encourage the infestation of rats and other harmful animals.

(2) Designation of Public Officer or department. The Board of Mayor and Aldermen shall designate an appropriate department or person to enforce the provisions of this section.

(3) Notice to property owner. It shall be the duty of the department or person designated by the Board of Mayor and Aldermen to enforce this section, to serve notice upon the owner of record in violation of subsection (1) above, a notice in plain language to remedy the condition within ten (10) days (or twenty (20) days if the owner of record is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquid, steam, sewage, or other materials), excluding Saturdays, Sundays, and legal holidays. The notice shall be sent by registered or certified United States mail, addressed to the last known address of the owner of record. 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:

(a) A brief statement that owner is in violation of § 13-103 of the Sevierville Municipal Code, which has been enacted under the authority of Tennessee Code Annotated § 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 clean-up;

(b) The person, office, address, and telephone number of the department or person giving the notice;

(c) A cost estimate for remedying the noted condition, which shall be in conformity with the standards of cost in the City; and

(d) A place wherein the notified party may return a copy of the notice indicating the desire for a hearing .

(4) Clean-up at the property owner's expense. If the property owner of record fails or refuses to remedy the condition within ten (10) days after receiving the notice (or twenty (20) days if the owner of record is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquid, steam, sewage, or other materials), the department or person designated by the Board of Mayor and Aldermen to enforce the provisions of this section shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards, and the cost thereof shall be assessed against the owner of the property. The City may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The City may bring one (1) action for debt against more than one (1) or all the owners of properties against whom such 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. Upon the filing of the notice with the Office of the Register of Deeds in Sevier County, the costs shall be a lien on the property in favor of the municipality,

second only to liens of the state, county, and municipality for taxes, any lien of the municipality for special assessment, 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 placed on the tax rolls of the municipality as a lien and shall be added to property tax bills to be collected 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.

(5) Clean-up of owner-occupied property. When the owner of an owner-occupied residential property fails or refuses to remedy the condition within ten (10) days after receiving the notice, the department or person designated by the Board of Mayor and Aldermen to enforce the provisions of this section shall immediately cause the condition to be remedied or removed at a cost in accordance with reasonable standards in the community, with these costs to be assessed against the owner of the property. The provision of subsection (4) shall apply to the collection of costs against the owner of an owner-occupied residential property except that the municipality must wait until the 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 subsection (4) for these charges.

(6) Appeal. The owner of record who is aggrieved by the determination and order of the Public Officer may appeal the determination and order of the Board of Mayor and Aldermen. The appeal shall be filed with the Recorder within ten (10) days following the receipt of the notice issued pursuant to subsection (3) above. The failure to appeal within this time shall, without exception, constitute a waiver of the right to a hearing.

(7) Judicial review. Any person aggrieved by an order or act of the Board of Mayor and Aldermen under subsection (4) above may seek judicial review of the order or act. The time period established in subsection (3) above shall be stayed during the pendency of judicial review.

(8) Supplemental nature of this section. The provisions of this section are in addition and supplemental to, and not in substitution for, any other provision in the municipal charter, this municipal code of ordinances or other applicable law which permits the City to proceed against an owner, tenant or occupant of property who has created, maintained, or permitted to be maintained on such property the growth of trees, vines, grass, weeds, underbrush and/or accumulation of the debris, trash, litter, or garbage or any combination of the proceeding elements, under its charter, any other provisions of this municipal code of ordinances or any other applicable law. (Ord. #2011-010, Oct. 2011)

13-104. Health Officer. The "Health Officer" shall be such municipal, county or state officer as the Board of Mayor and Aldermen shall appoint or designate to administer and enforce health and sanitation regulations within the City. (1996 Code, § 13-104)

13-105. Untenable buildings. It shall be the duty of the Building and/or Fire Inspector to make an inspection of any building or structure damaged by fire, wind, neglect, or otherwise. If the inspector finds that any such building or structure is untenable and/or detrimental to the health and safety of the citizens and the public in general, the inspector shall make a report and file the same with the City Recorder. The inspector shall likewise transmit to the owner of the structure a copy of the report and shall notify the owner to dismantle, repair, or tear down such building or structure within sixty (60) days from the date of notice.

It shall be unlawful for the owner of any such building or structure to fail to dismantle, repair, or tear down said building or structure within sixty (60) days after such notice is mailed to him or personally delivered to him by an officer.

Should the owner fail to remedy such conditions as described in the reports, the City Administrator is empowered and directed to remedy the condition by contract or cause the same to be done by City personnel. Upon completion, the City Administrator shall determine the reasonable costs thereof and bill the owner. Should the owner fail to pay the City within thirty (30) days of notice, the City Attorney shall be directed to perfect a lien upon the property for which the expenditure is made, said lien may be enforced by suit in Chancery Court. (1996 Code, § 13-105)

CHAPTER 2

SLUM CLEARANCE¹

SECTION

- 13-201. Findings of Board.
- 13-202. Definitions.
- 13-203. "Public Officer" designated; powers.
- 13-204. Initiation of proceedings; hearings.
- 13-205. Orders to owners of unfit structures.
- 13-206. When Public Officer may repair, etc.
- 13-207. When Public Officer may remove or demolish.
- 13-208. Lien for expenses; sale of salvaged materials; other powers not limited.
- 13-209. Basis for a finding of unfitness.
- 13-210. Service of complaints or orders.
- 13-211. Enjoining enforcement of orders.
- 13-212. Additional powers of Public Officer.
- 13-213. Powers conferred are supplemental.

13-201. Findings of Board. Pursuant to Tennessee Code Annotated § 13-21-101, *et seq.*, the Board of Mayor and Aldermen finds that there exists in the City structures which are unfit for human occupation 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 the health, safety and morals, or otherwise inimical to the welfare of the residents of the City. (1996 Code, § 13-201)

13-202. Definitions.

- (1) "Governing body" shall mean the Board of Mayor and Aldermen charged with governing the City.
- (2) "Municipality" shall mean the City of Sevierville, Tennessee, and the areas encompassed within existing City limits or as hereafter annexed.
- (3) "Owner" shall mean the holder of title in fee simple and every mortgagee of record.
- (4) "Parties in interest" shall mean all individuals, associations, corporations and others who have interests of record in a dwelling and any who are in possession thereof.

¹State law reference

Tennessee Code Annotated, title 13, chapter 21.

(5) "Public authority" shall mean any housing authority or any officer who is in charge of any department or branch of the government of the City or State relating to health, fire, building regulations, or other activities concerning structures in the City.

(6) "Public Officer" shall mean the Officer or Officers who are authorized by this chapter to exercise the powers prescribed herein and pursuant to Tennessee Code Annotated § 13-21-101, *et seq.*

(7) "Structures" shall mean any building or structure, or part thereof, used for human occupation and intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. (1996 Code, § 13-202)

13-203. "Public Officer" designated; powers. There is hereby designated and appointed a "Public Officer," to be the building inspector of the City, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the building inspector. (1996 Code, § 13-203)

13-204. 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 City charging that any structure is unfit for human occupancy or use, or whenever it appears to the Public Officer (on his own motion) that any structure is unfit for human occupancy or use, the Public Officer shall, if his 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 his designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the service of the complaint; and the owner and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint; and the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Public Officer. (1996 Code, § 13-204)

13-205. Orders to owners of unfit structures. If, after such notice and hearing as provided for in the preceding section, the Public Officer determines that the structure under consideration is unfit for human occupancy or use, he shall state in writing his finding of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order:

(1) 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, during the time specified in the order, to repair, alter, or improve such structure to render

it fit for human occupancy or use or to vacate and close the structure for human occupancy or use; or

(2) If the repair, alteration or improvement of said structure cannot be made at a reasonable cost in relation to the value of the structure (not to exceed fifty percent (50%) of the value of the premises), requiring the owner within the time specified in the order, to remove or demolish such structure. (1996 Code, § 13-205)

13-206. When Public Officer may repair, etc. If the owner fails to comply with the order to repair, alter, or improve or to vacate and close the structure as specified in the preceding section hereof, the Public Officer may cause such structure to be repaired, altered, or improved, or to be vacated and closed; and the Public Officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human occupancy or use; the use or occupation of this building for human occupancy or use is prohibited and unlawful." (1996 Code, § 13-206)

13-207. When Public Officer may remove or demolish. If the owner fails to comply with an order, as specified above, to remove or demolish the structure, the Public Officer may cause such structure to be removed and demolished. (1996 Code, § 13-207)

13-208. Lien for expenses; sale of salvaged materials; other powers not limited. The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the Public Officer shall, upon the filing of the notice with the Office of the Register of Deeds of Sevier County, be a lien on the property in favor of the municipality, second only to liens of the state, county and municipality 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 Trustee 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. If the structure is removed or demolished by the Public Officer, he 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 of Sevier County by the Public Officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court provided, however, that nothing in this section shall be construed to impair or limit in any way the power of the City of Sevierville to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (1996 Code, § 13-208)

13-209. Basis for a finding of unfitness. The Public Officer defined herein shall have the power and may determine that a structure is unfit for human occupation and use if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants or users of such structure, the occupants or users of neighboring structures or other residents of the City of Sevierville; 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; and uncleanliness. (1996 Code, § 13-209)

13-210. Service of complaints or orders. Complaints or orders issued by the Public Officer pursuant to this chapter shall be served upon persons, either personally or by registered mail, but if the whereabouts of such person is 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 City. In addition, a copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the Register of Deeds Office of Sevier County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (1996 Code, § 13-210)

13-211. Enjoining enforcement of orders. Any person affected by an order issued by the Public Officer served pursuant to this chapter may file a suit in Chancery Court for an injunction restraining the Public Officer from carrying out the provisions of the order, and the court may, upon the filing of such suit, issue a temporary injunction restraining the Public Officer pending the final disposition of the cause; provided, however, that within sixty (60) days after the posting and service of the order of the Public Officer, such person shall file such suit in the court.

The remedy provided herein shall be the exclusive remedy 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. (1996 Code, § 13-211)

13-212. Additional powers of Public Officer. The Public Officer, in order to carry out and effectuate the purposes and provisions of this chapter, shall have the following powers in addition to those otherwise granted herein:

(1) To investigate conditions of the structures in the City in order to determine which structures therein are unfit for human occupation or use;

- (2) To administer oaths, affirmations, examine witnesses and receive evidence;
- (3) To enter upon premises for the purpose of making examination, provided that such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession;
- (4) To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this chapter; and
- (5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate. (1996 Code, § 13-212)

13-213. Powers conferred are supplemental. This chapter shall not be construed to abrogate or impair the powers of the City with regard to the enforcement of the provisions of its charter or any other ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by the charter and other laws. (1996 Code, § 13-213)

CHAPTER 3

JUNKYARDS¹

SECTION

- 13-301. Definitions.
 13-302. Regulations.
 13-303. Violation and penalty.

13-301. Definitions. Whenever used in this chapter:

(1) "Automobile graveyard" shall mean any establishment or place of business which is maintained, used or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts. Ten (10) or more such vehicles will constitute an automobile graveyard.

(2) "Junk" shall mean old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

(3) "Junkyard" shall mean an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. This definition includes scrap metal processors, used auto parts yards, yards providing temporary storage of automobile bodies or parts awaiting disposal as a normal part of the business operation when the business will continually have like materials located on the premises, garbage dumps and sanitary landfills.

Provided, however, a "junkyard" shall not be construed to include a recycling center.

(4) "Recycling center" means an establishment, place of business, facility or building which is maintained, operated, or used for the storing, keeping, buying or selling of newspaper or used food or beverage containers for the purpose of converting such items into a usable product. (1996 Code, § 13-301)

13-302. Regulations. All junkyards within the City of Sevierville shall be operated and maintained subject to the following regulations:

(1) All junk stored or kept in such yards shall be so kept that it will not catch and hold water in which mosquitoes may breed and so that it will not constitute a place or places in which rats, mice or other vermin may be harbored, reared or propagated.

¹Municipal code reference

Refuse and trash disposal: title 17.

(2) All such junkyards shall be enclosed within close fitting plank or metal solid fences touching the ground on the bottom and being not less than six feet (6') in height, such fence to be so built as that it will be impossible for stray cats and/or stray dogs to have access to such junkyards.

(3) Such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety. (1996 Code, § 13-302)

13-303. Violation and penalty. Any person owning or operating a junkyard in violation of the above provisions shall bring such junkyard into compliance with this chapter within thirty (30) days upon receiving notice from the City. Any person failing to do so shall be guilty of a violation of this chapter and shall be fined fifty dollars (\$50.00) for each day of violation. Each day's subsequent violation shall constitute a separate offense. (1996 Code, § 13-303)

CHAPTER 4

STORAGE, ABANDONMENT AND IMPOUNDMENT OF VEHICLES

SECTION

- 13-401. Definitions.
- 13-402. Storage of vehicles on public property.
- 13-403. Abandonment of vehicles.
- 13-404. Wrecked or discarded vehicles.
- 13-405. Impoundment or removal.
- 13-406. Notice of removal.
- 13-407. Penalties.

13-401. Definitions. The following definitions shall apply in the interpretation and enforcement of this chapter:

(1) "Abandoned motor vehicle." A vehicle which meets any of the following conditions:

- (a) A motor vehicle that is over four (4) years old and left unattended on public property for more than ten (10) days,
- (b) A motor vehicle in an obvious state of disrepair that is left unattended on public property for more than three (3) days,
- (c) A motor vehicle that has remained illegally on public property for a period of more than forty-eight (48) hours,
- (d) A motor vehicle that has remained on private property without the consent of the owner or person in control of the property for more than forty-eight (48) hours.

(2) "Antique motor vehicle." A motor vehicle over twenty-five (25) years old which is owned solely as a collector's item and is used for participation in club activities, exhibits, parades, tours, and similar uses, but in no event for general transportation, and which is registered as an antique vehicle under applicable title and registration laws.

(3) "Dismantled." A dismantled vehicle is one in which any one (1) or more of the following are missing from the vehicle, to wit:

- (a) Windshield;
- (b) Rear window;
- (c) Hood or trunk lid;
- (d) Two (2) or more fenders;
- (e) Two (2) or more side windows.

(4) "Inoperable motor vehicle." A motor vehicle which does not have an engine in running condition, four (4) tires, a battery, and a valid state license plate issued to the person owning the land on which it is parked.

(5) "Person." Any person, firm, partnership, association, corporation, company, or organization of any kind.

(6) "Property." Any real property within the City.

(7) "Vehicle." Any machine propelled by power other than human power designed to travel by use of wheels, tread, runners, or slides and transport persons or property or pull machinery and shall include, without limitation, automobile, truck, trailer, motorcycle, tractor, buggy and wagon.

(8) "Wrecked condition." A motor vehicle or parts thereof, which would require its movement to be made by forces external to the vehicle, or does not meet State of Tennessee Department of Safety Standards for operation of that vehicle on a public roadway. (Ord. #2007-027, Nov. 2007, as amended by Ord. #2011-010, Oct. 2011)

13-402. Storage of vehicles on public property. No person shall use any street, sidewalk, alley, or other publicly owned property within the City for the purpose of storing vehicles. This chapter shall not be construed as restricting any right of any person to park a vehicle temporarily in any space set aside and designated as a parking space for vehicles. (Ord. #2007-027, Nov. 2007)

13-403. Abandonment of vehicles. No person shall abandon any vehicle on any property within the City or leave any vehicle at any place within the City for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned. The presence of an abandoned, dismantled, or inoperable motor vehicle on public or private property is hereby declared a nuisance, which may be abated in accordance with the provisions of this chapter. (Ord. #2007-027, Nov. 2007)

13-404. Wrecked or discarded vehicles. No person in charge or control of any property within the City, whether as owner, tenant, occupant, lessee or otherwise, shall allow any dismantled, partially dismantled, non-operating wrecked, junked, discarded, unlicensed or expired licensed vehicle to remain on such property longer than fourteen (14) days; except that, this chapter shall not apply with regard to a vehicle that is not visible from the street or other public or private property, or stored in a garage, carport, storage building, an approved car cover, or is stored on the premises of a business enterprise operated in a lawful place and manner (when necessary to the operation of such business enterprise), or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the City. (Ord. #2007-027, Dec. 2007)

13-405. Impoundment or removal. The Police Chief or his authorized representative is hereby empowered to remove any vehicle on public property found in violation of §§ 13-402, 13-403, or 13-404 of this code to a safe and secure place designated by him for that purpose. The Police Chief or his authorized representative is hereby empowered to cause the removal of any vehicle on private property found in violation of §§ 13-402, 13-403, or 13-404 of this code. (Ord. #2011-010, Oct. 2011)

13-406. Notice of removal. Prior to the removal of any vehicle on public property by the Police Chief, by authority of this chapter, the vehicle will be tagged with a notice specifying date and time after which the vehicle may be removed. Prior to the removal of any vehicle on private property the Police Chief, by authority of this chapter, the property owner will be given forty-five (45) days' notice. The notice shall be given by United States mail and addressed to the last known address of the property owner of record. Failure to remove or properly store the vehicle may cause the City to remove the vehicle. (Ord. #2011-010, Oct. 2011)

13-407. Penalties. Any person who shall violate any of the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punishable under the general penalty clause of this code. (Ord. #2007-027, Dec. 2007)

TITLE 14**ZONING AND LAND USE CONTROL****CHAPTER**

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. BUSINESS IMPROVEMENT DISTRICT.
4. FLOOD DAMAGE PREVENTION ORDINANCE.

CHAPTER 1**MUNICIPAL PLANNING COMMISSION****SECTION**

- 14-101. Creation and membership.
- 14-102. Organization, powers, duties, etc.
- 14-103. Additional powers.

14-101. Creation and membership. Pursuant to the provisions of Tennessee Code Annotated § 13-4-101, there is hereby created a Municipal Planning Commission, hereinafter referred to as the Planning Commission. The Planning Commission shall consist of seven (7) members; two (2) of these shall be the Mayor and an Alderman selected by the Board of Mayor and Aldermen; the other five (5) members shall be appointed by the Mayor. As provided in Tennessee Code Annotated §§ 13-3-101 and 13-3-102, a Planning Region has been created by the State composed of the municipality and certain territory adjoining, but outside of the municipality, and the Municipal Planning Commission has been designated as the Regional Planning Commission for the Sevierville Planning Region. In accordance with the provisions of Tennessee Code Annotated § 13-3-102, two (2) of the appointed members of the Planning Commission shall reside within the regional area outside of the municipal boundaries; except that, if the regional area outside the municipal boundaries shall become less than fifty percent (50%) of the entire regional area, then only one (1) member shall be appointed from the regional area outside the municipal boundaries. The terms of appointed members shall be five (5) years and arranged so that the term of one (1) member will expire each year. All members of the Planning Commission shall serve as such without compensation. (Ord. #2011-012, Nov. 2011)

14-102. Organization, powers, duties, etc. The Planning Commission shall be organized and shall carry out its powers, functions and duties in accordance with Tennessee Code Annotated, title 13. (1996 Code, § 14-102)

14-103. Additional powers. Having been designated as a Regional Planning Commission, the Municipal Planning Commission shall have the additional powers granted by, and shall otherwise be governed by the provisions of the state law relating to Regional Planning Commissions. (1996 Code, § 14-103)

CHAPTER 2**ZONING ORDINANCE****SECTION**

14-201. Land use to be governed by the Zoning Ordinance.

14-201. Land use to be governed by the Zoning Ordinance. Land use within the City of Sevierville shall be governed by the Zoning Ordinance and addendum, as was prepared by the Planning Commission and certified to the Board of Mayor and Aldermen with approval recommended on September 3, 1981, adopted by the Board of Mayor and Aldermen on October 5, 1981, and with subsequent amendments thereto.¹ (Ord. #2011-013, Nov. 2011)

¹The Zoning Ordinance and addendum, and any amendments thereto, are published as separate documents and are of record in the Office of the City Recorder.

CHAPTER 3**BUSINESS IMPROVEMENT DISTRICT****SECTION**

14-301. Creation of district.

14-302. Description.

14-301. Creation of district. There is hereby created the Downtown Central Business Improvement District of the City of Sevierville (the "Downtown Central Business Improvement District"). (1996 Code, § 14-301)

14-302. Description. The Downtown Central Business Improvement District shall consist of the real property described in Appendix B. Appendix B appears in the back of this municipal code and is incorporated herein as fully as though copied, and such real property is hereby designated a part of the center City area of the City of Sevierville, Sevier County, Tennessee, for purposes of Tennessee Code Annotated, title 7, chapter 53, as amended. (1996 Code, § 14-302, modified)

CHAPTER 4

FLOOD DAMAGE PREVENTION ORDINANCE**SECTION**

14-401. Flood damage control to be governed by the Municipal Flood Damage Prevention Ordinance.

14-401. **Flood damage control to be governed by the Municipal Flood Damage Prevention Ordinance.** Regulations governing flood damage control within the City of Sevierville shall be governed by O-2009-024, titled "Municipal Flood Damage Prevention Ordinance," and any subsequent amendments thereto.¹ (Ord. #2011-014, Nov. 2011)

¹Ordinance No. 2009-024, and any amendments thereto, are published as separate documents and are of record in the Office of the City Recorder.

TITLE 15

MOTOR VEHICLES, TRAFFIC AND PARKING¹

CHAPTER

1. MISCELLANEOUS.
2. EMERGENCY VEHICLES.
3. SPEED LIMITS.
4. STOPPING AND YIELDING.
5. PARKING.
6. ENFORCEMENT.

CHAPTER 1

MISCELLANEOUS²

SECTION

- 15-101. Motor vehicle requirements.
- 15-102. Driving on streets closed for repairs, etc.
- 15-103. Adoption of state traffic statutes.
- 15-104. Miscellaneous traffic control signs, etc.
- 15-105. Presumption with respect to traffic control signs, etc.
- 15-106. Backing vehicles.
- 15-107. Projections from the rear of vehicles.
- 15-108. Causing unnecessary noise.
- 15-109. Damaging pavements.
- 15-110. Certificate of registration required.

¹Municipal code reference

Excavations and obstructions in streets, etc.: title 16, chapter 4.

²State law references

Under Tennessee Code Annotated § 55-10-307, the following offenses are exclusively state offenses and must be tried in a state court or a court having state jurisdiction: driving while intoxicated or drugged, as prohibited by Tennessee Code Annotated § 55-10-401; failing to stop after a traffic accident, as prohibited by Tennessee Code Annotated § 55-10-101, et seq.; driving while license is suspended or revoked, as prohibited by Tennessee Code Annotated § 55-50-504; and drag racing, as prohibited by Tennessee Code Annotated § 55-10-501.

- 15-111. Motor vehicle windows with tinting, reflecting or sun screen material.
- 15-112. Overtaking and passing school bus.
- 15-113. Unsafe operation of motor vehicle.
- 15-114. Compliance with financial responsibility law required.

15-101. Motor vehicle requirements. It shall be unlawful for any person to operate any motor vehicle within the corporate limits unless such vehicle is equipped with properly operating muffler, lights, brakes, horn, and such other equipment as is prescribed and required by Tennessee Code Annotated, title 55, chapter 9. (1996 Code, § 15-101)

15-102. Driving on streets closed for repairs, etc. Except for necessary access to property abutting thereon, no motor vehicle shall be driven upon any street that is barricaded or closed for repairs or other lawful purpose. (1996 Code, § 15-102)

15-103. Adoption of state traffic statutes. By the authority granted under Tennessee Code Annotated, § 55-10-307, the City of Sevierville adopts by reference as if fully set forth in the section, the "Rules of the Road," as codified in Tennessee Code Annotated, §§ 55-8-101 through §§ 55-8-131, §§ 55-8-133 through §§ 55-8-150, and §§ 55-8-152 through §§ 55-8-180. Additionally, the City of Sevierville adopts Tennessee Code Annotated, §§ 55-8-181 through §§ 55-8-193, § 55-8-199, §§ 55-9-601 through §§ 55-9-606, §§ 55-10-101 through §§ 55-10-310, § 55-12-139, § 55-21-108, § 55-50-301, § 55-50-302, § 55-50-304, § 55-50-305, § 55-50-311, § 55-50-312 and § 55-50-804 by reference as if fully set forth in this section. The City of Sevierville retains the right to adopt its own rules and regulations that are not inconsistent with the Rules of the Road adopted herein, and to place traffic control devices that are not inconsistent with the Rules of the Road adopted herein. (Ord. #2011-031, Jan. 2012, as replaced by Ord. #O-2019-017, Sept. 2019 *Ch4_10-21-19*)

15-104. Miscellaneous traffic control signs, etc. It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic control sign, signal, marking, or device placed or erected by the state or the City. (1996 Code, § 15-107)

15-105. Presumption with respect to traffic control signs, etc. When a traffic control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper governmental authority. (Ord. #2011-033, Jan. 2012)

15-106. Backing vehicles. The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. (1996 Code, § 15-113)

15-107. Projections from the rear of vehicles. Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve inches (12") square. Between one-half (1/2) hour after sunset and one-half (1/2) hour before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred feet (200') from the rear of such vehicle. (1996 Code, § 15-114)

15-108. Causing unnecessary noise. It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (1996 Code, § 15-115)

15-109. Damaging pavements. No person shall operate upon any street of the municipality any vehicle, motor propelled or otherwise, which by reason of its weight or the character of its wheels or track is likely to damage the surface or foundation of the street. (1996 Code, § 15-118)

15-110. Certificate of registration required.

(1) No person shall operate a motor vehicle upon any public street in the City of Sevierville unless such vehicle has been issued a registration certificate and license plate under Tennessee Code Annotated, title 55, chapters 1-6.

(2) Every such certificate of registration shall at all times be carried in the vehicle to which it refers or shall be carried by the person driving, or in control of such vehicle, who shall display the same upon demand of any Police Officer of the City of Sevierville. The owner may, in order to ensure its safekeeping, provide a duplicate or facsimile of the certificate of registration to be kept in the vehicle for display by any person who may legally operate such vehicle under the owner's registration.

(3) The provision of this section requiring that a certificate of registration be carried in the vehicle to which it refers, or by the person driving the same, shall not apply when such certificate of registration is used for the purpose of making application for renewal of registration or upon a transfer of the vehicle. (1996 Code, § 15-121)

15-111. Motor vehicle windows with tinting, reflecting or sun screen material.

(1) (a) It is unlawful for any person to operate upon a public street in the City of Sevierville any motor vehicle registered in this state, in which any window, which has a visible light transmittance equal to, but not less than that specified in the Federal Motor Vehicle Safety Standard

No. 205, has been altered, treated or replaced by the affixing, application or installation of any material which:

(i) Has a visible light transmittance of less than thirty-five percent (35%); or

(ii) With the exception of the manufacturer's standard installed shade band, reduces the visible light transmittance in the windshield below seventy percent (70%).

(b) Any person who installs window tinting materials for profit, barter, or wages and/or commissions is defined as a "professional installer" for the provisions of this section, and it is unlawful for a professional installer to apply tinting materials to any vehicle so as to cause that vehicle to be in violation of this section.

(c) All professional installers of window tinting materials shall supply and shall affix to the lower right corner of the driver's window an adhesive label, the size and style of which shall be determined by the commissioner of safety, which includes:

(i) The installer's business name; and

(ii) The legend "Complies with Tennessee Code Annotated § 55-9-107."

(d) All professional installers of window tinting materials shall supply each customer with a signed receipt for each vehicle to which tinting materials have been applied which includes:

(i) Date of installation;

(ii) Make, model, paint color and license plate number and state;

(iii) The legend "Complies with Tennessee Code Annotated § 55-9-107, at date of installation"; and

(iv) The legend "This receipt shall be kept with vehicle registration documents."

(e) The owner of any vehicle in question has the burden of proof that such vehicle is in compliance with the provisions of this section.

(f) Any vehicle model permitted by federal regulations to be equipped with certain windows tinted so as not to conform to the specifications of subsection (1)(a)(i) is exempt from subsection (1)(a)(i) with respect to those certain windows. Likewise, vehicles bearing commercial license plates shall be exempt from the specifications of subsection (1)(a)(i) for those windows rearward of the front doors. This subsection shall not be construed in any way to exempt the front door windows of any vehicle of any kind from the specifications of subsection (1)(a)(i).

(2) (a) Notwithstanding the provisions of subsection (1)(a) to the contrary, any person with a medical condition that is adversely affected by ultraviolet light may submit a statement to the Tennessee Commissioner of Safety from that person's physician certifying that the

person has a medical condition which requires reduction of light transmission in the windows of such person's vehicle in excess of the standards established in subsection (1). The Commissioner shall submit the certified statement to the department's Medical Review Board for evaluation. If the review board finds the exemption warranted, it shall recommend that the Commissioner authorize the exemption, and the degree of tinting exemption which is appropriate. The Commissioner shall then supply a certificate or decal, indicating the degree of exemption, to the applicant who shall display it in the motor vehicle.

(b) Any applicant aggrieved by a decision of the Medical Review Board or the Commissioner may appeal in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, title 4, chapter 5. The appeal may be made to the Chancery Court of the county where the aggrieved applicant resides at the option of the applicant.

(3) It is probable cause for a full-time, salaried Police Officer of this City to detain a motor vehicle being operated on the public streets of this City when such Officer has a reasonable belief that the motor vehicle is in violation of subsection (1)(a), for the purpose of conducting a field comparison test.

(4) It is a civil offense for the operator of a motor vehicle to refuse to submit to the field comparison test when directed to do so by a full-time, salaried Police Officer, or for any person to otherwise violate any provisions of this section. (1996 Code, § 15-122)

15-112. Overtaking and passing school bus.

(1) The driver of a vehicle upon a highway, upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children, shall stop the vehicle before reaching such school bus, and the driver shall not proceed until such school bus resumes motion or is signaled by the school bus driver to proceed or the visual signals are no longer actuated. The provisions of this section shall also apply to a school bus with lights flashing and stop sign extended and marked in accordance with this section that is stopped upon property owned, operated, or used by a school or educational institution, if such bus is stopped for the purpose of receiving or discharging any school children outside a protected loading zone.

(2) All motor vehicles used in transporting school children to and from school in the City of Sevierville are required to be distinctly marked "School Bus" on the front and rear thereof in letters of not less than six inches (6") in height, and so plainly written or printed and so arranged as to be legible to persons approaching such school bus, whether traveling in the same or opposite direction.

(3) (a) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on

a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

(b) For the purpose of subsection (1), "separate roadways" means roadways divided by an intervening space which is not suitable to vehicular traffic.

(4) Except as otherwise provided by the preceding subsections, the school bus driver is required to stop such school bus on the right-hand side of such road or highway, and the driver shall cause the bus to remain stationary and the visual stop signs on the bus actuated, until all school children who should be discharged from the bus have been so discharged and until all children whose destination causes them to cross the road or highway at that place have negotiated such crossing.

(5) Any person failing to comply with the requirements of this section, requiring motor vehicles to stop upon approaching school buses, or violating any of the provisions of this section, commits a civil offense.

(6) The preceding subdivisions of this subsection shall not be applicable to the vehicles of street railway companies, as defined in Tennessee Code Annotated § 65-16-101, while such vehicles are being used for the transportation of school children within a municipality or its environs in the area over which a municipality or a municipal regulatory agency has regulatory jurisdiction under Tennessee Code Annotated § 65-16-101. (1996 Code, § 15-125)

15-113. Unsafe operation of motor vehicle.

(1) The following are prohibited and deemed to be unsafe operations of motor vehicles:

(a) Operating a motor vehicle without due care or at a speed greater than that which is reasonable and prudent considering traffic, weather, road and light conditions, road character and proximity of pedestrians.

(b) Operating a motor vehicle in a manner which unnecessarily causes its tires to squeal, skid, or break free of road surface.

(c) Failing to maintain that degree of control of a motor vehicle necessary to avoid danger to persons or property.

(d) Operating a motor vehicle while allowing a person to ride:

(i) On or within any vehicle, trailer, or other mode of conveyance towed behind the motor vehicle unless specifically designed for passengers while being towed; or

(ii) On any exterior portion of the motor vehicle not designed or intended for the use of a passenger. This restriction does not apply to a person seated on the floor of a truck bed

equipment with sides, unless prohibited by other provisions or state law.

(2) Any person found guilty of violation of the provisions herein may be fined up to the sum of fifty dollars (\$50.00) for each violation, plus court costs. (1996 Code, § 15-126)

15-114. Compliance with financial responsibility law required.

(1) This section shall apply to every vehicle subject to the State registration and certificate of title provisions.

(2) At the time the driver of a motor vehicle is charged with any moving violation under title 55, chapters 8 and 10, parts 1-5, chapter 50; any provision of title 15 of the Sevierville Municipal Code; or at the time of an accident for which notice is required under Tennessee Code Annotated § 55-10-106, the Officer shall request evidence of financial responsibility as required by this section. In case of an accident for which notice is required under Tennessee Code Annotated § 55-10-106, the Officer shall request such evidence from all drivers involved in the accident, without regard to apparent or actual fault.

(3) For the purposes of this section, "financial responsibility" means:

(a) Documentation, such as the declaration page of an insurance policy, an insurance binder, or an insurance card from an insurance company authorized to do business in Tennessee, stating that a policy of insurance meeting the requirements of the Tennessee Financial Responsibility Law of 1997, compiled in Tennessee Code Annotated, title 55, chapter 12, has been issued;

(b) A certificate, valid for one (1) year, issued by the commissioner of safety, stating that a cash deposit or bond in the amount required by the Tennessee Financial Responsibility Law of 1997, compiled in title 55, chapter 12, has been paid or filed with the commissioner, or has qualified as self-insurer under Tennessee Code Annotated § 55-12-111; or

(c) The motor vehicle being operated at the time of the violation was owned by a carrier subject to the jurisdiction of the Department of Safety or the Interstate Commerce Commission, or was owned by the United States, the State of Tennessee, or any political subdivision thereof, and that such motor vehicle was being operated with the owner's consent.

(4) Civil offense. It is a civil offense to fail to provide evidence of financial responsibility pursuant to this section. Any violation of this section is punishable by a civil penalty up to fifty dollars (\$50.00). The civil penalty prescribed by this section shall be in addition to any other penalty prescribed by the laws of this State or the City's municipal code of ordinances.

(5) Evidence of compliance after violation. On or before the court date, the person so charged may submit evidence of financial responsibility at the

time of the violation. If it is the person's first violation of this section and the court is satisfied that the financial responsibility was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility shall be dismissed. Upon the person's second or subsequent violation of this section, if the court is satisfied that the financial responsibility was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility may be dismissed. Any charge that is dismissed pursuant to this subsection shall be dismissed without costs to the defendant and no litigation tax shall be due or collected. (Ord. #2011-035, Jan. 2012)

CHAPTER 2**EMERGENCY VEHICLES****SECTION**

15-201. Authorized emergency vehicles defined.

15-202. Following emergency vehicles.

15-203. Running over fire hoses, etc.

15-201. Authorized emergency vehicles defined. Authorized emergency vehicles shall be Fire Department vehicles, police vehicles, and such ambulances and other emergency vehicles as are designated by the Chief of Police. (1996 Code, § 15-201)

15-202. Following emergency vehicles. No driver of any vehicle shall follow any authorized emergency vehicle apparently travelling in response to an emergency call closer than five hundred feet (500') or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1996 Code, § 15-203)

15-203. Running over fire hoses, etc. It shall be unlawful for any person to drive over any hose lines or other equipment of the Fire Department except in obedience to the direction of a Fireman or Police Officer. (1996 Code, § 15-204, modified)

CHAPTER 3

SPEED LIMITS

SECTION

15-301. In general.

15-302. At intersections.

15-303. In school zones and near playgrounds.

15-304. In temporary traffic control zones.

15-301. In general. It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street at a rate of speed in excess of thirty (30) miles per hour except where official signs have been posted indicating other speed limits, in which cases the posted speed limit shall apply. (1996 Code, § 15-301)

15-302. At intersections. It shall be unlawful for any person to operate or drive a motor vehicle through any intersection at a rate of speed in excess of fifteen (15) miles per hour unless such person is driving on a street regulated by traffic control signals or signs which require traffic to stop or yield on the intersecting streets. (1996 Code, § 15-302)

15-303. In school zones and near playgrounds. It shall be unlawful for any person to operate or drive a motor vehicle through any school zone or near any playground at a rate of speed in excess of fifteen (15) miles per hour when official signs indicating such speed limit have been posted by authority of the municipality. This section shall not apply at times when children are not in the vicinity of a school and such posted signs have been covered by direction of the Chief of Police. (1996 Code, § 15-303)

15-304. In temporary traffic control zones. The City Administrator or his designee is authorized to place regulatory speed limit signs corresponding to a reduction of up to ten (10) miles per hour below the posted speed limit on any City street as a temporary measure to control speeds through construction zones. These regulatory signs shall be fully enforceable by law enforcement officials and shall remain as long as conditions warrant such use, then removed as conditions dictate.

Temporary traffic control zones shall be governed by a temporary traffic control plan developed by the department or entity requesting such use and approved by the City Engineer and/or the Public Works Director. The temporary traffic control plan and related signs shall be designed and placed in accordance with the Manual on Uniform Traffic Control Devices (MUTCD), applicable at time of designation of reduced speed construction zone. (Ord. #2007-001, Feb. 2007)

CHAPTER 4

STOPPING AND YIELDING**SECTION**

15-401. When emerging from alleys, etc.

15-402. To prevent obstructing an intersection.

15-403. Stops to be signaled.

15-401. When emerging from alleys, etc. The drivers of all vehicles emerging from alleys, parking lots, driveways, or buildings shall stop such vehicles immediately prior to driving across any sidewalk or onto any street. They shall not proceed to drive across the sidewalk or onto a street until they can safely do so without colliding or interfering with approaching pedestrians or vehicles. (Ord. #2011-036, Jan. 2012)

15-402. To prevent obstructing an intersection. No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of such intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of traffic in or on the intersecting street or crosswalk. This provision shall be effective notwithstanding any traffic control signal indication to proceed. (1996 Code, § 15-503)

15-403. Stops to be signaled. No person operating a motor vehicle shall stop such vehicle, whether in obedience to a traffic sign or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law,¹ except in an emergency. (1996 Code, § 15-509)

¹State law reference

Tennessee Code Annotated § 55-8-143.

CHAPTER 5**PARKING****SECTION**

- 15-501. No parking places.
- 15-502. Parking at curb.
- 15-503. Vehicles for sale.
- 15-504. Loading zone.
- 15-505. All night parking.
- 15-506. Alleys.
- 15-507. Cab stands.
- 15-508. Time limit parking.
- 15-509. Parking motor vehicles on private property.
- 15-510. Signs.
- 15-511. Parking in designated fire lanes.
- 15-512. Penalty.
- 15-513. Designation of no parking places and limited parking areas.
- 15-514. Illegal parking.
- 15-515. Restricting the location of or parking of trailers, mobile homes, and other mobile structures on streets and lots.
- 15-516. Vehicles for sale.

15-501. No parking places. At any time it shall be unlawful to permit any vehicle to stand in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the directions of a Police Officer or traffic control device:

- (1) In any intersection.
- (2) In a crosswalk.
- (3) Upon any bridge or viaduct, or in any subway or tunnel or the approach thereto.
- (4) Between a safety zone and the adjacent curb or within thirty feet (30') of a point of the curb immediately opposite the end of a safety zone.
- (5) Within thirty feet (30') or 9.15 meters of a traffic signal, beacon, or sign on the approaching side.
- (6) Within twenty feet (20') or 6.10 meters of any intersection or crosswalk.
- (7) (a) On any public street or road where the width of such thoroughfare is either partially or wholly designated as a commercial or industrial zoning district by the zoning map of the City of Sevierville, Tennessee (including C-1, C-2, C-3, C-4, C-5, and M-1), and where the standing of a vehicle will reduce the usable width of the roadway for moving traffic to less than eighteen feet (18').

(b) On any public street or road where the width of such thoroughfare is zoned by a district or districts other than commercial or industrial as identified and included above in (a), excepting FP-1 and II-1, and where the standing of a vehicle will reduce the usable width of the roadway for moving traffic to less than eight feet (8').

(8) Within fifteen feet (15') or 4.57 meters of a fire hydrant.

(9) At any place where the vehicle would block the use of a driveway.

(10) Within fifty feet (50') or 15.15 meters of the nearest rail of a railroad grade crossing.

(11) Within twenty feet (20') or 6.10 meters of the driveway entrance to any fire department station and on the side of the street opposite the entrance to any such station within seventy-five feet (75') or 22.87 meters of such entrance when properly sign posted.

(12) On any sidewalk or parkway.

(13) At any place where official signs prohibit parking.

(14) In parking spaces for mobility handicapped persons provided, however, that a driver of a vehicle used in transporting such handicapped persons may park in such spaces. (1996 Code, § 15-601, as amended by Ord. #2005-023, Oct. 2005, modified)

15-502. Parking at curb. No vehicle shall be parked with the left side of such vehicle next to the curb, except on one-way streets, and it shall be unlawful to stand or park any vehicle in a street other than parallel with the curb and with the two (2) right wheels of the vehicle within twelve inches (12") of the regularly established curb line, except that upon those streets that have been marked for angle parking, vehicles shall be parked at the angle to the curb indicated by such marks. (1996 Code, § 15-602)

15-503. Vehicles for sale. It shall be unlawful to park any vehicle upon any street for the purpose of displaying it for sale, or to park any vehicle upon any business street from which vehicle, merchandise is peddled. (1996 Code, § 15-603)

15-504. Loading zone. It shall be unlawful for the driver of a vehicle to stand a passenger vehicle for a period of time longer than is necessary for the loading or unloading of passengers, not to exceed three (3) minutes, and for the driver to stand any freight carrying vehicles for a period of time longer than is necessary to load, unload and deliver materials, not to exceed thirty (30) minutes, in any place designated by the Board of Mayor and Aldermen as a loading zone and marked as such. (1996 Code, § 15-604)

15-505. All night parking. No person, except on an emergency call, shall park any vehicle on any street in a commercial zone (C-1, C-2, C-3, C-4, and C-5 as designated on the zoning map of the City of Sevierville, Tennessee)

for a period of time longer than thirty (30) minutes between the hours of 2:00 A.M. and 5:00 A.M. of any day. (Ord. #2005-023, Oct. 2005)

15-506. Alleys. No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten feet (10') of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand, or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property. (1996 Code, § 15-606)

15-507. Cab stands. No vehicle other than a licensed taxicab shall be parked in any area designated by ordinance as a cab stand. (1996 Code, § 15-607)

15-508. Time limit parking. Except on Sundays or holidays, it shall be unlawful to park any vehicle for a longer consecutive period of time than that designated between the hours of 8:00 A.M. and 6:00 P.M. in any area designated as a limited parking area and so marked. (1996 Code, § 15-608)

15-509. Parking motor vehicles on private property. It shall be unlawful to park any motor vehicle on any private property without the consent of the owner of the property. (1996 Code, § 15-609)

15-510. Signs. The Chief of Police or any other person authorized by the Board of Mayor and Aldermen shall cause signs to be posted in all areas where parking is limited or prohibited, indicating such limitations or prohibitions. (1996 Code, § 15-610)

15-511. Parking in designated fire lanes. It is unlawful for any person to park motor vehicles on, or otherwise obstruct any fire lane. No owner, manager, or tenant of any premises shall permit any employee, customer, or visitor to park any vehicle or place any obstruction on any part of any fire lane at any time. (1996 Code, § 15-612)

15-512. Penalty. Any person, firm, or corporation violating the provisions of this chapter, except §§ 15-511 and 15-501(8) shall be subject to a fine of ten dollars (\$10.00) for each offense. Any person, firm or corporation violating §15-501(8) or § 15-511 shall be subject to a fine of twenty-five dollars (\$25.00) for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. #2011-037, Jan. 2012)

15-513. Designation of no parking places and limited parking areas. The Board of Mayor and Aldermen may by motion or resolution designate no parking zones or limited parking zones. (1996 Code, § 15-614)

15-514. Illegal parking. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the Officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user and shall conspicuously affix to such vehicle a citation for the driver and/or owner to answer. The citation shall state the date and time that the driver and/or owner of the vehicle may appear to contest the citation.

If the offender does not wish to contest the citation, the charges may be disposed of by paying the penalty stated on the citation in the envelope provided with the citation and delivered to the address printed on the citation.

Any citation not cleared by the court date stated on the ticket either by payment of the penalty or appearance in City Court shall be considered delinquent. An additional penalty may be imposed by the City Court upon conviction.

In addition, any vehicle for which there exists three (3) or more delinquent parking citations will be subject to immobilization through the use of a vehicle "boot." The installation and removal of a "boot" shall be made only by duly authorized Police Officers. The "boots" shall be removed upon the payment of all delinquent citations for that vehicle plus a ten dollar (\$10.00) release fee. (1996 Code, § 15-615)

15-515. Restricting the location of or parking of trailers, mobile homes, and other mobile structures on streets and lots. Except as otherwise allowed in the Sevierville Zoning Ordinance it shall be unlawful and a misdemeanor punishable by fine up to fifty dollars (\$50.00) per day for any person, firm, corporation, or entity to place upon, park, locate, or occupy a trailer, motor home, camper trailer, cars, van(s), bus(es), tent(s), pre-built structure designed for conveyance after fabrication, either on its own wheels or otherwise, for the purpose of advertising, residing in, sleeping in, transacting business therein or therefrom, storage, assembly, or fabrication of materials, on any street, lot, or parcel of land within the City limits of the City of Sevierville, which is outside of an approved area which is zoned for any of the foregoing uses of property, as provided for in the Sevierville Zoning Ordinance and shown on zoning map. (1996 Code, § 15-616)

15-516. Vehicles for sale. No person shall sell, keep, or offer for sale any car, truck, trailer, watercraft, recreational vehicle, motorcycle, or any motorized vehicle on any public owned property or public right-of-way; nor shall any property owner give or grant permission for any person to display for sale any of the aforementioned vehicles on his property. A property owner may display up to two (2) vehicles which he owns for sale on his own property. This section shall not apply to any vehicle that is on the property only incidentally as a result of routine use, and not for the purpose of offering it for sale, or to any

property approved for use as a vehicle sales lot. (as added by Ord. #O-2015-002, April 2015)

CHAPTER 6

ENFORCEMENT

SECTION

15-601. Issuance of traffic citations.

15-602. Failure to obey citation.

15-603. Impoundment of vehicles.

15-604. Driver's license in lieu of bail.

15-601. Issuance of traffic citations.¹ When a Police Officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the City Court at a specified time. The Officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. It shall be unlawful for any alleged violator to give false or misleading information as to his name or address. (1996 Code, § 15-701)

15-602. Failure to obey citation. It shall be unlawful for any person to violate his written promise to appear in court after giving said promise to an Officer upon the issuance of a traffic citation, regardless of the disposition of the charge for which the citation was originally issued. (1996 Code, § 15-702)

15-603. Impoundment of vehicles. Members of the Police Department are hereby authorized, when reasonably necessary to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested, or any vehicle which is illegally parked, abandoned, or otherwise parked so as to constitute an obstruction or hazard to normal traffic. Any vehicle left parked on any street or alley for more than seventy-two (72) consecutive hours without permission from the Chief of Police shall be presumed to have been abandoned if the owner cannot be located after a reasonable investigation. Such an impounded vehicle shall be stored until the owner claims it, gives satisfactory evidence of ownership, and pays all applicable fines and costs. The fee for impounding a vehicle shall be ten dollars (\$10.00) and a storage cost of two dollars (\$2.00) per day shall also be charged. (1996 Code, § 15-703)

¹State law reference

Tennessee Code Annotated § 7-63-101, et seq.

15-604. Driver's license in lieu of bail. Pursuant to Tennessee Code Annotated § 55-50-801, et seq, whenever any person lawfully possessed of a chauffeur's or operator's license, theretofore issued to him by the Department of Safety, State of Tennessee, or of any other state or territory or the District of Columbia, is issued a citation or arrested and charged with a violation of any municipal ordinance, or state statute, regulating traffic, except those, the violation of which calls for the mandatory revocation of an operator's or chauffeur's license for any period of time, said persons shall have the option of depositing his chauffeur's or operator's license with the Officer or Court demanding bail in lieu of any other security required for his appearance in the City Court in answer to any such charge before said Court. (1996 Code, § 6-401)

TITLE 16

STREETS AND SIDEWALKS, ETC.¹

CHAPTER

1. STREET AND REFUSE DEPARTMENT.
2. MISCELLANEOUS.
3. SPECIAL EVENTS.
4. EXCAVATIONS.
5. DISPLAY OF STREET ADDRESSES.

CHAPTER 1

STREET AND REFUSE DEPARTMENT

SECTION

16-101. General operation of the Public Works Department.

16-101. General operation of the Public Works Department.

(1) General supervision of the construction and maintenance of streets, sidewalks and storm sewers, fleet, and the collection and disposal of refuse and trash is hereby delegated to the City Administrator. The City Administrator shall be directly responsible to the Board of Mayor and Aldermen.

(2) The City Administrator shall designate one (1) of the employees of the Street Department as Public Works Director.

(3) The Public Works Director shall have the following duties and authority:

(a) Designate the work to be done each day and supervise the same.

(b) Make recommendations to the City Administrator for schedules for pickup of garbage and refuse, street paving, sidewalk repairs and installation, street maintenance, vehicle maintenance, traffic control devices, and right-of-way management and maintenance.

(c) Make recommendations to the City Administrator as to the needs of the department for equipment.

(d) Report to the City Administrator as to the efficiency of personnel under his supervision.

¹Municipal code references

Display of street addresses: title 16, chapter 5.

Related motor vehicle and traffic regulations: title 15.

(e) Make such other reports and recommendations to the City Administrator as he may deem necessary for the efficient administration of the department. (Ord. #2011-015, Nov. 2011, modified)

CHAPTER 2

MISCELLANEOUS

SECTION

- 16-201. Obstructing streets, alleys, or sidewalks prohibited.
- 16-202. Trees projecting over streets, etc., regulated.
- 16-203. Trees, etc., obstructing view at intersections prohibited.
- 16-204. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-205. Littering streets, alleys, or sidewalks prohibited.
- 16-206. Obstruction of drainage ditches.
- 16-207. Abutting occupants to keep sidewalks clean, etc.
- 16-208. Animals and vehicles on sidewalks, streets and thoroughfares.
- 16-209. Fires in streets, etc.
- 16-210. Hauling over streets.

16-201. Obstructing streets, alleys, or sidewalks prohibited. No person shall use or occupy any portion of any public street, alley, sidewalk, or right-of-way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials. (Ord. #2011-015, Nov. 2011)

16-202. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project over any street, alley, or sidewalk at a height of less than fourteen feet (14'). The Public Works Department shall have the authority to trim or cut any tree or hedge adjacent to the right-of-way that may be construed as a public hazard to the traveling public. (Ord. #2011-015, Nov. 2011)

16-203. Trees, etc., obstructing view at intersections prohibited. It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, hedge, billboard, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. The Public Works Department shall have the authority to trim, cut, or remove any such hazard on or adjacent to the right-of-way to allow a clear view of traffic. (Ord. #2011-015, Nov. 2011)

16-204. Gates or doors opening over streets, alleys, or sidewalks prohibited. It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk. (Ord. #2011-015, Nov. 2011)

16-205. Littering streets, alleys, or sidewalks prohibited. It shall be unlawful for any person to litter, place, throw, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, or other objects or materials

which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (Ord. #2011-015, Nov. 2011)

16-206. Obstruction of drainage ditches. It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right-of-way or drainage easement. (Ord. #2011-015, Nov. 2011)

16-207. Abutting occupants to keep sidewalks clean, etc. The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow or ice from the abutting sidewalk. (Ord. #2011-015, Nov. 2011)

16-208. Animals and vehicles on sidewalks, streets and thoroughfares. It shall be unlawful for any person to ride, lead, or tie any animal or ride, push, pull, or place any vehicle, bicycle, scooter, or skateboard across or upon any sidewalk, street, or public thoroughfare in such a manner as to unreasonably interfere with or constitute or present a safety hazard or inconvenience pedestrians and/or motorized vehicles using the sidewalks, streets, or public thoroughfares. It shall also be unlawful for any person to allow any minor under his control to violate this section. (Ord. #2011-015, Nov. 2011)

16-209. Fires in streets, etc. It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk. (Ord. #2011-015, Nov. 2011)

16-210. Hauling over streets. Any motor vehicle, which transports litter, refuse, crushed stone, fill dirt and rock, soil, bulk sand, salt, coal, asphalt, concrete or any other material likely to fall or be blown off onto the street, shall be required to have such material either in a completely enclosed space or fully covered by a tarpaulin. (Ord. #2011-015, Nov. 2011)

CHAPTER 3

SPECIAL EVENTS

SECTION

- 16-301. Purpose.
- 16-302. Performance standards.
- 16-303. Operating regulations.
- 16-304. Criteria for approval.
- 16-305. Fees and deadlines.
- 16-306. Co-sponsorship.
- 16-307. Liability.
- 16-308. Review and appeal process.
- 16-309. Penalty for non-compliance.
- 16-310.--16-311. Deleted.

16-301. Purpose. It is the general purpose of and intent of this chapter to require a permit for special events or activities. A special event is an event such as a festival, fair, carnival or other type of promotion that is outside the customary or usual activities conducted on the property where the special event will take place, or an event held on public property, including but not limited to a parade. It is a temporary outdoor use that extends beyond the normal business activities and is designed to draw large crowds to promote a specific charity, cause, City-wide event, hobby or festival. (Ord. #2011-004, Aug. 2011, as replaced by Ord. #O-2018-002, March 2018 *Ch4_10-21-19*)

16-302. Performance standards. Special events shall comply with the following standards:

(1) Location.

(a) Special events that do not require the use of public right-of-way shall be conducted on private property in a commercial or manufacturing zoning district, except that non-profit organizations may conduct special events on any property where the owner has granted permission.

(b) For all special events that require the use of public right-of-way, the permit granted shall clearly specify the streets to be used for the event and the time that the streets will be closed, if applicable.

(2) Land-use compatibility. The special event shall be compatible with adjacent land uses. The special event shall not impair the normal, safe and effective operation of a permanent use on the same site. The special event shall not endanger or be detrimental to the public health, safety or welfare, or injurious to property or improvements in the immediate vicinity of the special

event, taking into consideration, among other things, the nature of the special event, its location on the site and its relationship to parking and access points.

(3) Compliance with other regulations.

(a) Compliance with the building code: All structures shall meet all applicable provisions of the building code. Any temporary structure shall be promptly removed upon the cessation of the event. Within forty-eight (48) hours of cessation of the event, the site shall be returned to its previous condition, including the removal of all litter, signage, attention-attracting devices or other evidence of the special event. If the site is not returned to its previous condition, the City may restore the site at the event coordinator's expense.

(b) Compliance with the fire code. All special events shall meet all applicable provisions of the fire code and life safety code. A public safety plan is required for any indoor or outdoor gathering of persons that has an adverse impact on public safety, including but not limited to diminished access to buildings, structures, fire hydrants or fire apparatus access roads, or where the gathering adversely affects public safety services of any kind.

The Fire Chief or his designee shall be consulted for the following requirements and inspections as necessary:

- (i) All temporary cooking operations.
- (ii) A fire department access road a minimum of twenty feet (20') in width and 13.6 feet in height shall be provided to within one hundred fifty feet (150') of all structures and on at least on two (2) sides of all two (2) story structures within five hundred feet (500') of the special event, unless the fire chief or his designee approves otherwise.
- (iii) A minimum of three feet (3') of clearance shall be provided around all fire hydrants within the event area and shall be accessible from the fire department access road(s).
- (iv) Open burning, recreational fires and portable outdoor fire places shall not be permitted without approval of the fire chief or his designee.
- (v) Fire extinguishers shall be sized and placed as determined by the fire chief or his designee.
- (vi) All temporary electrical wiring for the special event shall meet the requirements of the National Electrical Code.
- (vii) A fire watch shall be maintained during the event. For purposes of this section, "fire watch" means a temporary measure intended to ensure continuous surveillance of an event or portion thereof by one (1) or more qualified individuals for the purpose identifying and controlling fire hazards, detecting early signs of unwanted fire, raising an alarm of fire and notifying the fire department.

(c) Environmental impacts: The special event shall not generate excessive noise, dust, smoke, glare, spillover lighting or other forms of environmental or visual pollution, unless specifically authorized by the permit.

(d) Area of parking lot dedicated to outdoor special events: No more than ten percent (10%) of the parking stalls required for the structure associated with the parking lot in which the special event occurs shall be permitted to be used for a special event. Regardless of how many stalls are occupied by the special event, no special event that occurs in the parking lot for a permanent structure may cause a parking shortage for primary and accessory uses associated with that structure.

(e) Public damage: No spikes, nails, anchors or other devices shall be driven into any public street, sidewalk or parking lot surface or into any existing concrete or asphalt. Such devices may be used on private parking lots provided any damage resulting therefrom is repaired upon cessation of the event and removal of the devices.

(f) City services: If the applicant requests that City provide services or equipment, including but not limited to traffic control or security personnel, or if the City otherwise determines that services or equipment are required to protect the public health, safety, or general welfare, the applicant shall reimburse the City for the cost of the services, according the schedule of fees adopted by the City. (Ord. #2011-004, Aug. 2011, as replaced by Ord. #O-2018-002, March 2018 *Ch4_10-21-19*)

16-303. Operating regulations.

(1) The operator(s) of all special events at which alcohol, or food is served, inflatable amusement devices are used, goods or services are sold, fireworks are used, or bonfires are lit, must also obtain all required licenses, approvals, and permits for such activities. A special event is also subject to the following:

(a) Signage.

(i) A Main Event Sign on the premises of the event may not be larger than one hundred (100) square feet.

(ii) Off premise directional signs must receive the approval of the city as to location and number, and no such sign may be larger than thirty two (32) square feet.

(iii) Any internal signage for vendors, directional signage for parking, or sponsorship signage may be no larger than thirty two (32) square feet, and must be oriented to be visible primarily to the special event participants.

(b) Vendors.

(i) All vendors must obtain all required state and local licenses, including but not limited to health, business licenses, as well as tax identification numbers.

(ii) Vendors must be at the special event primarily to serve the participants.

(iii) Vendors may operate only during the operating hours of the event. (Ord. #2011-004, Aug. 2011, as replaced by Ord. #O-2018-002, March 2018 *Ch4_10-21-19*)

16-304. Criteria for approval. All applications for a special event permit shall be submitted to the special events coordinator appointed by the City director of planning and development, and shall be reviewed and acted upon by a special events committee (hereinafter referred to as the "Committee" of no fewer than nine (9) members, appointed by the City Administrator.

(1) When reviewing a request for a special event permit, the Committee may establish any additional conditions deemed necessary to ensure compatibility with adjacent land-uses and to minimize potential adverse impacts on nearby uses, including but not limited to the following:

(a) Limitations on signs.

(b) Temporary arrangements for parking and traffic circulation.

(c) Requirements for screening/buffering and guarantees for site restoration and cleanup following the special event.

(d) Modifications or restrictions on the hours of operation, duration of the event, size of the event or other operational characteristics.

(e) The provision of traffic control or security personnel to ensure the public safety and convenience.

(2) The Committee shall have the right to deny a special event permit for any reason whatsoever deemed sufficient by the Committee, including but not limited to: fraud, incompleteness of application, conflicts in time and location with other special events, timing of the event, location of the event, problems with past events by the same applicant or group represented, potential damage to public property, disapproval of site owner or property owners, potential harm to the public, noise, potential abuse of animals, lack of sanitary facilities for waste, site incapacity to handle crowds, disruptions to adjacent businesses by blocking of access to facilities, or any other unsafe conditions.

(3) The Special Events Committee may waive the requirements of municipal ordinances that would unduly interfere with the special event. Such waivers will be enumerated on the permit at the time of issuance, along with any stipulated conditions. (Ord. #2011-004, Aug. 2011, as replaced by Ord. #O-2018-002, March 2018 *Ch4_10-21-19*)

16-305. Fees and deadlines.

(1) All applications must be completed sixty (60) calendar days prior to the start of the event. Applications shall be submitted on-line with all required questions answered and submittals provided. Any application submitted less than sixty (60) days prior to the event will be subject to a late fee.

No application submitted fifteen (15) days or less from the start of the event will be considered.

(2) A non-refundable application of one hundred dollars (\$100.00) must be submitted with the completed application. A late fee of one hundred dollars (\$100.00) will be assessed for any application submitted less than sixty (60) days prior to the event. If the primary sponsor of the event is an organization exempt from tax under section 501 of the Internal Revenue Code, one hundred dollars (\$100.00) of the applicable fees may be waived.

(3) Upon review of the permit application, the Committee will determine the appropriate charges for the required City services, if any. The total of such charges must be paid prior to the issuance of the permit.

(4) If the event is cancelled at least to fifteen (15) days prior to the event, any charges paid to the City for services not provided will be refunded. (Ord. #2011-004, Aug. 2011, as replaced by Ord. #O-2018-002, March 2018 *Ch4_10-21-19*)

16-306. Co-sponsorship.

(1) Upon approval by the Board of Mayor and Aldermen, the City may co-sponsor events, including but not limited to events sponsored by the Sevierville Chamber of Commerce or the Sevierville Commons Association, or events sponsored by Sevier County when County events are held around Courthouse Square.

(2) If an event is co-sponsored by the City, some or all of the applicable fees and charges may be waived by the Committee in exchange for the prominent display of the City's logo on all advertising, or upon such other terms and conditions as the Committee may determine. (Ord. #2011-004, Aug. 2011, as replaced by Ord. #O-2018-002, March 2018 *Ch4_10-21-19*)

16-307. Liability. Special event permit recipients must show proof of liability insurance at time of application, in an amount and in a form satisfactory to the City's Risk Manager. If the special event is to take place on public property, said certificate of insurance shall name the City as an additional insured in an amount determined by the City Risk Manager based on the nature of the special event. (Ord. #2011-004, Aug. 2011, as replaced by Ord. #O-2018-002, March 2018 *Ch4_10-21-19*)

16-308. Review and appeal process.

(1) All completed applications will be certified as complete by the Special Events Coordinator and submitted to the Committee, as designated by the City Administrator, for review, comment and approval.

(2) The Committee may approve a permit, deny a permit, or approve it with conditions. An appeal from the decision of the Committee is to the Planning Commission, which shall consider the matter according to its usual procedures.

(3) The provisions of this chapter shall govern special events as defined herein. Any provisions of the Sevierville Municipal Code inconsistent with the provisions of this chapter shall be deemed to not apply to special events as defined in and regulated by this chapter. (Ord. #2011-004, Aug. 2011, as replaced by Ord. #O-2018-002, March 2018 ***Ch4_10-21-19***)

16-309. Penalty for non-compliance. Any person violating any provision of this chapter shall be subject to a fine of not more than fifty dollars (\$50.00) for each violation. In addition, violators may be denied permits for future special events. The City may also maintain an action in any court of competent jurisdiction for recovery of all damages suffered by the City as a result of said violations. (Ord. #2011-004, Aug. 2011, as replaced by Ord. #O-2018-002, March 2018 ***Ch4_10-21-19***)

16-310.--16-311. Deleted. (Ord. #2011-004, Aug. 2011, as deleted by Ord. #O-2018-002, March 2018 ***Ch4_10-21-19***)

CHAPTER 4

EXCAVATIONS¹

SECTION

- 16-401. Application.
- 16-402. Excavations on private property.
- 16-403. Excavations and other land disturbance activity within public rights-of-way.
- 16-404. Driveway entrances.
- 16-405. Permits.
- 16-406. Fees.
- 16-407. Deposit or bond.
- 16-408. Manner of excavating--barricades and lights--temporary sidewalks.
- 16-409. Restoration of streets, etc.
- 16-410. Insurance.
- 16-411. Time limits.
- 16-412. Supervision.
- 16-413. Perpetual care.

16-401. Application. This chapter shall cover all types of excavations that could be performed within the City of Sevierville. (1996 Code, § 16-401)

16-402. Excavations on private property. This section covers excavations that will be performed on private property:

(1) Excavation and grading code adopted. Pursuant to authority granted by Tennessee Code Annotated § 6-54-501, and for the purpose of setting forth rules and regulations to control excavation, grading and earthwork construction, including fills and embankments, the Standard Excavation and Grading Code,² 1975 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the excavation and grading code.

(2) Modifications. Definitions. Whenever the excavation and grading code refers to the "Building Official" it shall, for the purposes of the excavation

¹State law reference

This chapter was patterned substantially after the ordinance upheld by the Tennessee Supreme Court in the case of City of Paris, Tennessee v. Paris-Henry County Public Utility District, 207 Tenn. 388, 340 S.W.2d 885 (1960).

²Copies of this code (and any amendments) may be purchased from International Code Council, 4051 W. Flossmoor Road, Country Club Hills, Illinois 60478.

and grading code, mean such person as the Board of Mayor and Aldermen has pointed or designated to administer and enforce the provisions of the excavation and grading code.

(3) Available for inspection. Pursuant to the requirements of Tennessee Code Annotated § 6-54-502, one (1) copy of the excavation and grading code has been placed on file in the Department of Code Enforcement or Building Official's office and shall be kept there for the use and inspection of the public.

(4) Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the excavation and grading code as herein adopted by reference and modified. (1996 Code, § 16-402, modified)

16-403. Excavations and other land disturbance activity within public rights-of-way. Any and all work performed by any person, firm, corporation, association, or other entity within any publicly owned street right-of-way shall be performed as set out in subsections (1)-(5) below. These shall be considered minimum requirements. The City Engineer may make modifications due to unusual site conditions or public safety issues.

(1) Work areas--general. In addition to the standards set out in this subsection, all reconstruction and restoration work conducted within the pavement or outside the pavement areas of a street right-of-way shall be performed in accordance with subsection (4) below.

(a) Disturbed areas shall be limited to no more than three hundred (300) linear feet of open trench before temporary repairs are initiated.

(b) No work will be permitted (except for emergencies) on certain streets during special City events. Requests to continue work during such events will be considered and acted upon by the City Engineer on a case by case basis.

(c) Care should be taken in job site parking to avoid damage to sidewalks and landscaping. Parked vehicles and equipment shall not restrict access points to private property, block access to fire hydrants, nor cause unsafe sight distances for traffic. No vehicles shall be permitted to block any portion of the right-of-way other than that covered in the work permit.

(d) All traffic control around construction sites shall be in accordance with the Manual for Uniform Traffic Control Devices (MUTCD), subject to modification for specific locations by the Department of Engineering. Traffic cones are not acceptable as the sole means of traffic control; Type II barricades and barrels with lights are required by the MUTCD. Should the contractor's work be of several days' duration, the contractor shall be responsible for the maintenance and condition of all signs and their appurtenances, twenty-four (24) hours a day, seven (7)

days a week. All signs shall be removed from the work site immediately after work is completed.

(e) Erosion and sediment control at work sites shall be in accordance with Tennessee Department of Environment and Conservation (TDEC) and applicable ordinances and policies of the City. Under no circumstances shall material be washed into storm drains. Excess material/sediment shall be allowed to dry and then be removed by vacuum sweeper or shoveling and thereafter removed from the site. Street washing shall be allowed only after sediment is removed in this manner. Effluent from dewatering operations shall be filtered and/or passed through an approved sediment-trapping device and discharged in a manner that does not adversely affect adjacent property.

(2) Work performed within the pavement.

(a) Arterial streets. Arterial streets are major thoroughfares designed to carry traffic to and through the City. As such, no work may be performed within the pavement of arterial streets during peak traffic hours, as determined by the City Engineer. Due to consistently higher traffic volumes on weekends, no new major work shall begin on Friday (unless work will be continued during the weekend). Lane closures will be restricted to the lane within which work is being performed and two-way traffic shall be maintained at all times. At the end of each daily work period (usually in the evening), all openings in the pavement shall be covered by a road plate or an asphalt patch. The permanent asphalt patch shall be placed within four (4) days after completion of the backfilling operation. When notified by the City of an unsafe opening, the responsible person, firm, corporation, association, or others shall respond and make safe within four (4) hours of such notification.

(b) Collector streets. Collectors are those streets that connect residential and other local streets to arterials. Collectors generally have rights-of-way sixty feet (60') to eighty feet (80') in width with two (2) lanes of alternating traffic with parking on both sides or have four (4) lanes of alternating traffic. Generally, there will be no restriction on work hours or workdays for work within the pavement of collectors. Two-way traffic shall be maintained at all times. At the end of each daily work period (usually the evening), all openings or patches in collector streets shall be closed and covered by a road plate or be surfaced with a temporary asphalt patch. A permanent asphalt patch shall be completed as soon as possible, but no later than seventy-two (72) hours from the time repair work is initiated. When notified by the City of an unsafe opening, the responsible person, firm, corporation, association, or others shall respond and repair said patch within twenty-four (24) hours of such notification.

(c) Residential and local streets. These streets, including cul-de-sacs, provide direct access to adjacent property or homes. Residential and local streets generally have a fifty foot (50') right-of-way,

with two (2) travel lanes and may have parking on both sides of the street. Except for emergency work, construction hours shall be limited to 7:00 A.M. to dusk to be sensitive to the impact of construction noise on surrounding properties. At least a single lane shall be provided for two-way traffic with a flagger available for control. Excavations in residential streets shall be protected each night. This may be achieved by stone backfill to grade or by placement of lighted barricades and fencing. A permanent asphalt patch shall be completed as soon as possible, but no later than one hundred twenty (120) hours from the time repair work is initiated. When notified by the City of an unsafe opening, the responsible person, firm, corporation, association, or others shall respond and repair said patch within seventy-two (72) hours.

(3) Work performed outside the pavement.

(a) Restoration. All work areas outside the pavement shall be restored to their original condition after work is completed.

(b) Conditions during construction. At the end of each daily work period (usually the evening), all pits/trenches remaining open shall be barricaded or fenced on all sides to insure pedestrian and motorist safety. Where work will be interrupted longer than a week, temporary repairs (i.e., stone backfill to grade) shall be made. In no case shall any work area outside of the pavement be in a disturbed state longer than thirty (30) days. When notified of a failure in the work area (i.e., cave-in), the responsible person, firm, corporation, association, or others shall respond and repair said work within one (1) week.

(4) Reconstruction/restoration standards. All reconstruction/restoration shall result in a work site condition equal to or better than that which existed prior to beginning construction. The person, firm, corporation, association, or others shall be responsible for any defects (i.e., settling of pavement, humped pavement, settlement of trenches outside the pavement, or other) for the lifetime of the pre-existing paved street, or, until the street is resurfaced. The person, firm, corporation, association, or others are expected to be familiar with the applicable standards referenced herein and to employ qualified contractors who will comply with these standards in the restoration of the right-of-way. Any person, firm, corporation, association, or others who fail to comply with these standards risk exclusion from performing future right-of-way work. All reconstruction/restoration work within the paved and unpaved area of the right-of-way shall be performed in accordance with the following standards unless otherwise modified by the City Engineer due to unusual site-specific circumstances.

(a) Pavement. The person, firm, corporation, association, or others shall also refer to graphic representation of pavement restoration details referred to herein as "standard drawings" available in the Office of the City Engineer for instruction not shown under this heading.

(i) Pavement cuts shall be filled with compacted select material. Concrete base and asphalt surface shall be placed in accordance with standard drawings. In no case shall replacement asphalt be of less thickness than that which was existing prior to the initiation of work.

(ii) Patches will be approved based on their general appearance as well as their "rideability." Rideability is defined as a leveling tolerance to within one-quarter inch (1/4") at any point across the patch as it relates to the surrounding asphalt street surface.

(iii) In cases where work causes the disturbance of more than thirty percent (30%) of the width of a traffic lane, street, or intersection, the City may cause the person, firm, corporation, association, or others to overlay an area larger than their work area to insure a smooth, rideable surface.

(iv) In all cases, site cleanup is necessary and required.

(b) Signalized intersections. In no case shall a person, firm, corporation, association, or others, or their contractor, cut into the pavement of a signalized intersection without having contacted the Department of Engineering forty-eight (48) hours prior to beginning such work. The City's signal maintenance contractor will locate buried loop detection devices so as to protect them from damage. Anyone damaging a loop detector will be charged for the repair and/or reinstallation of the device.

(c) Pavement marking. Lane striping or other painted and affixed delineators which may be removed during construction shall be replaced by the person, firm, corporation, association, or others before restoration will be considered complete. The person, firm, corporation, association, or others will be responsible for matching the existing product (traffic paint, thermoplastic, raised pavement markers, lane tape) and applications. The Department of Engineering shall be the governing authority.

(d) Sidewalks. The person, firm, corporation, association, or others shall refer to the standard drawings for sidewalks for instructions not shown under this heading. Sidewalks damaged by a person, firm, corporation, association, or others shall be removed and replaced in full sections. A section's size will be determined by the adjacent sections or the City Inspector. All edges of concrete to be removed shall be saw cut and then formed from construction (or dummy) joint to joint. Any sections of sidewalk which have been undermined as work progressed, shall also be cut out and replaced with suitable backfill tamped prior to replacement. Should damage be observed after the work has been completed, the person, firm, corporation, association, or others shall be notified to perform repairs. Where sidewalk sections are removed at

street corners, the sidewalk and adjacent curb shall be restored as a curb cut handicapped ramp. Construction of the ramp shall be in accordance with City standards.

(e) Curb and gutter. The person, firm, corporation, association, or others shall refer to the standard drawings for curb and gutter details for instructions not shown under this heading. When curb and gutter is replaced, it will be restored in full ten-foot (10') sections. Existing curb elevations will be matched to ensure constant grade and positive drainage. Curb and gutter is to be installed over four inch (4") crushed stone base, matching adjacent curb sections materials, i.e., concrete or exposed aggregate. Expansion material shall be used at joints. Should the work include removal of a section which was finished with a dummy joint, the contractor shall saw cut the joint prior to forming and pouring the new section.

(f) Street/road crossings. When conditions are suitable, the preferred method of crossing a street in the City shall be by jacking or boring the new pipe, service line or system extension under the street crossed. In some cases, it may be determined that a street can be crossed with an open cut to the pavement. However, in these cases, specific restoration standards and time constraints may be imposed. Boring under and across roadways shall be the preferred method for installing utility lines across City-owned or maintained street. Roadway bores of two inches (2") and less in diameter shall be installed at a minimum depth of twenty-four inches (24") below the pavement surface. Roadway bores of greater than two inches (2") in diameter shall be installed at a minimum depth of thirty-six inches (36") below the pavement surface. Excavations (utility cuts) across City-owned or maintained roadways shall be avoided unless roadway subsurface conditions and/or the potential damage to adjoining utility lines located under the roadway prevent safe boring. All utility cuts shall be excavated to a minimum depth of eighteen inches (18"). All utility cuts shall be saw cut along the edges with any section of raised pavement removed. Unless otherwise approved by the City Engineer, all utility cuts shall be backfilled using approved flowable fill (flowable mortar) installed in the trench in a manner which results in the finished surface of the material being four and one-half inches (4 1/2") from the pavement surface. Care should be used to cover the utility pipe or conduit with six inches (6") of crushed stone prior to installing the flowable fill to prevent the conduit from floating to the surface. Steel plating of one inch (1") thickness shall be placed over the utility cut for the period of time necessary for the flowable fill to cure (approximately forty-eight (48) hours) and until the street pavement has been repaired. The plating shall be of such size that assures that each edge extends at least twelve inches (12") from the edge of the cut pavement. At no time should it be assumed that the City will

permit an open pavement cut. Open pavement cuts may be permitted only on a case-by-case basis.

(g) Bridge attachments. Any proposed attachments require the submittal of detailed plans and specifications with the permit application for approval on a case-by-case basis.

(h) Grass areas and trees. All areas covered with grass prior to construction shall be reseeded or sodded after construction. No permit shall be released until grass is showing at least seventy-five percent (75%) re-growth. Special care shall be taken to ensure suitable topsoil is used as the final cover over an excavation either by stockpiling existing topsoil separately during excavation or by using sifted topsoil brought to the site. Contractors will minimize equipment parking on turf areas. In the event this is unavoidable and results in rutting of the turf and soil, restoration will not be considered complete until any ruts have been leveled out and grass seed is showing at least seventy-five percent (75%) re-growth. Contractors will plant grass seed to match that existing at the site, fescue with fescue, Bermuda with Bermuda, etc., (in no case shall more than ten percent (10%) be annual rye). Seed placed after June 15th cannot be expected to show a substantial re-growth and must be re-seeded in the fall. Trees shall not be removed or heavily pruned in the course of programmed utility work without prior approval from the City. In the event tree roots are damaged during excavation, all damaged material must be cut back cleanly to undamaged material. All cuts shall be cleanly made with either chain saw, knife, or lopping shears. Applications of tree wound paint are not allowed.

(i) Landscaped areas - general. The City has done extensive landscaping in many areas including medians of arterial streets. When work is planned in one of these planted areas, it is the responsibility of the person, firm, corporation, association, or others to contact the Department of Engineering two (2) days prior to the start of work for consultation and possible removal/replacement of plantings. The Department of Engineering will determine procedures to be followed for maintenance of the plants and their policies will govern. In cases where above ground work needs to be screened or where existing plant materials must be replaced, the person, firm, corporation, association, or others shall install landscaping materials in accordance with a landscape plan provided by the City. In cases where trees are affected, it is the responsibility of the person, firm, corporation, association, or others to contact the Department of Engineering at least two (2) days prior to the start of work for consultation on care and possible removal/replacement of trees.

(5) Inspection of reconstruction/restoration. The City shall conduct inspections of work sites to insure that all applicable reconstruction/restoration standards are being met during the construction process and to insure that all

reconstruction/restoration work has been completed in accordance with the provisions of this section. Inspection services will be provided by the City as necessary and upon request by the person, firm, corporation, association, or others. In some cases, due to scope, location or duration of the work, it is necessary to notify the City forty-eight (48) hours before beginning the work. City Inspectors shall focus on work zone safety, traffic control, backfilling, compaction, hazard protection, and repaving.

(6) Permits and fees. Permits for construction within the right-of-way will be issued by the Department of Engineering on a per-project basis to the responsible person, firm, corporation, association, or others. The application for a permit must be submitted to the Engineering Department at least forty-eight (48) hours prior to the start of work. If an emergency repair is necessary, the permit shall be obtained within twenty-four (24) hours from the start of the repair. For construction within a state right-of-way, only a copy of the permit issued by the state will be required to be submitted to the Department of Engineering.

(7) Fee schedule. Permits issued under the provisions of this section shall be valid for the length of time determined on a case by case basis by the City Engineer to be sufficient to complete reconstruction/restoration of the site. In instances in which construction is conducted in phases, a separate permit will be required for each phase. The following fee will apply for City right-of-way construction permits: twenty-five dollars (\$25.00). With the exception of emergency situations, if construction is performed without first obtaining a permit, the permit fee shall increase to fifty dollars (\$50.00). (Ord. #2005-016, July 2005)

16-404. Driveway entrances. No one shall cut, build or maintain a driveway without first obtaining a permit from the City Engineer. Driveway entrances which are included with new construction permits will not require a separate permit; however, a site plan may be required for review and approval by the City Engineer.

Such a permit will not be issued when the contemplated driveway is to be so located or constructed as to create an unreasonable hazard to pedestrian and/or vehicular traffic. No driveway shall exceed thirty-five feet (35') in width at its outer or street edge and when two (2) or more adjoining driveways are provided for the same property a safety island of not less than ten feet (10') in width at its outer or street edge shall be provided. (1996 Code, § 16-409)

16-405. Permits. Applications for such permits shall be made to the City Engineer, or such person as he may designate to receive such applications, and shall state thereon the location of the intended excavation, driveway, or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association, or others doing the actual excavating, the name of the person, firm, corporation, association, or others for whom the work is being done, and shall

contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done. Such application shall be rejected or approved by the City Engineer within twenty-four (24) hours of its filing. (1996 Code, § 16-410)

16-406. Fees. The fees for permits for excavations on private property shall be levied in accordance with the fee schedule established by the issuing authority. Fees for permits for excavations within public rights-of-way shall be as provided for in § 16-403, except that the fee for a residential driveway cut shall be twenty-five dollars (\$25.00). (Ord. #2005-016, July 2005)

16-407. Deposit or bond. No such permit shall be issued unless and until the applicant therefore has deposited with the City Recorder a cash deposit or in lieu of a deposit the City Recorder or his/her designee may require a surety bond in such form and amount as the City Engineer shall deem adequate to cover the costs to the City if the applicant fails to make proper restoration. From this deposit or bond shall be deducted the expense to the City of relaying the surface of the ground or pavement, and of making the refill if this is done by the City or at its expense. The balance shall be returned to the applicant without interest after the tunnel, driveway, or excavation is completely refilled and the surface or pavement is restored. (1996 Code, § 16-412)

16-408. Manner of excavating--barricades and lights--temporary sidewalks. Any person, firm, corporation, association or others making any excavation or tunnel shall do so according to terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. (1996 Code, § 16-413)

16-409. Restoration of streets, etc. Any person, firm, corporation, association, or others hauling across or making any excavation or tunnel in or under any street, alley, or public place in the City of Sevierville shall restore said street, alley, or public place to its original condition. In case of unreasonable delay in restoring the street, alley, or public place, the City Engineer shall give notice to the person, firm, corporation, association, or others that unless the damage, excavation, or tunnel is properly repaired within a specified reasonable period of time, the City will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the City, an accurate account of the expense involved shall be kept, and one hundred fifty percent (150%) of the total cost shall be charged to the person, firm, corporation, association, or others who made the

excavation or tunnel with a minimum charge of one thousand dollars (\$1,000.00). (1996 Code, § 16-414)

16-410. Insurance. In addition to making the deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the City Administrator in accordance with the nature of the risk involved. (1996 Code, § 16-415)

16-411. Time limits. Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the City Administrator. (1996 Code, § 16-416)

16-412. Supervision. The City Engineer or his authorized representative shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the City and see to the enforcement of the provisions of this chapter. Notice shall be given to him at least ten (10) hours before the work of refilling any such excavation or tunnel commences. (1996 Code, § 16-417)

16-413. Perpetual care. Any person, firm, corporation, public or private utility, association, or others affecting a public way within the City, shall be responsible for any defects which occur to the public facility within the public way due to workmanship or materials. The cost for repairs shall be the responsibility of the utility owners of the facility which was placed within the City of Sevierville public way. The City's Public Works Department will be responsible for making the repairs or having the work contracted. The City may allow the utility to make the repairs if requested to do so. Repairs shall be made in accordance with specifications furnished by the City of Sevierville. (1996 Code, § 16-418)

CHAPTER 5

DISPLAY OF STREET ADDRESSES

SECTION

16-501. Display of property numbers required.

16-502. Location of display.

16-501. Display of property numbers required. In accordance with property address numbers assigned by the Sevier County Emergency Communication District (hereafter termed the "district"), the City of Sevierville does hereby require the display of appropriate property numbers pertaining to either of the following means:

(1) Upon each principal or primary building occupying a given property (parcel, lot, or tract), as specified in § 16-502(1); or

(2) Near the street fronting a particular property, by utilizing one of the methods described in § 16-502(3). (Principal or primary building shall be defined as a building in which is conducted the main use of the property where the building is located. More than one (1) principal building may be located on a property.) (1996 Code, § 12-1001)

16-502. Location of display.

(1) Subsequent to the passage and effective date of this chapter, if the method of display described in subsection (3) below is not employed, then the principal or primary building(s) on a particular property shall display the property address number assigned by the district. However, regardless of the method of display used after such passage and effective date, no principal building shall be constructed, and no building permit shall be issued, until the owner or developer of that proposed building has obtained an address number from the district. The assigned number shall be recorded on the building permit at the time of issuance. Also no principal building constructed after passage and effective date shall be occupied for use until the assigned property address number has been placed on the building or property, according to the specifications in subsections (2) or (3) below. The number displayed on the building or property, as assigned by the district, shall be confirmed by the City of Sevierville Department of Codes Enforcement prior to building occupancy.

(2) The property address number displayed on a building shall be placed over or beside the main entrance, or upon the front of a porch or stoop, or at another location approved by the Department of Codes Enforcement. Any such display shall have an appearance such that it would be clearly visible for a distance of at least one hundred feet (100'), as viewed by a person of ordinary visual ability, with no obstruction concealing or hiding the visibility of that display. The figures used to display the property address number upon the building shall be legible for the purpose of visibility, and shall be at least six

inches (6") in height from figure bottom to top. Where multiple buildings occur upon a parcel, lot, or tract, then each building shall display a unique building number or designation, and each unit within the building shall display a unique unit number or designation, all of which shall conform to district addressing requirements.

(3) Where a principal building is located more than one hundred feet (100') from the edge of the street it fronts, or where a principal building is located one hundred feet (100') or less from the nearest edge of a street it fronts and is not used to display a property address, then the property address number shall be displayed by one of the following means:

(a) On a free-standing mailbox located on the same side of the street as the principal building to which the mailbox relates;

(b) On a fence, gate, or post located no more than one hundred feet (100') from the nearest edge of the street fronting that structure; or

(c) On a twelve inch (12") by five inch (5") ground sign no more than three feet (3') in height from the surface of the ground, and situated no more than one hundred feet (100') from the nearest edge of the street fronting the structure. The figures employed in the display, according to the alternatives of this subsection, shall be clearly visible to a person of ordinary visual ability. All such figures shall be legible, and shall be at least four inches (4") in height from figure bottom to top. (1996 Code, § 12-1002)

TITLE 17

REFUSE AND TRASH DISPOSAL¹

CHAPTER

1. CONTROL AND DISPOSAL OF SOLID WASTE.

CHAPTER 1

CONTROL AND DISPOSAL OF SOLID WASTE

SECTION

- 17-101. Purpose.
- 17-102. In general.
- 17-103. Control of solid waste.
- 17-104. Authority of Sevier Solid Waste, Inc.
- 17-105. Approval of new landfills.
- 17-106. Private collections, permits, etc.
- 17-107. Residential collection practices.
- 17-108. Non-residential collection practices.
- 17-109. Yard waste, bulk rubbish, and other refuse.
- 17-110. Exceptions.
- 17-111. Schedule of fees and billing for service.
- 17-112. Violations.

17-101. Purpose. This chapter is determined and declared to be a sanitary measure for the protection and promotion of the health, safety and welfare of the Citizens of Sevierville, Tennessee. (Ord. #2011-023, Dec. 2011)

17-102. In general.

(1) **Definitions.** For the purpose of this chapter, the following terms, phrases, words, and their derivatives shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future tense, words used in the plural include the singular and words in the singular include the plural. The word "shall" is always mandatory.

- (a) "Ashes." All residues resulting from the combustion of coal, wood, or any other material or substances in domestic, industrial or commercial stoves, furnaces or boilers.

¹Municipal code references

Property maintenance regulations: title 13.

Streets and refuse department: title 16.

(b) "Bulk rubbish." Wooden boxes, cardboard boxes, crates, furniture, appliances, bedding, construction waste. This does not include yard waste, industrial waste, or hazardous waste.

(c) "Class I container." A container on wheels with a capacity of sixty-five (65) or ninety-five (95) gallons authorized and owned by the City that is rolled out to the public right-of-way by the user to the collection point designated by the City.

(d) "Class II container." Shall mean and include front end loading, enclosed, dumpster-type containers having a capacity of no less than two (2) cubic yards or greater than ten (10) cubic yards. Such containers shall have the capacity, size and be the type as specifically authorized and approved by the Public Works Director. All dumpster-type containers being serviced by the City prior to the adoption of this chapter shall be considered Class II containers.

(e) "Construction waste." Any material such as lumber, brick, block, stone, plaster, concrete, asphalt, roofing shingles, gutters or any other substances accumulated as the result of repairs, removals, or additions to existing buildings or structures, and the construction of new buildings or structures.

(f) "Garbage." All wastes, including, but not limited to food waste, bottles, wastepaper, tin cans, clothing, but excluding, yard waste, leaves, construction waste, human or animal excreta or fecal matter, dead animals, mechanical parts, and bulk rubbish.

(g) "Hazardous waste." Means any chemical, compounds, mixture, substance or article which may constitute a hazard to health or may cause damage to property by reason of being explosive, flammable, poisonous, corrosive, unstable, irritating, radioactive or otherwise harmful to humans or the environment.

(h) "Industrial waste." Shall mean all wastes peculiar to industrial, manufacturing or processing plants.

(i) "Litter." All garbage, refuse and other waste material which, if thrown, deposited, or left unattended as herein prohibited, that tends to create a danger to public health, safety and welfare.

(j) "Multiple business complex." Any group of more than one (1) business located on one (1) tract of property.

(k) "Multiple unit housing facility." Shall include any apartment or condominium complex with three (3) or more units, any mobile home park with three (3) or more units, and any housing utilizing private roads or driveways for access.

(l) "Non-residential establishments." Any establishment except those defined under residential establishments or multiple unit housing facilities. Non-residential establishments shall be divided into the following categories:

(i) Commercial - which shall include restaurants, motels, hotels, private cemeteries, retail and wholesale business establishments and offices where a product is not manufactured.

(ii) Industrial - which shall include all manufacturing and fabricating businesses.

(iii) Governmental - which shall include local, state and federal governmental agencies.

(iv) Educational facilities - which shall include all public schools and universities.

(v) Religious - which shall include all churches, synagogues, church-operated or affiliated agencies.

(vi) Fraternal, social and professional clubs and organizations - which shall include lodges, social clubs, and labor unions.

(vii) Professional - which shall include all hospitals, doctors' offices and clinics, lawyers' offices, animal hospitals, and clinics.

(viii) Private educational facilities - which shall include all nonpublic schools, colleges, and universities.

(m) "Non-residential garbage." All wastes defined above as garbage generated by non-residential establishments.

(n) "Park." A park, reservation, playground, recreation center or any other public area in the City, owned or used by the City and devoted to active or passive recreation.

(o) "Private drive/road." A roadway or driveway owned by a private individual or corporation used only for that business or residence.

(p) "Private premises." 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 dwellings, house, building, or other structure.

(q) "Producer." Either the person responsible for the ashes, garbage, refuse, industrial waste, and any other waste material or the occupant of the place or building in which such is produced or in which the person responsible for such has a place of business or residence.

(r) "Public place." Any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds, and buildings.

(s) "Public right-of-way." The area on and around the public streets, sidewalks, parkways, alleys, or other areas of common use by the traveling public, deeded, dedicated, and accepted by the City of Sevierville or the State of Tennessee.

(t) "Public Works Director." The person (or his designee) hired by the City for the position of Public Works Director and has the responsibility of overseeing the Public Works Department, including refuse collection.

(u) "Refuse." All putrescible and nonputrescible solid wastes (except body waste) including garbage, trash, bulk rubbish, yard waste, construction waste, garden waste, industrial waste, ashes, and street cleanings.

(v) "Residential establishments." Shall include single- or multiple-family dwelling units up to and including apartment complexes, condominiums or trailer parks of not more than two (2) units.

(w) "Residential garbage." All wastes defined above as garbage generated by residential establishments or multiple unit housing facilities.

(x) "Sevier Solid Waste, Inc. (SSWI)." The not for profit corporation entity formed by interlocal agreement of the City of Gatlinburg, City of Pigeon Forge, City of Sevierville, and County of Sevier on November 30, 1988, responsible for the disposal of refuse in Sevier County.

(y) "Vacant property." All parcels of land without any permanent dwelling or business structure that have remained vacant for a period of two (2) years without routine maintenance to the yard and grounds. This shall also include portions of grounds and/or yards left in its natural state.

(z) "Yard waste." Grass clippings, leaves, tree and shrubbery clippings, and other related yard wastes resulting from normal maintenance and care of landscaped, manicured grounds and lawns but does not include cuttings and leaves from the clearing of grounds that have been left in its natural state without annual maintenance.

(2) Rules and regulations to implement. The Public Works Director may make such necessary or desirable rules and regulations as are consistent with the provisions of this chapter in order to aid in its administration and in order to insure compliance and enforcement.

(3) Premises to be kept clean and containers required. All persons within the City are required to keep their premises in a clean and sanitary condition, free from the accumulation of refuse except when stored as provided in this chapter. It shall be the duty of every person in possession, charge or control of any premises of a residential establishment, where refuse is created or accumulated to keep or cause to be kept at all times containers, specified herein, for the deposit of refuse generated on the premises.

No person should place any refuse in any street, alley or other public place, or upon any private property whether owned by such person or not, within the City except it be in proper containers for collection or under express

approval granted by the Public Works Director. Nor shall any person throw or deposit any refuse in any stream or other body of water.

Any unauthorized accumulation of refuse on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of refuse within thirty (30) days after the effective date of this chapter shall be deemed a violation of this chapter.

No person shall cast, place, sweep or deposit anywhere within the City any refuse in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway, or other public place, or into any occupied premises within the City.

(4) Proximity of other personal effects. Refuse shall not be stored in close proximity to other personal effects which are not desired to be collected, but shall be reasonably separated in order that the collector can clearly distinguish between what is to be collected and what is not to be collected. Personal effects stored or placed within three feet (3') of a container or pile of refuse shall be prima facie presumed to be refuse. Placement of any item in the right-of-way shall imply that it is available for collection by solid waste crews.

(5) Disturbance and unauthorized use of containers. No unauthorized person shall uncover, rifle, pilfer, dig into, turn over or in any other manner disturb any refuse container belonging to another. All refuse containers in use on the premises of any commercial establishment shall be used solely and only by that establishment as a receptacle for its commercial refuse. No person shall use a commercial establishment's refuse container unless specifically authorized by the commercial establishment.

It shall be unlawful to deposit refuse in a public receptacle in a park, except for refuse normally generated from picnics and similar activities carried on in the park.

(6) Collection during hazardous weather conditions. Refuse collection may be temporarily disrupted due to hazardous weather conditions. Public Works Director, in such times, is authorized and directed to make the public aware, through local media, the rearrangement of schedules applicable to any such disruptions. (Ord. #2011-023, Dec. 2011)

17-103. Control of solid waste. The City of Sevierville to the maximum extent permitted by law shall have the exclusive jurisdiction and exclusive right to provide for the disposition of and to control the collection, transportation and disposal of refuse within the corporate limits of the City of Sevierville. (Ord. #2011-023, Dec. 2011)

17-104. Authority of Sevier Solid Waste, Inc. To the maximum extent permitted by law, the City of Sevierville hereby authorizes, appoints, designates and empowers SSWI to exercise all rights and powers of the City of Sevierville to provide for the disposition of and to control and regulate the collection, transportation, removal, and hauling and disposal of refuse delivered

to them by the City of Sevierville. All municipal refuse collected within the corporate limits of the City of Sevierville shall be delivered to SSWI.

SSWI shall have the right to promulgate such rules and regulations as are necessary to implement this chapter, provided same are not inconsistent herewith. Said rules and regulations shall be enforced as provided for in § 17-112 hereof. (Ord. #2011-023, Dec. 2011)

17-105. Approval of new landfills. Prior to any new construction of a new landfill for solid waste disposal or solid waste processing within the corporate limits of the City of Sevierville or within one (1) mile of the corporate limits of the City of Sevierville, the owner of such proposed facility shall secure the approval of the Board of Mayor and Aldermen of the City of Sevierville in accordance with Tennessee Code Annotated § 68-211-701, et seq. (Ord. #2011-023, Dec. 2011)

17-106. Private collections, permits, etc.

(1) Manner of loading, moving, and carrying materials, garbage, etc., and tracking of foreign material. The owner, lessee or operator of every vehicle engaged in hauling any sand, gravel, dirt, stone, rock, brick, coal, limestone, limestone dust, asphalt, refuse or any material which may as a result of such vehicle's movement, be likely to blow, fall, or be scattered on or along City streets and alleys shall maintain such a vehicle in a secure condition and shall direct and supervise the loading of said vehicle in such a manner as to prevent any portion of such materials, products or substances from falling, blowing or being scattered on City streets or alleys. Nor shall garbage or other materials offensive to the sight or smell be removed or carried on or along the streets and alleys of the City unless it is in trucks having watertight beds or boxes with proper cover.

Refuse shall be taken to the Sevier Solid Waste Composting Facility and all applicable dump fees shall be paid by the private collector.

(2) Exclusive collection. It shall be unlawful for any person other than the City or its authorized contractor to engage in the business of collecting, removing and disposing of refuse in the City except those private collectors specifically authorized by the City. This does not prohibit establishments from collecting and hauling their own refuse so long as such refuse is stored, collected and hauled as prescribed in this chapter.

(3) Private collection permit. (a) Application. Any person desiring to secure a permit for the private collection of refuse as a private collector shall submit an application therefore to the Public Works Director. The application shall contain the following information:

(i) Private collector's name, business address, and telephone numbers. This includes persons doing business under fictitious names, members of partnerships, and offices of corporations or associations.

(ii) A list of equipment intended to be used by the private collector within the City, including a full description thereof.

(iii) The rates or charges to be imposed for private collections.

(iv) The date upon which the applicant desires the permit to be issued.

(v) Proof of vehicular liability insurance issued by a company authorized to do business in the State of Tennessee in the amounts of five hundred thousand dollars (\$500,000.00) for death or injury to any one (1) person in one (1) accident, one million dollars (\$1,000,000.00) for death or injury to more than one (1) person in any one (1) accident and one hundred thousand dollars (\$100,000.00) for property damage.

(vi) Proof of workers' compensation coverage in compliance with the state laws of Tennessee.

(vii) A list of current customers within the City of Sevierville.

(viii) Such other and further information as the Public Works Director may require.

(b) Investigation and issuance. The Public Works Director shall cause such investigation to be made of the facts stated in the application and, if verified, shall without delay issue the private collector's permit upon payment of the requisite fee.

(c) Effective period, fee. The private collection permit shall be effective for the fiscal year beginning on July 1 until the next ensuing June 30, on and after which date it shall be null and void. The licensed private collector shall pay an annual fee as set forth in the schedule of fees, which fee shall be prorated as necessary, and paid in advance to the City.

(d) Conditions of issuing. The Public Works Director may impose conditions upon the issuing of a permit which are reasonably calculated to eliminate excessive noise, scattering of dust and dirt, scattering of materials, and similar nuisances, and to prevent obstruction of public streets and interference with traffic.

(e) No vested right or property interest acquired; suspension, revocation; notice hearings. No vested right of property interest is acquired by the issuance to a private collector of an annual permit. Nor is there any vested right or property interest acquired by the issuance of a location permit to a particular location to be served by a private collector; and the annual permit or location permit may be suspended or revoked when it shall appear:

(i) That any of the conditions thereof are being violated;

(ii) That the permit is being exercised in violation of this chapter or any ordinance or statute;

(iii) That the permit is being used for a purpose detrimental to public health, morals, peace and order, or is being used for a purpose foreign to that for which the permit was issued;

(iv) That the annual permit fee has not been paid;

(v) That the application contains a falsehood;

(vi) That the equipment being used by the private collector for collection or the containers used fail to meet the health and safety standards established by the City, State, or Federal government;

(vii) That all refuse, garbage, and trash are not being deposited in approved landfill sites;

(viii) That the private collector does not provide a list of current customers within the City of Sevierville.

Ten (10) days' written notice of suspension or revocation shall be given by the Public Works Director. Within such period of time the collector may ask for a hearing before the Public Works Director. If no request for a hearing is made, the suspension for the period listed or the revocation shall be final. Hearings before the Public Works Director shall be conducted informally, may be continued, and his decision shall be rendered within five (5) days after the close of such hearing; the decision of the Public Works Director in regard to the issuance, suspension, or revocation of private garbage collection permits shall be appealable to the City Council by filing a written notice of appeal with the City Administrator, and such City Council shall set a hearing thereon. The request for appeal to the Board of Mayor and Aldermen shall be made to the City Administrator within fifteen (15) days of the decision of the Public Works Director.

(f) Indemnity. The private collector shall agree to protect, defend, and save the City of Sevierville, its elected and appointed officials, agents, employees, and volunteers while working in the scope of its duties as such, harmless from and against all claims, demands, and causes of action of any kind or character, including the cost of their defense, arising in favor of the private collector's employees or third parties on account of bodily or personal injuries, death or damage to property arising out of services performed or omissions of services or in any way resulting from the acts or omissions of the private collector and/or its agents, employees, or subcontractors.

(4) Rules and regulations for identification of collectors. The Public Works Director may make rules and regulations for the identification of private garbage collectors and their equipment. Every private garbage collector shall keep such records, receipts, invoices, and other pertinent papers in such form as the Public Works Director may require, which shall be open to inspection by the City. (Ord. #2011-023, Dec. 2011)

17-107. Residential collection practices.

(1) Containers, storage and requirements. Class I containers shall be as defined in § 17-102 herein. Each residential establishment as defined in § 17-102 shall be supplied an approved Class I container for use at that residence or housing unit only. The said container shall remain the property of the City of Sevierville. Owners of residential establishments will be responsible for the Class I containers located at their property.

All containers shall remain the property of the City and shall remain at the property address where delivered. If more capacity is needed above that which the City assigns, an additional container may be provided for a fee set forth in the schedule of fees. The additional container shall also remain the property of the City of Sevierville. There shall be an additional monthly fee for additional containers, also addressed in the schedule of fees.

New construction and annexations will be provided a container as garbage collection service is established.

Multiple unit housing facilities as defined in § 17-102 shall be required to provide, at the owner/developer's expense, a Class II container as approved by the Public Works Director. Collection shall be in accordance with § 17-108, "Non-residential collection practices." Individually owned units as a part of multiple unit housing facilities accessed by public rights-of-way may be classified as residential establishments and may be eligible for Class I container, curbside collection, as approved by the Public Works Director.

The following items shall be prohibited from being placed in any Class I container:

- (a) Bulk rubbish and construction waste as defined in § 17-102;
- (b) Stumps, or large pieces of wood;
- (c) Flammable liquids, solids or gases, such as gasoline, oil, paint, benzene, alcohol, or other similar substances;
- (d) Any material that could be hazardous or injurious to City employees or which could cause damage to City equipment;
- (e) Hot materials such as ashes, cinders, etc.;
- (f) Human or animal waste, unless it is placed and secured in a plastic box or suitable paper bag;
- (g) Infectious wastes;
- (h) Human/animal remains;
- (i) Large plastic objects;
- (j) Numerous metal objects;
- (k) Large automobile parts, including tires.

(2) Collection practices: garbage collection, frequency, placement, etc. Residential garbage shall be collected from each residential establishment at a frequency of once per week. The Public Works Director is authorized and directed to prepare schedules for regular collection of garbage. On the scheduled day of collection, residential garbage collection shall be made from curbside of the public right-of-way and approved City alleys. Where there is no alley or

curbside, containers shall be located as indicated by the Public Works Director. Alley collection service may be denied to residential establishments by the Public Works Director if such alley is not easily accessible to a City garbage truck.

All residential garbage intended for collection by the City shall be placed in a Class I container. The container lid must be closed with no garbage protruding from the container. Garbage and trash that is not placed in the Class I container shall not be collected, except by special arrangement.

Containers shall be placed for collection no earlier than 7:00 P.M. on the day before collection and no later than 6:00 A.M. on the day of collection. Containers are not permitted to remain at the curbside collection point later than 7:00 P.M. on the day of collection. All containers serviced by the City collection equipment which are damaged, destroyed, or stolen through neglect, improper use or abuse by the occupant/property owner shall be replaced or repaired at the expense of the occupant/property owner, whichever in the opinion of the City is the most cost effective. Leaving containers at curbside except during the period specified for collection, or not otherwise secured, constitutes neglect by the occupant/property owner. Containers which are damaged or destroyed by the City collection equipment in the course of routine services, or through normal wear and tear which is through no fault of the user, shall be repaired or replaced at no charge to the user.

(3) Bulk rubbish roll-off containers. Residential establishments may request, for fees as listed in schedule of fees, a fourteen foot (14') roll-off container. Containers may be used for remodeling and/or clean up projects or when a resident has more than one (1) load of bulk waste. The following items shall be prohibited from being placed in roll-off containers:

- (a) Flammable liquids, solids or gases, such as gasoline, oil, paint, benzene, alcohol, or other similar substances.
- (b) Hot materials such as ashes, cinders, etc.
- (c) Human or animal waste, unless it is placed and secured in a plastic bag or suitable paper bag before being placed in the container.
- (d) Infectious or medical wastes.
- (e) Human/animal remains.
- (f) Large automobile parts, including tires. (Ord. #2011-023, Dec. 2011)

17-108. Non-residential collection practices.

(1) Containers, storage and requirements. A Class II container as defined in § 17-102 is required for all non-residential establishments and multiple unit housing facilities as defined in § 17-102, respectively. The size and number of containers purchased by individuals or organizations shall be approved by the Public Works Director or his designee. Those non-residential establishments using commercial curbside collection service prior to the adoption of this chapter may be exempted from using a Class II container so

long as the accumulation of their garbage between scheduled pickups can be stored in four (4) or less Class I containers. A need for more than four (4) Class I containers will require that establishment to acquire an acceptable Class II container. The Public Works Director may exempt non-residential establishments from use of Class II containers if the volume of garbage does not justify such use and/or if no suitable site for a Class II container can be found.

The minimum facilities for any Class II container(s) shall be a paved concrete pad with the size approved by the Public Works Director. Facilities for washing bulk containers, and a trap drain hooked to the City sanitary sewer if available or otherwise hooked to the subsurface sewage disposal system should be included as well.

Collection of refuse for non-residential establishments shall be limited to garbage stored in Class I or II containers, except by special arrangements.

The following items shall be prohibited from being placed in any Class II container:

- (a) Bulk rubbish and construction waste as defined in § 17-102;
- (b) Shrubbery and tree trimmings, stumps, or large pieces of wood;
- (c) Flammable liquids, solids or gases, such as gasoline, oil, paint, benzine, alcohol, or other similar substances;
- (d) Any material that could be hazardous or injurious to City employees or which could cause damage to City equipment;
- (e) Hot materials such as ashes, cinders, etc.;
- (f) Human or animal waste, unless it is placed and secured in a plastic bag or suitable paper bag before being placed in the container;
- (g) Infectious wastes;
- (h) Human/animal remains;
- (i) Large plastic objects;
- (j) Numerous metal objects;
- (k) Large automobile parts, including tires.

(2) Collection practices: garbage collection, frequency, placement, etc.

Based upon the non-residential establishment's refuse collection needs, the Public Works Director is authorized and directed to prepare schedules for regular collection of refuse. Frequency of collection will depend upon the establishment's number and size of containers and garbage generated.

Collection of refuse for non-residential establishments shall be limited to garbage stored in authorized containers. Refuse not authorized to be placed in Class II containers (see § 17-108) shall be removed by the owner or producer unless special arrangement pickups can be scheduled by the Public Works Director within the provisions set forth in § 17-109.

Garbage shall not be compacted or heavy items placed in with normal trash to cause the weight of the bulk container to exceed safe loading or handling capacities of garbage collection trucks of the City of Sevierville. If

containers are filled so as to exceed the above stated limit, the refuse shall be removed and properly disposed of by the owner and/or producer at their expense.

It shall be incumbent upon tenants, lessees, occupants or owners of non-residential establishments to provide a safe and convenient entrance to and through the premises for the purpose of collecting refuse. The City shall not be liable for damage done to driveways, parking lots or other properties, resulting from normal use for ingress and egress to collect refuse, unless caused by negligence on the part of the City or its employees.

Nothing in this section shall prohibit non-residential establishments from removing their own solid waste or from contracting with a private collector for such removal provided said private collector shall have a valid permit to do such business within the City.

Upon approval by the Public Works Director, a non-residential establishment may be eligible to use the residential Class I container system and receive service for the same as described in § 17-107. The Class I container shall remain the property of the City of Sevierville. The fees for this service shall be set in the schedule of fees.

The owner or developer of non-residential, industrial, or institutional facilities, such as malls, shopping centers, hospitals, medical centers, educational facilities, multiple unit housing facilities, and other major developments shall be required to show methods of handling solid waste and locations of all solid waste containers and handling equipment on an approved site plan to the City Planning and Development Department prior to beginning construction.

(3) Industrial waste. No industrial waste shall be placed in any container used for refuse collection by the City. The collection and disposal of industrial waste shall be the responsibility of the owner, lessee, occupant or producer.

(4) Hazardous waste. No hazardous waste shall be placed in any container used for refuse collection by the City. The collection and disposal of such refuse shall be the responsibility of the owner, lessee, occupant or producer.

(5) Cardboard boxes and cartons. Prior to being deposited as refuse for collection in approved containers, all cardboard boxes and cartons shall be completely collapsed.

(6) Compactors. Under special arrangements through Sevier Solid Waste, Inc., forty (40) cubic yard compactors may be provided for fees as listed in schedule of fees. (Ord. #2011-023, Dec. 2011)

17-109. Yard waste, bulk rubbish, and other refuse.

(1) Yard waste/brush collection. (a) Placement of brush for collection. All brush (tree limbs, shrubbery, and hedge trimmings, etc.) must be placed at the edge of a street or public right-of-way easily accessible with City of Sevierville collection equipment. No item of yard waste placed out for disposal shall be placed on top of water/gas meters or valves, piled

against utility poles, guy wires, fences or structures, or in a place as to interfere with overhead power lines, tree branches, parked cars, vehicular traffic or in any other way that would constitute a public hazard or nuisance or cause damage to the collection equipment.

(b) Piling of brush for collection. All brush shall be neatly stacked in an unscattered manner. Small trimmings should be stacked on top of larger ones, but with butt ends pointed in the same direction. Brush collections shall not be made where brush is loosely scattered. A notice shall be given to the resident that collection cannot be made and the reason why it cannot be made.

(c) Separation of items to be collected. Yard wastes and bulk rubbish must be placed in separate piles for the purpose of collection. Bricks, rock, and dirt shall not be collected with yard waste.

(d) Length and size of brush. As a general rule, tree trunks, stumps, and limbs larger than twelve inches (12"), as measured across the diameter of the butt end, shall be cut into smaller pieces so that they are manageable for collection by the City equipment. All tree limbs longer than eight feet (8') in length must be cut into shorter pieces and stacked as described above.

(e) Grass clippings and leaves. Except during seasonal leaf collection as outlined in § 17-109(4) below, all leaves and grass clippings shall be placed at curbside for collection. Leaves and grass clippings may be placed in Class I containers for collection.

(2) Refuse generated through private enterprise. Except by special arrangement, the City of Sevierville shall not, during each collection period, collect more than one (1) truckload of construction waste, bulk rubbish, brush, or any other form of refuse generated or produced by contractors, tree trimmers, or persons doing work for profit or personal gain. Special arrangements shall be required for lot or land clearing projects.

(3) Bulk rubbish (junk) collection. The Public Works Director is authorized and directed to prepare schedules for collection of bulk rubbish as defined in § 17-102. Bulk rubbish shall not be placed at the street for collection until the day before it is scheduled to be picked up. It shall be unlawful for any person except authorized private collectors to remove any bulk rubbish from a residence or business establishment without prior written permission from the owner or producer.

(4) Seasonal leaf collection. (a) Schedule. Fall leaf collection will begin in October (exact date depends upon climatic conditions) and will continue through January. The Public Works Director will schedule a two (2) week period in early spring in order to collect leaves from late shedding trees. The Public Works Director is authorized and directed to prepare schedules for leaf collection and to notify the public of such schedules. The schedule will be announced in various ways through the local news media and City of Sevierville website.

(b) **Collection.** Leaves shall be raked into piles and windrows or placed in bags for collection during the leaf season and shall be collected at curbside only. The placing of leaves in public streets, gutters, or over storm drains is strongly discouraged. Collection of leaves, during the leaf season, shall be provided to each establishment at least once every two (2) weeks and more frequently when possible.

(5) **Limitations.** Refuse not stored and placed as provided in §§ 17-107(1) and 17-108(1) shall be removed from the premises by the owner/producer at his expense. The following items of refuse shall also be removed by the owner/producer at his expense or by special arrangement with the City:

(a) Construction waste as defined in § 17-102 whether generated by the contractor or the owner or any other persons.

(b) Refuse including brush, leaves, stumps, vine, and any material resulting from the cleaning or clearing of "vacant property" as defined in § 17-102 whether such cleaning or clearing was done by a contractor or by the owner or any other person.

(c) Automobile, truck, tractor and other vehicle tires or gas tanks.

(d) Any refuse, including yard waste, pushed or pulled into piles by mechanical means.

(e) Not more than one (1) truck load of yard waste or bulk rubbish shall be removed from any residential establishment by the City per scheduled pickup unless it is determined by the Public Works Director to be in the best interest of the City for health, safety and welfare reasons to remove the entire accumulation. (Ord. #2011-023, Dec. 2011)

17-110. Exceptions. Nothing in this chapter shall prevent any refuse producer from collecting, removing, and disposing of his own refuse and/or garbage, provided he does so in such manner as not to create a nuisance and provided further that he pays all applicable disposal fees and also makes application to the Public Works Director and said application is approved as being in compliance with the intent of this chapter. (Ord. #2011-023, Dec. 2011)

17-111. Schedule of fees and billing for service.

(1) **Schedule of fees.** The Board of Mayor and Aldermen shall establish a schedule of fees for collection, removal and disposal of all refuse and garbage for residential and non-residential establishments serviced by the City. A copy of said schedule shall be kept in the City Recorder's office for public inspection.

(2) **Billing for service.** A solid waste disposal fee shall be included as a separate item each month on the water and/or sewer bills rendered by the City of Sevierville. Upon collection, money will be credited toward the payment of the

total bill as follows: solid waste disposal fee, sewer charge and water charge. Water service shall be discontinued for failure to pay the solid waste disposal fee, in accordance with the water system's policy for discontinuation of water service for failure to pay a bill. Solid waste removal service shall also be discontinued for failure to pay the solid waste disposal fee.

Solid waste service shall be discontinued for residential customers with bills three (3) months past due and commercial customers with bills in excess of one thousand dollars (\$1,000.00) or three (3) months past due. A reinstatement fee will be charged to reinstate service. (Ord. #2011-023, Dec. 2011)

17-112. Violations. Any person violating or failing to comply with any provision of this chapter or any lawful regulation of the Public Works Director shall be subject to a penalty of not more than fifty dollars (\$50.00) for each offense and each day such violation continues shall be deemed to be a separate offense. (Ord. #2011-023, Dec. 2011)

TITLE 18**WATER AND SEWERS****CHAPTER**

1. WATERWORKS AND SEWERAGE.
2. SEWER USE.
3. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.
4. STORMWATER ORDINANCE.

CHAPTER 1**WATERWORKS AND SEWERAGE****SECTION**

- 18-101. Powers and duties of Board of Mayor and Aldermen.
18-102. Establishment of Sevierville Water Department.
18-103. Employee benefits.
18-104. Contractual obligations.
18-105. Schedule of rates.

18-101. Powers and duties of Board of Mayor and Aldermen. The Board of Mayor and Aldermen of the City of Sevierville shall hereafter perform the duties heretofore required of the Board of Waterworks and Sewerage Advisory Commissioners and shall have all the rights, powers and duties heretofore granted by statute to a Board of Water and Sewerage Advisory Commissioners or Commissioners as set forth in Tennessee Code Annotated § 7-35-412. (Ord. #2005-008, May 2005)

18-102. Establishment of Sevierville Water Department. The Sevierville Water System which has previously operated under the direction of the Board of Waterworks and Sewerage Advisory Commissioners shall from and after the passage of this chapter, become a department of the City of Sevierville and be known of as the Sevierville Water Department and shall have all of the rights, privileges and duties of other departments within the Sevierville City Government. (Ord. #2005-008, May 2005)

18-103. Employee benefits. All of the employees and management of what had previously been the Sevierville Water System under the Board of Waterworks and Sewerage Advisory Commissioners, shall from and after the implementation of this chapter, become and be employees of the City of Sevierville and as such, shall be entitled to receive all benefits of City employees with the City of Sevierville having the right to substitute prior benefit plans of the prior employees of the Sevierville Water System, to the extent practical, to

benefit plans of City employees, and as City employees they shall come under the City's compensation plan. All of the aforesated employees and management shall be subject to all of the City of Sevierville personnel rules and regulations, which apply to all other City of Sevierville employees. The General Manager of the Sevierville Water System, under the Board of Waterworks and Sewerage Advisory Commissioners, shall become the department head of the new Sevierville Water Department. (Ord. #2005-008, May 2005)

18-104. Contractual obligations. All contractual obligations heretofore entered into by the Sevierville Water System and/or the Board of Waterworks and Sewerage Advisory Commissioners on behalf of the system, shall be and are hereby assumed as contractual obligations of the City of Sevierville. (Ord. #2005-008, May 2005)

18-105. Schedule of rates. All water and sewer service shall be furnished under such rate schedules as may be adopted by ordinance by the Board of Mayor and Aldermen.¹ (1996 Code, § 18-103)

¹Water and sewer rates ordinances are of record in the Recorder's Office.

CHAPTER 2

SEWER USE

SECTION

- 18-201. Purpose and policy.
- 18-202. Definitions.
- 18-203. Use of public sewers required.
- 18-204. Private sewage disposal.
- 18-205. Building sewers and connections.
- 18-206. Use of public sewers.
- 18-207. Use of the sewers by industrial users.
- 18-208. Protection from damage.
- 18-209. Powers and authority of inspection.
- 18-210. Penalties.
- 18-211. Emergency response plan.

18-201. Purpose and policy. This chapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the City of Sevierville and enables the City to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 C.F.R. part 403).

The objectives of this chapter are:

- (1) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
- (2) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated into receiving waters or the atmosphere or otherwise be incompatible with the system;
- (3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and
- (4) To provide for equitable distribution of the cost of the municipal wastewater system.

This chapter provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This chapter shall apply to the City of Sevierville and to persons outside the City who are, by contract or agreement with the City, users of the City POTW. Except as otherwise provided herein, the Superintendent of the City

POTW shall administer, implement, and enforce the provisions of this chapter. (1996 Code, § 18-201)

18-202. Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

(1) "Abbreviations." The following abbreviations shall have the designated meanings:

BOD - Biochemical Oxygen Demand

CFR - Code of Federal Regulations

COD - Chemical Oxygen Demand

EPA - Environmental Protection Agency

l - Liter

mg - Milligrams

mg/l - Milligrams per liter

NPDES - National Pollutant Discharge Elimination System

POTW - Publicly Owned Treatment Works

SIC - Standard Industrial Classification

SWDA - Solid Waste Disposal Act, 42 U.S.C. 6901, *et. seq.*

USC - United States Code

TSS - Total Suspended Solids

(2) "Act" or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, *et. seq.*

(3) "Approval authority." The Department of Environment and Conservation, State of Tennessee.

(4) "Authorized representative of industrial user." An authorized representative of an industrial user may be:

(a) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation;

(b) A general partner or proprietorship, respectively;

(c) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

(5) "BOD." Denoting biochemical oxygen demand shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees (20°) C, expressed in milligrams per liter.

(6) "Building drain." Shall mean the part of the lower horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (5') (one and one half (1.5) meters) outside the inner face of the building wall.

(7) "Building sewer." Shall mean the extension from the building drain to the public sewer right-of-way or easement or other place of disposal.

(8) "Categorical standards." National categorical pretreatment standards or pretreatment standard.

(9) "City." The City of Sevierville or the Board of Mayor and Alderman of Sevierville.

(10) "Combined sewer." Shall mean a sewer receiving both surface runoff and sewer.

(11) "Control authority." The term "control authority" shall refer to the "approval authority," defined hereinabove; or the Superintendent.

(12) "Compatible waste." Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria; plus any additional pollutants identified in the publicly-owned treatment works NPDES permit, for which the publicly-owned treatment works is designed to treat such pollutants and in fact does remove such pollutants to a substantial degree.

(13) "Conventional pollutants." Shall mean those pollutants normally found.

(14) "Cooling water." The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

(15) "Direct discharge." The discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.

(16) "Environmental Protection Agency," or "EPA." The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

(17) "Garbage." Shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

(18) "Grab sample." A sample which is taken from a waste stream on a one (1) time basis with no regard to the flow in the waste stream and without consideration of time.

(19) "Holding tank waste." Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

(20) "Indirect discharge." The discharge or the introduction of nondomestic pollutants from any source regulated under section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).

(21) "Industrial pretreatment." Shall mean any necessary treatment processes performed on the industrial wastes by the industrial user prior to discharge into the public sewers in accordance with federal, state and local regulations.

(22) "Industrial user." Shall mean a source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to section 402, of the Act.

(23) "Industrial wastes." Shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewer.

(24) "Inhibition." Shall mean any pollutant which might impair, effectively reduce, or terminate the biological process and/or biological operation of the sewage treatment plant.

(25) "Interference." The inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the City's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to title IV of SWDA) applicable to the method of disposal of use employed by the POTW.

(26) "Monitoring." Shall mean any method of sampling and analyzing, of industrial waste, discharge into the sanitary sewer by industrial users, employed by the City to enforce industrial pretreatment regulations.

(27) "National categorical pretreatment standard or pretreatment standard." Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users.

(28) "National prohibitive discharge standard or prohibitive discharge standard." Any regulation developed under the authority of 307(b) of the Act of 40 C.F.R., section 403.5.

(29) "New source." Any source, the construction of which is commenced after the publication of proposed regulations prescribing a section 307(c) U.S.C. 1317 categorical pretreatment standard which will be applicable to such source, if such standard is thereafter promulgated within one hundred twenty (120) days of proposal in the Federal Register. Where the standard is promulgated later than one hundred twenty (120) days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.

(30) "National pollution discharge elimination system or NPDES permit." A permit issued pursuant to section 402 of the Act (33 U.S.C. 1342).

(31) "Natural outlet." Shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

(32) "Pass through." Shall mean any pollutant which enters the sewage works and is not totally removed before entering the receiving stream.

(33) "Person." Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

(34) "pH." The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

(35) "Pollution." The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

(36) "Pollutant." Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

(37) "Pretreatment requirements." Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

(38) "Priority pollutants." Shall mean any of the one hundred twenty-nine (129) pollutants which affect stream quality or stream life in the receiving stream and its subsequent waters, as determined by the Environmental Protection Agency.

(39) "Properly shredded garbage." Shall mean the wastes from the preparation, cooking, and dispensing of foods that have been shredded to such a degree that all particles will be carried freely-under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1/2") (1.27 centimeters) in any dimension.

(40) "Publicly Owned Treatment Works (POTW)." A treatment works as defined by section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the City. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other purposes of this chapter, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the City who are by contract or agreement with the City, users of the City's POTW.

(41) "POTW treatment plant." That portion of the POTW designed to provide treatment to wastewater.

(42) "Public sewer." Shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

(43) "Receiving stream." Shall mean the natural stream or watercourse that accepts the discharge from the sewage treatment plant.

(44) "Sanitary sewer." Shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

(45) "Sewage." Shall mean a combination of the watercarried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.

(46) "Shall" is mandatory; "May" is permissive.

(47) "Significant industrial user." Any industrial user of the City of Sevierville's wastewater disposal system that:

(a) Has a discharge flow of twenty-five thousand (25,000) gallons or more per average workday;

(b) Has a discharge flow greater than five percent (5%) of the total flow in the City's wastewater system;

(c) Has in its wastes any toxic pollutants as defined pursuant to section 307 of the Clean Water Act or any state statutes and rules; or

(d) Is found by the City, state control agency, or U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the systems effluent quality, or air emissions generated by the system.

(48) "Significant violations." Shall be those that meet one or more of the following criteria:

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken during a six (6) month period exceed (by a magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of the daily maximum limit or the average limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease; and 1.2 for all other pollutants except pH);

(c) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the control authority determines has caused, alone or in combination with other discharges, interference, or pass through; including endangering the health of POTW personnel or the general public;

(d) Any discharge of a pollutant that has caused endangerment to human health, welfare, or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;

(e) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

(f) Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, self-monitoring reports, and reports on compliance with compliance schedules;

(g) Failure to accurately report noncompliance;

(h) Violations which remain uncorrected forty-five (45) days after notification of noncompliance;

(i) Any other violation or group of violations which the control authority determines will adversely affect the operation or implementation of the local pretreatment program.

(49) "State." State of Tennessee.

(50) "Standard Industrial Classification (SIC)." A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, and as may be amended.

(51) "Stormwater." Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(52) "Suspended solids." The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

(53) "Superintendent." The person designated by the City to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this chapter, or his duly authorized representative.

(54) "Toxic pollutant." Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other acts.

(55) "Twenty-four (24) hour, flow proportional composite sample." A sample consisting of several effluent portions collected during a twenty-four (24) hour period in which the portions of sample are proportionate to the flow combined to form a representative sample.

(56) "User." Any person who contributes, causes or permits the contribution of wastewater into City's POTW.

(57) "Wastewater." The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

(58) "Waters of the state." All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

(59) "Wastewater contribution permit." As set forth in § 18-207(10) of this chapter. (1996 Code, § 18-202)

18-203. Use of public sewers required.

(1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the boundaries of the City, or in any area under the jurisdiction of the City, any

human or animal excrement, garbage, or other objectionable waste if public sewer is available.

(2) It shall be unlawful to discharge to any natural outlet within the boundaries of the City or in any area under the jurisdiction of the City any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(3) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage if public sewer is available.

(4) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes situated within the service area in which there is now located or may in the future be located a public sanitary sewer, except in cases where the house, building or property is not connected to a public water supply, is hereby required to do one (1) of the following two (2) things, at the owner's option:

(a) At the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within ninety (90) days after date of official notice to do so, provided that said public sewer is available at the property line.

(b) Pay a sewer service availability charge in an amount equal to a minimum sewer charge as set by the City Council from time to time through a sewer rate ordinance. However, the owner may exercise this option if, and only if, the house, building, or property is connected to and served by an operating private sewage disposal system that meets the requirements of § 18-204, and is operated and maintained in accordance with § 18-204(4). (1996 Code, § 18-203)

18-204. Private sewage disposal.

(1) Where a public sewer becomes available, the building sewer shall be connected to the public sewer within ninety (90) days after date of official notice to do so, unless and except the owner of the house, building or property is qualified to exercise, and has exercised, his/her option to pay a sewer availability charge in accordance with § 18-203(4)(b).

(2) Where a public sanitary sewer is not available, or the property owner has exercised his/her option to pay a sewer availability charge, under the provisions of § 18-203(4)(b), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.

(3) A private domestic wastewater disposal system may not be constructed within the service area unless and until a certificate is obtained from the general manager stating that:

(a) A public sewer is not accessible to the property and no sewer is proposed for construction in the immediate future; or

(b) That the owner of the house building or property has exercised his option to pay a sewer availability charge in accordance with § 18-203(4)(b). No certificate shall be issued for any private domestic wastewater disposal system employing subsurface soil absorption facilities unless the facilities and lot area meets the minimum requirements of the Sevier County Health Department.

(4) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times and at no expense to the City. Where the owner of the house, building or property has exercised his/her option to pay a sewer availability charge in accordance with § 18-203(4)(b), and the private sewage disposal system fails to operate or be maintained in a sanitary manner, the building sewer shall be connected to the public sewer within ninety (90) days of the date of an official notice to do so. (1996 Code, § 18-204)

18-205. Building sewers and connections.

(1) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

(2) There shall be two (2) classes of building sewer permits:

(a) For residential and commercial service; and

(b) For service to establishments producing industrial wastes.

In either case the owner or his agent shall make application on a special form furnished by the City.

The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent.

(3) All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(4) A separate and independent building sewer shall be provided for every building; except when one (1) building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer.

(5) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this policy.

(6) The size, slope, alignment, materials of construct of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and

procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(7) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(8) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(9) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City or the procedures set forth in the appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

(10) The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.

(11) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City. (1996 Code, § 18-205)

18-206. Use of public sewers.

(1) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

(2) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Tennessee Stream Pollution Control Board. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Tennessee Stream Pollution Board, to a storm sewer, or natural outlet.

(3) No person shall discharge or cause to be discharged any of the following described pollutants to any public sewer.

(a) Pollutants in the form of any liquids, solids or gases which by reason other nature or quantity or maybe sufficient alone or be interaction with other substances to cause fire or explosion or be injurious in anyway to the POTW, or to the operation of the POTW. At no time,

shall two (2) successive readings on an explosion hazard meter, at any point of the discharge into the system (or any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, keytones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the City, the state or EPA has notified the user is a fire hazard to the system.

(b) Pollutants which cause corrosive structural damage to the system, but in no case discharges with a pH lower than 5.5 or higher than 9.5; nor can the pH be increased more than (1.0) per hour.

(c) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of a wastewater treatment facility such as, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, paunch manure, bones, hair, hides or flesh, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw shavings, grass clippings, rags, spent greens, spent hops, wastepaper, wood, plastic, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(d) Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge of such a volume or strength as to cause interference to the system.

(e) Heat in amounts which will inhibit biological activity in the system resulting in interference, but in no case heat in such quantities that the temperature at the treatment plant influent exceeds one hundred forty degrees (140°) Fahrenheit.

(f) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 h.p. metric) or greater than shall be subject to the review and approval of the Superintendent.

(g) Any wastewater containing any radioactive waste or concentration as may exceed limits established by the Superintendent or applicable state or federal regulations.

(4) Any person determined an industrial user shall not be regulated by regulations set forth in § 18-206 but shall also be required to adhere to all provisions established in § 18-207.

(5) All septic tank pumpers and haulers will be regulated by the statutes in this chapter. In addition all septic tank pumpers shall be required by the City to register each vehicle which will discharge loads into the sanitary sewer system.

(a) Each vehicle shall clearly have other registration displayed on both the sides and rear of the vehicle.

(b) Each vehicle shall discharge its load at the properly designated spot at the POTW only after granted permission by POTW personnel. If discharge occurs prior to approval of the POTW personnel, the driver and the driver's firm shall be fined fifty dollars (\$50.00) each for each instance.

(c) The Superintendent may refuse any waste where it appears that the waste could interfere with the effective operation of the treatment works or any sewer line or appurtenance. The owner of the vehicle should provide a manifest to the POTW that states the source of the waste they wish to discharge and whether any industrial waste is included in the wastewater.

(d) Any vehicle seen discharging into any manhole in the sanitary sewer system and not at the POTW shall be fined one hundred dollars (\$100.00) and the permit shall be revoked on that vehicle. The permit may then be renewed only upon approval of the Superintendent and the City Engineer.

(e) Any citizen seeing and reporting any violation as described in subsection (c) will receive a fifty dollar (\$50.00) reward upon the apprehension of the violator.

(6) Grease, wax, oil and sand trap collectors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of harmful ingredients. Such collectors shall be of the type and capacity approved by the Superintendent, except that in no case shall it be less than one thousand (1,000) gallon capacity, and shall be located as to be readily and easily accessible for cleaning, pumping and inspection. The installation, operation and maintenance of all trap collectors shall be subject to and comply with the following:

(a) All grease traps must be Plumbing Design Institute (PDI) approved or equivalent. Precast concrete septic tanks or built in place block or concrete tanks must demonstrate to the Superintendent that adequate baffling has been installed in the tank.

(b) As a minimum, one (1) permanent baffle shall be installed and must extend to at least eighty percent (80%) of tank depth and provide for all to travel under the baffle(s). Baffles must be constructed of concrete or marine grade lumber.

(c) A manhole cover shall be provided at grade for each tank compartment or area separated by a baffle so as to provide adequate access for inspection and maintenance.

(d) The inlet and outlet pipe shall be a minimum four inch (4") diameter with a tee installed vertically inside the tank at the point of flow receiving and discharge. The discharge tee shall include piping to within twelve inches (12") of the tank floor. The invert elevation of the inlet pipe shall be six inches (6") above the invert elevation of the outlet pipe.

(e) It shall be the responsibility of each user of the sewer system required to maintain a trap collector to have it pumped whenever the level of substance to be collected reaches a level that could render the trap ineffective, as determined by the Superintendent. The use of steam or pressurized water for cleaning and maintenance is prohibited. Every establishment is required to maintain records that include as a minimum, the time and date of all cleanings, the amount and disposition of substance removed, and receipts for each tank pumping. These records must be made available for examination by the Superintendent or his representative. Failure to maintain records shall be considered a violation of this chapter.

(f) The Superintendent shall inspect, or have inspected, each trap collector at least twice annually, and the user shall pay a twenty-four dollar (\$24.00) annual inspection fee. Personnel from the wastewater department shall be permitted ready access to inspect trap collectors.

(g) Failure to comply with or adequately maintain a trap collector in accordance with any provision of this chapter, shall subject the user to enforcement action as defined in § 18-210, up to and including discontinuance of service or having the collector pumped by the City and the user being charged one and one-half (1 1/2) times the actual cost. Charges and fees will be added to the users monthly bill and collected in the same manner. (1996 Code, § 18-206)

18-207. Use of the sewers by industrial users.

(1) This section establishes limitations and prohibitions on the quantity and quality of wastewater which may be lawfully discharged to the POTW. The specific limitations set forth in subsequent sections are subject to change as necessary to enable the City to provide efficient wastewater treatment, to protect the public health and environment, and to enable the City to meet requirements contained in its National Pollution Discharge Elimination System (NPDES) permit.

(2) The wastewater of every industrial user shall be evaluated upon the following criteria:

(a) Wastewater containing any element or compound which cannot be adequately removed by the treatment works which is known to be an environmental hazard.

(b) Wastewater causing a discoloration or any other condition in the quantity of the City's POTW treatment plant effluent such that receiving water quality requirements established by laws cannot be met.

(c) Wastewater containing any element or compound known to act as a lacrimator, known to cause nausea, or known to cause odors constituting a public nuisance.

(d) Wastewater causing interference with the effluent or any other product of the treatment process, residues, sludge, or scums causing them to be unsuitable for reclamation process.

(e) Wastewater having constituents and concentrations in excess of those listed in subsection (3) below.

When the Superintendent determines that a user(s) is contributing to the POTW, any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the Superintendent shall:

(a) Advise the user(s) of the impact of the contribution on the POTW; and

(b) Develop effluent limitation(s) for such user to correct the interference with the POTW.

Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The Superintendent shall notify all affected users of the applicable reporting requirements under 40 C.F.R., section 403.12.

(3) The Superintendent shall monitor the treatment works influent for each parameter in the following table, as deemed necessary. Each industrial user shall be responsible for monitoring and reporting these requirements. In the event that the influent at the treatment works reaches or exceeds the levels established by said table, the Superintendent shall initiate technical studies to determine the cause of the influent violation, and shall recommend to the Board of Mayor and Aldermen such remedial measures as are necessary, including but not limited to recommending the establishment of new or revised pretreatment levels for these parameters. The Superintendent shall also recommend changes to any of these criteria in the event the POTW effluent standards are changed or in the event that there are changes in any applicable law or regulation affecting same or in the event changes are needed for more effective operation of the POTW.

PROTECTION CRITERIA

	Daily Average Maximum Concentration Mg/l
BOD	300.0
TSS	200.0
Cadmium	0.00014
Chromium (Hexavalent)	0.006
Chromium (Trivalent)	2.8
Copper	0.05
Cyanide	0.02
Iron	10.0
Lead	0.02
Manganese	10.0
Mercury	0.0015

	<u>Daily Average Maximum Concentration Mg/l</u>
Nickel	0.6
Zinc	0.2
Oils and grease	100.0
Detergents	30.0
Phenolics	0.2
Selenium	0.01
Total toxic organics	2.13

Modification of federal categorical pretreatment standards: Where the City's wastewater treatment system achieves consistent removal of pollutants limited by federal pretreatment standards, the City may apply to the approval authority for modification of specific limits in the federal pretreatment standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system ninety-five percent (95%) of the samples taken when measured according to the procedures set forth in section 403.7(c)(2) of title 40 of the Code of Federal Regulations, part 403 -- "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The City may then modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in 40 C.F.R. part 403, section 403.7 are fulfilled and prior approval from the approval authority is obtained.

(4) Industrial users shall be required to perform any industrial pretreatment whenever necessary to reduce or modify the user's wastewater constituency to achieve compliance with the limitations set forth in subsection (3) above to meet applicable national pretreatment standards, or to meet any other wastewater condition or limitation contained in the user's wastewater discharge permit.

(5) State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this chapter.

(6) The City reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in § 18-201 of this chapter.

(7) No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards, or in any other pollutant-specific limitation developed by the City or state.

(8) Each user shall provide protection from accidental discharge of prohibited materials or other substances, regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review, and shall be approved by the City before construction of the facility.

All existing users shall complete such a plan by January 1, 1983. No user who commences contribution to the POTW after the effective date of this chapter shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the City. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

Written notice: Within five (5) days following an accidental discharge, the user shall submit to the Superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or other applicable law.

Notice to employees: A notice shall be permanently posted on the user's bulletin board or other place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

(9) The City may adopt charges and fees which may include:

(a) Fees for reimbursement of costs of setting up and operating the City's pretreatment program;

(b) Fees for monitoring, inspections and surveillance procedures;

(c) Fees for reviewing accidental discharge procedures and construction;

(d) Fees for permit applications;

(e) Fees for filing appeals;

(f) Fees for consistent removal (by the City) of pollutants otherwise subject to federal pretreatment standards;

(g) Other fees as the City may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this chapter and are separate from all other fees chargeable by the City.

(10) All users proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. All existing significant users connected to or contributing to the POTW shall obtain a wastewater contribution permit within one hundred eighty (180) days after the effective date of this chapter.

(11) Users required to obtain a wastewater contribution permit shall complete and file with the City, an application in the form prescribed by the City, and accompanied by a prescribed fee. Existing users shall apply for a wastewater contribution permit within thirty (30) days after the effective date of this chapter, and proposed new users shall apply at least ninety (90) days prior to connecting or contributing to the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (a) Name, address, and location, (if different from the address);
- (b) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- (c) Wastewater constituents and characteristics including but not limited to those mentioned in subsection (3) above as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to section 304(g) of the Act and contained in 40 C.F.R., part 136, as amended;
- (d) Time and duration of contribution;
- (e) Average daily and three (3) minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;
- (f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;
- (g) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;
- (h) Where known, the nature and concentration of any pollutants in the discharge which are limited by any City, state, or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on consistent basis and if not, whether additional Operation and Maintenance (O & M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards;
- (i) If additional pretreatment and/or O & M will be required to meet the pretreatment standards; the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard;

The following conditions shall apply to this schedule:

(i) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, etc.);

(ii) No increment referred to in subsection (i) shall exceed nine (9) months;

(iii) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Superintendent including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Superintendent;

(j) Each product produced by type, amount, process or processes and rate of production;

(k) Type and amount of raw materials processed (average and maximum per day);

(l) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;

(m) Any other information as may be deemed by the City to be necessary to evaluate the permit application.

The City will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the City may issue a wastewater contribution permit subject to terms and conditions provided herein.

(12) Within nine (9) months of the promulgation of national categorical pretreatment standard, the wastewater contribution permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a national categorical pretreatment standard, has not previously submitted an application for a wastewater contribution permit as required by subsection (11) above, the user shall apply for a wastewater contribution permit within one hundred eighty (180) days after the promulgation of the applicable national categorical pretreatment standard. In addition, the user with an existing wastewater contribution permit shall submit to the Superintendent within one hundred eighty (180) days after the promulgation of an applicable federal categorical pretreatment standard the information required by subsections (h) and (i) of subsection (11) above.

(13) Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the City. Permits may contain the following:

- (a) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
- (b) Limits on average and maximum specific wastewater constituents and characteristics;
- (c) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- (d) Requirements for installation and maintenance of inspection and sampling facilities;
- (e) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- (f) Compliance schedules;
- (g) Requirements for submission of technical reports or discharge reports;
- (h) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the City, and affording City access thereto;
- (i) Requirements for notification of the City or any new introduction of wastewater treatment system;
- (j) Requirements for notification of slug discharges as per § 18-207(2);
- (k) Other conditions as deemed appropriate by the City to ensure compliance with this chapter.

(14) Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of one hundred eighty (180) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the City during the term of the permit as limitations or requirements as identified in subsection (3) are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(15) Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the City. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

(16) Within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in case of a new source, following commencement of the introduction of wastewater into the POTW, any user

subject to pretreatment standards and requirements shall submit to the Superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O & M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional.

(a) Any user subject to pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the Superintendent during the months of June and December, unless required more frequently in the pretreatment standard or by the Superintendent, a report indicating the nature and concentration, of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in subsection (11)(e). At the discretion of the Superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Superintendent may agree to alter the months during which the above reports are to be submitted.

(b) The Superintendent may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subsection (a) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Superintendent, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analysis shall be performed in accordance with procedures established by the administrator pursuant to section 304(g) of the Act and contained in 40 C.F.R., part 136 and amendments thereto or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Administrator.

(17) When required by the Superintendent, the owner of any property, serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of

the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

(18) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this policy shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pHs are determined from periodic grab samples.)

(19) In no case shall any exception, exemption or variance, or special agreement be granted that will violate the protection criteria. Before any exception, exemption, variance, or special agreement be granted, the industry must demonstrate good management practices. Good management practices include but are limited to preventative operating and procedures, schedule of activities, process changes, prohibiting of activities and other management practices to reduce the quality or quantity of effluent discharge and to control plant site run-off, spillage, leaks and drainage from raw material storage. (1996 Code, § 18-207)

18-208. Protection from damage. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (1996 Code, § 18-208)

18-209. Powers and authority of inspection.

(1) The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this policy. The Superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(2) While performing the necessary work on private properties referred to in § 18-209(1) above, the Superintendent or daily authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 18-207(8).

(3) The Superintendent and other duly authorized employees of the City holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (1996 Code, § 18-209)

18-210. Penalties.

(1) Any person found to be violating any provision of this chapter except § 18-208 shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(2) Any person who shall continue any violation beyond the time limit provided for in § 18-210(1), shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding one thousand dollars (\$1,000.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(3) Any person violating any of the provisions of this chapter shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation.

(4) The City shall be empowered with the right to disconnect any person in violation of any provision of this chapter if corrective action is not taken upon the initiation of the one thousand dollars (\$1,000.00) per day fine from sanitary sewer services in accordance with the national pretreatment regulations.

(5) The City shall annually publish in the local newspaper a list of the users which were not in compliance with any pretreatment requirements or standards at least once during the twelve (12) previous months. The modification shall also summarize any enforcement actions taken against the user(s) during the same twelve (12) months.

All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or approval authority upon request. (1996 Code, § 18-210)

18-211. Emergency response plan. The Board of Waterworks and Sewage Commissioners shall develop and implement an Emergency Response Plan pursuant to 40 C.F.R. 403.8(f)(5). This plan shall contain detail procedures indicating how the POTW will investigate and respond to instances of industrial user noncompliance. The plan shall, at a minimum:

- (1) Describe how the POTW will investigate instances of noncompliance;
- (2) Describe the type of escalating enforcement responses the POTW will take in response to all anticipated types of industrial user violations and the time periods within which responses will take place;
- (3) Identify the official(s) responsible for each type of response;
- (4) Adequately reflect the POTW's primary responsibility to enforce all applicable pretreatment requirements and standards, as detailed in sections 403.8(f)(1) and (2). (1996 Code, § 18-211)

CHAPTER 3**CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.**¹**SECTION**

- 18-301. Definitions.
- 18-302. Acronyms.
- 18-303. General requirements.
- 18-304. Materials -- RPZ.
- 18-305. Installation -- RPZ.
- 18-306. Inspection -- RPZ.
- 18-307. Testing -- RPZ.
- 18-308. Cost -- RPZ.
- 18-309. General.
- 18-310. Reference documents.
- 18-311. Unpotable water to be labeled.
- 18-312. Applicability.
- 18-313. Violations.
- 18-314. Severability.
- 18-315. Repeal of inconsistent ordinances.

18-301. Definitions.

(1) "Cross connection." Any physical connections whereby the public water supply is connected with any other water supply system, whether public or private, either inside or outside of any public building or buildings, in such a manner that a flow of water into the public water supply is possible either through the manipulation of valves, ineffective check or back pressure valves, or because of any other arrangement.

(2) "Interconnection." Any system of piping or other arrangement whereby the public water supply is connected directly with a sewer, drain, conduit, pool, storage reservoir or other device which does or may contain sewage or other waste, or liquid which would be capable of importing contamination to the public water system.

(3) "Owner." City of Sevierville Water and Sewer Department. (1996 Code, § 18-301, as replaced by Ord. #O-2013-027, Nov. 2013)

18-302. Acronyms.

- (1) BFD - backflow device
- (2) DWR - Division of Water Resources
- (3) EPA - Environmental Protection Agency
- (4) gpm - gallons per minute

¹Municipal code reference

Plumbing and related codes: title 12.

- (5) SWS - City of Sevierville Water and Sewer Department
- (6) psi - pounds per square inch
- (7) RPZ - Reduced Pressure Zone
- (8) TDEC - Tennessee Department of Environment and Conservation (1996 Code, § 18-302, as replaced by Ord. #O-2013-027, Nov. 2013)

18-303. General requirements.

(1) In accordance with the Tennessee Code Annotated, and City of Sevierville Water and Sewer Department Rules and Regulations, no person shall cause a cross-connection or interconnection to be made, or allow one to exist for any purpose whatsoever unless the construction and operation of the same have been approved by the owner (City of Sevierville Water and Sewer Department).

(2) Protective devices are required to:

(a) Protect the owner's water system from contamination.

(b) Eliminate or control existing or potential cross-connections between potable and non-potable water systems.

(c) Protect the occupants or users of the water supply within the customers' premises in certain situations from in-house contamination.

(3) Protective devices will be required when the nature of use of the water supplied to a premise by the owner is such that it is deemed:

(a) Impractical to provide an effective air gap separation.

(b) That the property owner and/or occupant cannot or will not demonstrate to the owner that the water use and protective features of the plumbing are such that they pose no threat to the safety or potability of the water supply.

(c) That the nature and mode of operations within a facility are such that frequent plumbing changes are made.

(d) There is likelihood that protective measures may be subverted, altered, or disconnected (portable or temporary meters).

(e) A type of facility requiring protection as listed by the Tennessee Department of Environment and Conservation (TDEC) and/or the Environmental Protection Agency (EPA).

(f) To come into contact with chemicals or remain stagnant within the water line. Use of secondary meters to supply fire suppression systems, irrigation systems, pools, fountains, and hot tubs.

(4) Dual devices installed in parallel are required where continuous, uninterrupted service is required and there is no auxiliary service line. Refusal to install two (2) parallel devices shall constitute agreement by the property owner or occupant that the water service may be interrupted as necessary to test the device.

(5) The property owner or occupant must call the owner at (865) 453-5522 to schedule an inspection after the BFD is installed, and before

it is connected to the owner's lines and put into service. (1996 Code, § 18-303, as replaced by Ord. #O-2013-027, Nov. 2013)

18-304. Materials -- RPZ.

(1) A Reduced Pressure Zone (RPZ) BFD is required for protection of the water distribution system only RPZ's listed in the "Approved Backflow Prevention Assemblies" listing available through TDEC Division of Water Resources (DWR) shall be installed on the owner's water system.

(2) BFD should be of sufficient size to deliver the same gallons per minute (gpm) capacity as the water meter supplying the premises when it is installed in the main line.

(3) The RPZ device must contain two (2) spring loaded, resilient seat check valves that ensures the pressure in the zone is always at least two (2) psi lower than the inlet pressure.

(4) Devices three fourths inch through two inch (3/4" -- 2") shall have bronze bodies and three inch through ten inch (3" -- 10") shall have fusion epoxy coated bodies rated at a minimum one hundred seventy-five pounds (175 lbs) working pressure and water temperature thirty-two (32) to one hundred forty (140) degrees Fahrenheit. Contact SWS for questions regarding operating pressure before installation. Some locations may require a minimum of two hundred fifty pounds (250 lbs) working pressure.

(5) The RPZ device must be installed with either a bronze or inside and out coated fusion epoxy strainer, complete with a blow down.

(6) The device must be installed between two (2) tight-closing resilient seated, inside and outside coated fusion epoxy gate valves, or full port ball valves.

(7) Test cocks must be of bronze, stainless steel, or polymer construction. They must also be resilient seated, have full port characteristic, and be located as follows:

(a) On the upstream side of the #1 shut off valve.

(b) Between the #1 shut off valve and the #1 check valve.

(c) Between the check valves.

(d) Between the #2 check valve and the #2 shut off valve. (1996 Code, § 18-304, as replaced by Ord. #O-2013-027, Nov. 2013)

18-305. Installation - RPZ.

(1) RPZs shall be installed in a location such that:

(a) The master valve (if installed) is located after the backflow.

(b) The device is located before the first use of water.

(c) The device is not installed in a way that allows it to be bypassed.

(d) The device can be easily accessed for testing on an annual basis and repaired as needed.

(e) The device is installed with at least twelve inches (12") between the ground, floor, or mulch and the bottom of the BFD.

(f) The device is installed at least six inches (6") away from walls for BFDs size two inches (2") and under and at least twelve inches (12") away from walls for BFDs over two inches (2").

(g) The device is not installed below ground or inside a pit.

(h) The device is not exposed to grit, sticky, corrosive, or abrasive substances.

(i) The device is protected from mechanical abuse, freezing, and flooding.

(j) The device is adequately supported to prevent the unit from sagging. Special supports are needed for units in the four to ten inches (4" to 10") size range.

(2) The water line shall be thoroughly flushed to expel all debris prior to installation of the BFD. Debris lodging under check valves is one of the most common reasons of device failure.

RPZ, Size 3/4" to 2" BFD

This device must be installed:

- With a strainer (only on commercial properties),
- Above ground level,
- With suitable air gap between relief valve discharge port and ground level or flood level (12" minimum, 5' maximum),
- With a minimum of 6" clearance from all walls, and
- With adequate support to prevent the unit from sagging.

RPZ, Indoor Installation, Size 3" - 10" BFD

This device must be installed:

- With a strainer (only on commercial properties),
- Above ground level,
- With suitable air gap between relief valve discharge port and ground level or flood level (12" minimum, 5' maximum),
- With a minimum of 12" clearance from all walls, and
- With adequate support to prevent the unit from sagging.

RPZ, Outdoor Installation, Size 3" - 10" BFD

This device must be installed:

- With a strainer (only on commercial properties),
- Above ground level,
- With suitable air gap between relief valve discharge port and ground level or flood level (12" minimum, 5' maximum),
- With a minimum of 12" clearance from all walls, and
- With adequate support to prevent the unit from sagging.

(3) Cross-connection protection requirement. The owner (using guidance from TDEC DWR) determines the types of facilities requiring cross-connection protection.

(4) Existing facilities. After a complete premise inspection by owner, a formal written notice advising a RPZ BFD requirements will be issued to the property owner or occupant of an establishment or premise. (1996 Code, § 18-305, as replaced by Ord. #O-2013-027, Nov. 2013)

18-306. Inspection - RPZ. The owner shall examine:

(1) Properties subject to frequent changes in on-site plumbing, where new cross-connections may be installed and existing protection may be bypassed, removed or otherwise made ineffective shall be subject to an annual inspection.

(2) New construction - all new commercial construction plans and specifications shall be made available to the owner for review.

(3) Existing facilities. Existing facilities (includes commercial and residential customers that have a potential cross-connection) cross-connection protection shall be subject to inspection to determine the degree of hazard. Should installation of BFD or plumbing changes be required, the owner will notify the occupant of the requirements and a follow-up inspection will be made to assure proper protective devices have been installed. (1996 Code, § 18-306, as replaced by Ord. #O-2013-027, Nov. 2013)

18-307. Testing - RPZ.

(1) Unless otherwise specified, it shall be the duty of the property owner/occupant to ensure annual (or more frequent, if necessary) testing of backflow devices.

(2) BFDs shall be successfully tested:

(a) Immediately upon completion of installation.

(b) At least every twelve (12) months, recommended more often for high-hazard installations.

(c) Property owner shall provide to owner proof the BFD has been tested at least every twelve (12) months. If the property owner does not provide proof, then owner will test BFD and make any repairs at property owner's expense. If BFD fails testing or needs repaired, property owner has thirty (30) days to make repairs and/or replace BFD and have BFD retested successfully, unless prior written approval of a later deadline is issued by owner. Failure to provide proof to owner will result in the disconnection of the water line with the BFD. Re-connection will not be permitted and accomplished until proof the BFD has been tested has been provided to the owner, and all fees for re-connection have been paid.

(d) When unit has been disassembled for cleaning and/or repairs.

(e) When there is any indication the BFD is not functioning properly.

(3) The owner shall keep an updated file on all BFDs that have been added to the system and records of annual tests of those devices. A licensed TDEC plumber shall issue an updated copy of license and most recent BFD test to SWS. (1996 Code, § 18-307, as replaced by Ord. #O-2013-027, Nov. 2013)

18-308. Cost - RPZ. All costs associated with the subject program are to be borne by the customer or appropriate party. This includes the initial purchase of the BFD and its proper installation, testing, and maintenance. (1996 Code, § 18-308, as replaced by Ord. #O-2013-027, Nov. 2013)

18-309. General. The procedures outlined herein are based on the principle of containment of the potential or actual hazard within the customer's premises. Should a customer refuse the right of entry of the owner or their designated representative, the owner must assume maximum hazard and therefore require the highest degree of protection on such a customer's service line. (1996 Code, § 18-309, as replaced by Ord. #O-2013-027, Nov. 2013)

18-310. Reference documents.

- (1) EPA Cross Connection Control Manual.
- (2) TDEC DWR Cross Connection Control Manual
- (3) ANSI/AWW A Standard C-510-89 and C-511-89
- (4) ASSE Standard 1013
- (5) Foundation for Cross Connection Control and Hydraulic Research, 7 th Edition. University of Southern California Standards. 1985. (1996 Code, § 18-310, as replaced by Ord. #O-2013-027, Nov. 2013)

18-311. Unpotable water to be labeled. The potable water system made available to premises served by the public water system shall be protected from possible contamination as specified herein. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE FOR DRINKING

The minimum acceptable sign shall have black letters at least one inch (1") high located on a red background. (as added by Ord. #O-2013-027, Nov. 2013)

18-312. Applicability. The requirements contained herein shall apply to all premises served by the City of Sevierville Public Water System whether located inside or outside the corporate limits and are hereby made a part of the conditions required to be met for the city to provide water services to any premises. Such action, being essential for the protection of the water distribution system against the entrance of contamination which may render the water unsafe health wise, or otherwise undesirable, shall be enforced rigidly

without regard to locations of the premises, whether inside or outside the city of Sevierville corporate limits. (as added by Ord. #O-2013-027, Nov. 2013)

18-313. Violations. Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefore, shall be fined not less than fifty dollars (\$50.00) nor more than five thousand dollars (\$5,000.00), and each day of continued violation after conviction shall constitute a separate offense. (as added by Ord. #O-2013-027, Nov. 2013)

18-314. Severability. Should any part(s) of the chapter be declared invalid for any reason, no other part(s), of this chapter shall be affected thereby. (as added by Ord. #O-2013-027, Nov. 2013)

18-315. Repeal of inconsistent ordinances. All ordinances and part(s) of ordinances in conflict with this chapter are hereby repealed. (as added by Ord. #O-2013-027, Nov. 2013)

CHAPTER 4**STORMWATER ORDINANCE****SECTION**

- 18-401. General provisions.
- 18-402. Definitions.
- 18-403. Land disturbance permits.
- 18-404. Design of stormwater systems: construction and permanent.
- 18-405. Management of permanent stormwater systems: operation, maintenance, and inspection.
- 18-406. Existing locations and ongoing developments.
- 18-407. Illicit discharges.
- 18-408. Enforcement.
- 18-409. Penalties.
- 18-410. Appeals.

18-401. General provisions.

(1) Purpose. It is the purpose of this Ordinance to:

(a) Protect, maintain, and enhance the environment of the City of Sevierville and the public health, safety and the general welfare of the citizens of the City, by controlling discharges of pollutants to the City's stormwater system and to maintain and improve the quality of the receiving waters into which the stormwater outfalls flow, including, without limitation, lakes, rivers, streams, ponds, wetlands, and groundwater of the City.

(b) Enable the City of Sevierville to comply with the National Pollution Discharge Elimination System (NPDES) permit and applicable regulations, 40 C.F.R. 122.26 for stormwater discharges.

(c) Allow the City of Sevierville to exercise the powers granted in Tennessee Code Annotated, § 68-221-1105, which provides that, among other powers municipalities have with respect to stormwater facilities, is the power by Ordinance or Resolution to:

(i) Exercise general regulation over the planning, location, construction, and operation and maintenance of stormwater facilities in the municipality, whether or not owned and operated by the municipality;

(ii) Adopt any rules and regulations deemed necessary to accomplish the purposes of this statute, including the adoption of a system of fees for services and permits;

(iii) Establish standards to regulate the quantity of stormwater discharged and to regulate stormwater contaminants as may be necessary to protect water quality;

(iv) Review and approve plans and plats for stormwater management in proposed subdivisions or commercial developments;

(v) Issue permits for stormwater discharges, or for the construction, alteration, extension, or repair of stormwater facilities;

(vi) Suspend or revoke permits when it is determined that the permittee has violated any applicable Ordinance, Resolution, or condition of the permit;

(vii) Regulate and prohibit discharges into stormwater facilities of sanitary, industrial, or commercial sewage or waters that have otherwise been contaminated; and

(viii) Expend funds to remediate or mitigate the detrimental effects of contaminated land or other sources of stormwater contamination, whether public or private.

(2) Administering entity. The City Engineer shall administer the provisions of this chapter.

(3) Right of entry. The City Engineer shall make inspections and investigations, carry on research or take on such other actions as may be necessary to carry out this administration of regulations; enter at all reasonable times upon any property other than dwelling places for the purpose of conducting investigations and studies or enforcing any of the provisions of this Ordinance, pursuant to Tennessee Code Annotated, § 69-3-107(5) and (6). (Ord. #2012-010, Oct. 2012)

18-402. Definitions. For the purpose of this Ordinance, the following definitions shall apply: words used in the singular shall include the plural, and the plural shall include the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. Words not defined in this section shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster's Dictionary.

(1) "Agricultural operations." Activities related to the production of goods through the growing of plants and/or animals.

(2) "As built plans." Drawings depicting conditions as they were actually constructed.

(3) "Base flood." The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

(4) "Best Management Practices" or "BMPs." Physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of water, have been approved by the City Engineer, and have been incorporated by reference into this Ordinance as if fully set out therein. (Note: § 18-404(1) for recommended BMP manual.)

(5) "Blue line stream." Any stream, creek, lake, pond, or other body of water shown as a blue line on a 7.5 minute USGS quadrangle map.

(6) "Board of Mayor and Alderman (BMA)." The governing body of the City of Sevierville, Tennessee.

(7) "Borrow PIT." An excavation from which erodible material (typically soil) is removed to be fill for another site, and shall be considered a construction activity for the purpose of this permit.

(8) "Buffer zone." As used in this Ordinance, an area parallel to the top of the bank of a stream, river, creek, pond, lake, or other body of water and which runs along the length or circumference of a body of water for the purpose of protecting a body of water from non point source pollutants, including eroded soils.

(9) "Channel." A natural or artificial watercourse with a definite bed and banks that conducts flowing water continuously or periodically.

(10) "Clearing." Typically refers to the removal of vegetation and disturbance of soil prior to grading or excavating in anticipation of construction activities.

(11) "Common plan of development." Any announcement or documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot. A common plan of development identifies a situation in which multiple areas of disturbance are occurring on contiguous areas. This applies because the activities may take place at different times, on different schedules, by different operators.

(12) "City Engineer." The City Engineer is the person hired by the City of Sevierville to oversee the general engineering activities of the City and shall include his designated representative(s).

(13) "Community water." Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wetlands, wells and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the City of Sevierville.

(14) "Contaminant." Any physical, chemical, biological, or radiological substance or matter in water.

(15) "Design storm event." A hypothetical storm event, of a given frequency interval and duration, used in the analysis and design of stormwater facility. The estimated design rainfall amounts, for any return period interval (i.e., 2-year, 5-year, 25-year, etc.) in terms of either twenty-four (24) hour depths or intensities for any duration, can be found by accessing the following NOAA National Weather Service Atlas 14 data for Tennessee: http://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=tn.

(16) "Diameter-at-Breast-Height (DBH)." The diameter, in inches, of a tree trunk as measured four and one-half feet (4 1/2') above the ground. If the

tree splits into multiple trunks at or below four and one-half feet (4 1/2'), the trunk is measured at its most narrow point beneath the split. Diameter-at-breast-height is used as a measurement standard for relatively large trees.

(17) "Discharge." Dispose, deposit, spill, pour, inject, seep, dump, leak or place by any means, or that which is disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means including any direct or indirect entry of any solid or liquid matter into the municipal separate storm sewer system.

(18) "Easement." An acquired privilege or right of use or enjoyment that a person, party, firm, corporation, municipality or other legal entity has in the land of another.

(19) "Erosion." The removal of soil particles by the action of water, wind, ice or other geological agents, whether naturally occurring or acting in conjunction with or promoted by anthropogenic activities or effects.

(20) "Erosion Prevention and Sediment Control Plan (EPSCP)." A written plan (including drawings or other graphic representations) that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.

(21) "Exceptional and mature tree." A tree consistent with one (1) of the following characteristics:

(a) Any hardwood tree which has a DBH of ten inches (10") or greater, or any evergreen tree which has a DBH of fifteen inches (15") or greater, and/or any dogwood (*Comus Florida*) or redbud (*Cercis Canadensis*) which has a DBH of more than four inches (4");

(b) Any specimen tree; and

(c) Any public tree.

(22) "Hot spot (priority area)." An area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater. The following land uses and activities are deemed stormwater hotspots, but that term is not limited to only these land uses:

(a) Vehicle salvage yards and recycling facilities;

(b) Vehicle service and maintenance facilities;

(c) Vehicle and equipment cleaning facilities;

(d) Fleet storage areas (bus, truck, etc.);

(e) Industrial sites (included on Standard Industrial Classification code list);

(f) Marinas (service and maintenance);

(g) Public works storage areas;

(h) Facilities that generate or store hazardous waste materials;

(i) Commercial container nursery;

(j) Restaurants and food service facilities;

(k) Other land uses and activities as designated by an appropriate review authority.

(23) "Illicit connections." Any illegal and/or unauthorized connections to the municipal separate stormwater system whether or not such connections result in discharges into that system.

(24) "Illicit discharge." Any discharge to the municipal separate storm sewer system that is not composed entirely of stormwater and not specifically exempted under § 18-403(3).

(25) "Improved sinkhole." A natural surface depression that has been altered in order to direct fluids into the hole opening. Improved sinkhole is a type of injection well regulated under TDEC's Underground Injection Control (UIC) program. Underground injection constitutes an intentional disposal of wastewaters in natural depressions, open fractures, and crevices (such as those commonly associated with weathering of limestone).

(26) "Inspector." An inspector is a person that has successfully completed (has a valid certification from) the "Fundamentals of Erosion Prevention and Sediment Control Level I" course or equivalent course. An inspector performs and documents the required inspections, paying particular attention to time-sensitive permit requirements such as stabilization and maintenance activities.

(27) "Land disturbing activity." Any activity on property that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to, development, redevelopment, demolition, construction, reconstruction, clearing, grading, filling, and excavation.

(28) "Linear project." A land disturbing activity as conducted by an underground/overhead utility or highway department, including but not limited to any cable line or wire for the transmission of electrical energy; any conveyance pipeline for transportation of gaseous or liquid substance; any cable line or wire for communications; or any other energy resource transmission ROW or utility infrastructure, e.g., roads and highways. Activities include the construction and installation of these utilities within a corridor. Linear project activities also include the construction of access roads, staging areas, and borrow/spoil sites associated with the linear project. Land disturbance specific to the development of a residential and/or commercial subdivision or high-rise structures is not considered a linear project.

(29) "Maintenance." Any activity that is necessary to keep a stormwater facility in good working order so as to function as designed. Maintenance shall include complete reconstruction of a stormwater facility if reconstruction is needed in order to restore the facility to its original operational design parameters. Maintenance shall also include the correction of any problem on the site property that may directly impair the functions of the stormwater facility.

(30) "Maintenance agreement." A document recorded in the land records that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

(31) "Municipal Separate Storm Sewer System (MS4)." The conveyances owned or operated by the City for the collection and transportation of stormwater, including the roads and streets and their drainage systems, catch basins, curbs, gutters, ditches, man-made channels, and storm drains.

(32) "National Pollutant Discharge Elimination System (NPDES) permit." A permit issued pursuant to 33 U.S.C. 1342.

(33) "NOC." Notice of Coverage.

(34) "NOI." Notice of Intent form.

(35) "NOT." Notice of Termination form.

(36) "Nursery." A place where young trees or other plants are raised for transplanting, for sale, or for experimental study.

(37) "Off-site facility." A structural BMP located outside the subject property boundary described in the permit application for land development activity.

(38) "On-site facility." A structural BMP located within the subject property boundary described in the permit application for land development activity.

(39) "Peak flow." The maximum instantaneous rate of flow of water at a particular point resulting from a storm event.

(40) "Person." Any and all persons, natural or artificial, including any individual, firm or association and any municipal or private corporation organized or existing under the laws of this or any other state or country.

(41) "Planning commission." The Sevierville Planning Commission.

(42) "Priority area." A hotspot as defined in § 18-402(22).

(43) "Quality assurance site assessment." A documented site inspection to verify the functionality and performance of the SWPPP and for determining if construction, operation, and maintenance accurately comply with permit requirements as presented.

(44) "Runoff." That portion of the precipitation on a drainage area that is discharged from the area into the municipal separate stormwater system.

(45) "Sediment." Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface either above or below sea level.

(46) "Sedimentation." Soil particles suspended in stormwater that can settle in stream beds and disrupt the natural flow of the stream.

(47) "Soils report." A study of soils on a subject property with the primary purpose of characterizing and describing the soils. The soils report shall be prepared by a qualified soils engineer, who shall be directly involved in the soil characterization either by performing the investigation or by directly supervising employees.

(48) "Specimen tree." A particularly impressive or unusual example of species due to its size, shade, shape, age, or any other trait that, in the opinion of the professional responsible for preparing the tree preservation/removal plan, epitomizes the character of the species.

(49) "Stabilization." Providing adequate measures, vegetative and/or structural, that will prevent erosion from occurring.

(50) "Steep slope." A natural or created slope of thirty percent (30%) grade or greater. Designers of sites with steep slopes must pay attention to stormwater management in the SWPPP to engineer runoff nonerosively around or over a steep slope. In addition, site managers should focus on erosion prevention on the slope(s) and stabilize the slope(s) as soon as practicable to prevent slope failure and/or sediment discharges from the project.

(51) "Stormwater." Stormwater runoff, snow melt runoff, surface runoff, street wash waters related to street cleaning or maintenance, infiltration and drainage.

(52) "Stormwater management." The programs to maintain quality and quantity of stormwater runoff to pre-development levels.

(53) "Stormwater management facilities." The drainage structures, conduits, ditches, combined sewers, sewers, and all device appurtenances by means of which stormwater is collected, transported, pumped, treated or disposed.

(54) "Stormwater management plan." The set of drawings and other documents that comprise all the information and specifications for the programs, drainage systems, structures, BMPs, concepts and techniques intended to maintain or restore quality and quantity of stormwater runoff to pre-development levels.

(55) "Stormwater Pollution Prevention Plan (SWPPP)." A written plan that includes site map(s), an identification of construction/contractor activities that could cause pollutants in the stormwater, and a description of measures or practices to control these pollutants. It must be prepared and approved before construction begins.

(56) "Stormwater runoff." Flow on the surface of the ground, resulting from precipitation.

(57) "Structural BMPs." Devices that are constructed to provide control of stormwater runoff.

(58) "Surface water." Waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other watercourses, lakes and reservoirs.

(59) "Tennessee Code Annotated (TCA)." A compilation of the laws of the State of Tennessee.

(60) "Tennessee Department of Environment and Conservation (TDEC)." A department of the government of the State of Tennessee.

(61) "TDEC manuals." Sediment and Erosion Control and Post Construction Manuals approved by TDEC for stormwater system design and installation.

(62) "Turbidity." The cloudiness or haziness of a fluid caused by individual particles (suspended solids) that are generally invisible to the naked eye, similar to smoke in air.

(63) "Waste site." An area where waste material from a construction site is deposited when the material is eroding, such as soil. The site must be treated as a construction site.

(64) "Watercourse." A permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

(65) "Watershed." All the land area that contributes runoff to a particular point along a waterway.

(66) "Waters/waters of the State." Any and all waters, public or private, on or beneath the surface of the ground, which are confined within, flow through, or board upon Tennessee or any portion thereof, except those bodies of water confined to and retained within the limits of private property in single ownership which do not combine or effect a junction with natural surface or underground waters.

(67) "Wetlands." Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted to life in saturated soil conditions. Wetlands include, but are not limited to, swamps, marshes, bogs, and similar areas.

(68) "Wet weather conveyances." Man-made or natural watercourses, including natural watercourses that have been modified by channelization, that flow only in direct response to precipitation runoff in their immediate locality and whose channels are above the groundwater table and are not suitable for drinking water supplies; and in which hydrological and biological analyses indicate that, under normal weather conditions is not sufficient water to support fish or multiple populations of obligate lotic aquatic organisms whose life cycle includes an aquatic phase of at least two (2) months. (Rules & Regulations of the State of Tennessee, Chapter 120-4-3-.04(3). (Ord. #2012-010, Oct. 2012)

18-403. Land disturbance permits.

(1) Land disturbing activities requiring a permit. Every person will be required to obtain a land disturbance permit from the City Engineer in the following cases:

- (a) Land disturbing activity disturbs one (1) or more acres of land;
- (b) Land disturbing activity of less than one (1) acre of land if such activity is part of a larger common plan of development that affects one (1) or more acre of land; and land disturbing activity of less than one (1) acre of land, as provided for below, or if in the discretion of the City

Engineer such activity poses a unique threat to water, or public health or safety. Projects or developments of less than one (1) acre of total land disturbance may also be required to obtain coverage if:

(i) The City Engineer has determined that the stormwater discharge from a site is causing, contributing to or is likely to contribute to a violation of a stormwater quality violation.

(ii) The City Engineer has determined that a stormwater discharge is or is likely to be a significant contributor of pollutants to waters of the State.

(iii) Changes in State or Federal rules require sites of less than one (1) acre that are not part of a larger common plan of development or sale to obtain a stormwater permit.

(iv) Any new development or redevelopment, regardless of size, that is defined by the City Engineer to be a hot spot land use.

(c) The creation and operation of borrow pits where material is excavated and relocated off-site, and fill sites where materials or earth is deposited by mechanized methods resulting in an increase elevation or grade;

(d) If the City Engineer determines that a construction activity is ongoing without a land disturbance permit, TDEC must be notified and the following information shall be provided to the nearest field office.

(i) Construction project or industrial facility location;

(ii) Name of the operator or owner;

(iii) Estimated construction project or site or type of industrial activity (including SIC code if known);

(iv) Records of communication with the owner or operator.

(2) Building permit. A building permit shall not be issued until the applicant has obtained a land disturbance permit where the same is required by this chapter.

(3) Exemptions. The following activities are exempt from the permit requirement:

(a) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.

(b) Existing nursery and agricultural operations conducted as a permitted main or accessory use.

(c) Any logging or agricultural activity that is consistent with an approved farm conservation plan or a timber management plan prepared or approved by the appropriate Federal or State agency.

(d) The owner or developer whose land disturbing activity has been exempted from requirements shall be held responsible for conducting such activity in accordance with the provisions of this Ordinance and other applicable laws, including responsibility for controlling erosion and sediment where individual lots or sections in a

subdivision are being developed by different property owners. All earth disturbing activities related to the subdivision shall be covered by the approved Stormwater Pollution Prevention Plan (SWPPP); such developments are subject to the terms of the requirements therein, including but not limited to: gravel construction entrance/exits, necessary erosion controls, concrete washing restrictions, etc.

(4) Limitations. The City Engineer shall not grant land disturbance coverage for discharges into waters that are designated as "Outstanding National Resource Waters" (ONRW). An individual permit is required for land disturbance activities and is available from TDEC.

(5) Application for a land disturbance permit. Each application shall include the following:

- (a) Name of applicant;
- (b) Business or residence address of applicant;
- (c) Applicant's designated contact person, including the representative's contact information including, but not limited to, phone number and email address;
- (d) Name, address and telephone number of the owner of the property of record in the Office of the Assessor of Property;
- (e) Address and legal description of subject property including the tax map and parcel number of the subject property;
- (f) Name, address and telephone number of the contractor and any subcontractor(s) who shall perform the land disturbing activity and who shall implement the erosion and sediment control plan;
- (g) A statement indicating the nature, extent and purpose of the land disturbing activity, including the size of the area for which the permit shall be applicable and a schedule for the starting and completion dates of the land disturbing activity;
- (h) Where the property includes a sinkhole, the applicant shall obtain from TDEC appropriate permits;
- (i) The applicant shall obtain any other environmental permits that may be required from any other government entity. If Aquatic Resource Alteration Permits (ARAP) are required for a site in areas proposed for active construction, the land disturbance permit will not be issued until ARAP applications are submitted and deemed by TDEC to be complete. The treatment and disposal of wastewater (including, but not limited to sanitary wastewater) generated during and after the construction must also be processed. The issuance of the permit may be delayed until adequate wastewater treatment and accompanying permits are issued. The inclusion of any such permits in the application shall not prevent the City from imposing additional development requirements and conditions, commensurate with this chapter or other Ordinances and Regulations of the City, on the development of property covered by those permits.

Each application shall be accompanied by:

(i) A sediment and erosion control plan as described in § 18-404.

(ii) A stormwater management plan as described in § 18-404, providing for stormwater management during the land disturbing activity and after the activity has been completed.

(iii) Each application for a land disturbance permit shall be accompanied by payment of land disturbance permit and other stormwater management fees, which shall be set by Resolution, adopted by the Board of Mayor and Aldermen (BMA).

(6) Review and approval of application.

(a) The City Engineer will review each application for a land disturbance permit to determine its conformance with the provisions of this Ordinance and other applicable Ordinances and Regulations. Within thirty (30) days after receiving an application the City shall provide one (1) of the following responses in writing to the applicant:

(i) Approval of the permit application;

(ii) Conditional approval of the permit application, subject to such reasonable conditions as may be necessary to secure substantially the objectives of this Ordinance, and issue the permit subject to these conditions; or

(iii) Denial of the permit application, indicating the reason(s) for the denial.

(b) If the City Engineer has granted conditional approval of the permit, the applicant shall submit a revised plan that conforms to the conditions established by the City Engineer. However, the applicant shall be allowed to proceed with his land disturbing activity so long as it conforms to conditions established by the City Engineer.

(c) No site plan, planned unit development plan, and/or subdivision plat shall be considered as having received final approval until such time as all conditions have been met and a land disturbance permit is issued to the applicant.

(7) Permit duration. Every land disturbance permit shall expire and become null and void if twenty-five percent (25%) of work authorized by such permit has not commenced within one hundred eighty (180) calendar days of issuance, and the permit life shall be three hundred sixty-five (365) days unless granted an extension. Extensions shall be applied for thirty (30) calendar days prior to the end of the three hundred sixty-five (365) day permit period.

(8) Notice of land disturbance. The applicant must notify the City Engineer ten (10) working days in advance of the commencement of land disturbance.

(9) Performance bonds. The City Engineer may, at his/her discretion, require the submittal of a performance security or performance bond prior to issuance of a permit in order to ensure that the stormwater practices are

installed by the permit holder as required by the approved stormwater management plan. The amount of the installation performance security or performance bond shall be the total estimated construction cost of the structural BMPs approved under the permit plus any reasonably foreseeable additional related costs, e.g., for damages or enforcement. The performance security shall contain forfeiture provisions for failure to complete work specified in the stormwater management plan. The applicant shall provide an itemized construction cost estimate complete with unit prices, which shall be subject to acceptance, amendment or rejection by the City Engineer. Alternatively, the City Engineer shall have the right to calculate the cost estimates for the construction.

The performance security or performance bond shall be released in full only upon submission of as built plans and written certification by a Registered Professional Engineer licensed to practice in Tennessee that the structural BMP has been installed in accordance with the approved plan and other applicable provisions of this chapter. The City Engineer will make a final inspection of the structural BMP to ensure that it is in compliance with the approved plan and the provisions of this Ordinance. Provisions for a partial pro-rata release of the performance security or performance bond based on the completion of various development stages can be made at the discretion of the City Engineer. It shall be the responsibility of the applicant to secure and renew the performance security or performance bond as necessary. Failure to obtain a timely renewal of bond shall result in revocation of the permit and/or the issuance of a stop work order.

(10) Transfer of ownership.

(a) Some construction projects, such as residential or commercial subdivisions and/or developments of industrial parks, are subdivided. Subdivided lots are sometimes sold to new owners prior to completion of construction. The site wide developer/owner must describe erosion control and sediment prevention measures implemented at those lots. Once the property is sold, the new operator must obtain coverage under this permit.

(b) If the transfer of ownership is due to foreclosure or a permittee filing for bankruptcy proceedings, the new owner (including but not limited to a lending institution) must obtain permit coverage if the property is inactive, but is not stabilized sufficiently. If the property is sufficiently stabilized permit coverage may not be necessary, unless and until construction activity at the site resumes. (Ord. #2012-010, Oct. 2012)

18-404. Design of stormwater systems: construction and permanent.

(1) MS4 stormwater design or BMP manuals.

(a) Adoption. The City adopts as its MS4 stormwater design and Best Management Practices (BMP) manuals for stormwater management, construction and permanent, the following publications, which are incorporated by reference in this Ordinance as if fully set out herein:

(i) TDEC Erosion Prevention and Sediment Control Handbook; most current edition.

(ii) TDEC Manual for Post Construction; most current edition.

(b) Stormwater facilities that are designed, constructed and maintained in accordance with these BMP criteria will be presumed to meet the minimum water quality performance standards.

(2) Submittal of a copy of the NOC, SWPPP and NOT to the City Engineer. Permittees who discharge stormwater through an NPDES-permitted Municipal Separate Storm Sewer System (MS4) must provide proof of coverage under the Construction General Permit (CGP); submit a copy of the Stormwater Pollution Prevention Plan (SWPPP); and at project completion, a copy of the signed Notice of Termination (NOT) to the City Engineer permitting status of all permittees covered (or previously covered) under this general permit as well as the most current list of all MS4 permits is available at the TDEC's DataViewer website.

Copies of additional applicable local, State or Federal permits (i.e., ARAP, etc.) must also be provided upon request. If requested, these permits must be provided before the issuance of any land disturbance permit or the equivalent.

(3) Stormwater Pollution Prevention Plan (SWPPP) for construction stormwater management. The applicant must prepare a stormwater pollution prevention plan for all construction activities that complies with subsection (7) below. The purpose of this plan is to identify construction/contractor activities that could cause pollutants in the stormwater, and to describe measures or practices to control these pollutants during project construction.

(4) Stormwater pollution prevention plan requirements. The erosion prevention and sediment control plan component of the SWPPP shall accurately describe the potential for soil erosion and sedimentation problems resulting from land disturbing activity and shall explain and illustrate the measures that are to be taken to control these problems. The length and complexity of the plan is to be commensurate with the size of the project, severity of the site condition, and potential for off-site damage. If necessary, the plan shall be phased so that changes to the site during construction that alter drainage patterns or characteristics will be addressed by an appropriate phase of the plan. The plan shall be sealed by a Registered Professional Engineer or landscape architect licensed in the State of Tennessee. The plan shall also conform to the

requirements found in the most current TDEC Erosion Prevention and Sediment Control Handbook, and shall include at least the following:

(a) Project description. Briefly describe the intended project and proposed land disturbing activity including number of units and structures to be constructed and infrastructure required.

(b) A topographic map with contour intervals of five feet (5') or less showing present conditions and proposed contours resulting from land disturbing activity.

(c) All existing drainage ways, including intermittent and wet-weather. Include any designated floodways or flood plains.

(d) A general description of existing land covers. Individual trees and shrubs do not need to be identified.

(e) Stands of existing trees as they are to be preserved upon project completion, specifying their general location on the property. Differentiation shall be made between existing trees to be preserved, trees to be removed and proposed planted trees. Tree protection measures must be identified, and the diameter of the area involved must also be identified on the plan and shown to scale. Information shall be supplied concerning the proposed destruction of exceptional and historic trees in setbacks and buffer strips, where they exist. Complete landscape plans may be submitted separately. The plan must include the sequence of implementation for tree protection measures.

(f) Approximate limits of proposed clearing, grading and filling.

(g) Approximate flows of existing stormwater leaving any portion of the site.

(h) A general description of existing soil types and characteristics and any anticipated soil erosion and sedimentation problems resulting from existing characteristics.

(i) Location, size and layout of proposed stormwater and sedimentation control improvements.

(j) Existing and proposed drainage network.

(k) Proposed drain tile or waterway sizes.

(l) Approximate flows leaving site after construction and incorporating water runoff mitigation measures. The evaluation must include projected effects on property adjoining the site and on existing drainage facilities and systems. The plan must address the adequacy of outfalls from the development: when water is concentrated, what is the capacity of waterways, if any, accepting stormwater off-site; and what measures, including infiltration, sheeting into buffers, etc., are going to be used to prevent the scouring of waterways and drainage areas off-site, etc.

(m) The projected sequence of work represented by the grading, drainage and sedimentation and erosion control plans as related to other major items of construction, beginning with the initiation of excavation

and including the construction of any sediment basins or retention/detention facilities or any other structural BMPs.

(n) Specific remediation measures to prevent erosion and sedimentation runoff. Plans shall include detailed drawings of all control measures used; stabilization measures including vegetation and non-vegetation measures, both temporary and permanent, will be detailed. Detailed construction notes and a maintenance schedule shall be included for all control measures in the plan.

(o) Specific details for: the construction of stabilized construction entrance/exits, concrete washouts, and sediment basins for controlling erosion; road access points; eliminating or keeping soil, sediment, and debris on streets and public ways at a level acceptable to the City. Soil, sediment, and debris brought onto streets and public ways must be removed by the end of the work day to the satisfaction of the City. Failure to remove the sediment, soil or debris shall be deemed a violation of this Ordinance.

(p) Proposed structures: location and identification of any proposed additional buildings, structures or development on the site.

(q) A description of on-site measures to be taken to recharge surface water into the groundwater system through runoff reduction practices.

(r) Specific details for construction waste management. Construction site operators shall control waste such as discarded building materials, concrete truck washout, petroleum products and petroleum related products, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality. When the material is erodible, such as soil, the site must be treated as a construction site.

(s) The plan shall include detailed drawings of all structural and non-structural controls and stabilization measures which shall be designed to minimize erosion and maximize sediment removal resulting in stormwater discharge associated with the two (2) year, twenty-four (24) hour design storm event as a minimum, either from total rainfall in the designated period or the equivalent intensity as specified on the following website http://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=tn. These specific details for constructing stabilized construction entrance/exits, concrete washouts, sediment basins for controlling erosion, and road access points should be designed to eliminate or keep soils, sediment, and/or debris to a minimum.

(t) When land disturbance activities are proposed along 303 (d) listed streams impaired for siltation or a known high quality waterway, the erosion and sediment control plan shall be designed at a minimum to control the discharge of a five (5) year twenty-four (24) hour storm event along with other additional minimum standards outlined in the current Tennessee Construction General Permit.

(5) General design performance criteria for permanent stormwater management. The following performance criteria shall be addressed for permanent stormwater management at all development sites:

(a) Site design standards for all new and redevelopment require, in combination or alone, management measures that are designed, built and maintained to infiltrate, evapotranspire, harvest and/or use, at a minimum, the first inch of every rainfall event preceded by seventy-two (72) hours of no measurable precipitation. This first inch of rainfall must be one hundred percent (100%) managed with no discharge to surface waters.

(b) Limitations to the application of runoff reduction requirements include, but are not limited to:

(i) Where a potential for introducing pollutants into the groundwater exists, unless pretreatment is provided;

(ii) Where pre-existing soil contamination is present in areas subject to contact with infiltrated runoff;

(iii) Presence of sinkholes or other karst features.

(c) Pre-development infiltrative capacity of soils at the site must be taken into account in selection of runoff reduction management measures.

(d) Incentive standards for re-developed sites: a ten percent (10%) reduction in the volume of rainfall to be managed for any of the following types of development. Such credits are additive such that a maximum reduction of fifty percent (50%) of the standard in the paragraph above is possible for a project that meets all five (5) criteria:

(i) Redevelopment;

(ii) Brownfield redevelopment;

(iii) High density (>7 units per acre);

(iv) Vertical density (Floor to Area Ratio (FAR) of 2 or >18 units per acre); and

(v) Mixed use and transit oriented development (within one-half (1/2) mile of transit).

(e) For projects that cannot meet one hundred percent (100%) of the runoff reduction requirement unless subject to the incentive standards, the remainder of the stipulated amount of rainfall must be treated prior to discharge with a technology documented to remove eighty percent (80%) Total Suspended Solids (TSS) unless an alternative provided under this Ordinance is approved. The treatment technology must be designed, installed and maintained to continue to meet this performance standard.

(f) For projects that cannot meet one hundred percent (100%) of the runoff reduction requirements, the City Engineer may allow runoff reduction measures to be implemented at another location within the same USGS twelve (12) digit Hydrologic Unit Code (HUC) as the original

project. Off-site mitigation must be a minimum of 1.5 times the amount of water not managed on-site. The off-site mitigation location (or alternative location outside the twelve (12) digit HUC) and runoff reduction measures must be approved by the City Engineer. The City Engineer shall identify priority areas within the watershed in which mitigation projects can be completed. The City Engineer must create an inventory of appropriate mitigation projects, and develop appropriate institutional standards and management systems to value, evaluate and track transactions. Mitigation can be used for retrofit or redevelopment projects, but should be avoided in areas of new development.

(g) To protect stream channels from degradation, specific channel protection criteria shall be provided as prescribed in the most current Erosion Prevention and Sediment Control Handbook.

(h) Stormwater discharges to critical areas with sensitive resources (i.e., cold water fisheries, shellfish beds, swimming beaches, recharge areas, water supply reservoirs) may be subject to additional performance criteria, or may need to utilize or restrict certain stormwater management practices.

(i) Stormwater discharges from hot spots may require the application of specific structural BMPs and pollution prevention practices. In addition, stormwater from a hot spot land use may not be infiltrated.

(6) Minimum volume control requirements. In accordance with § 18-401 the City Engineer may establish standards to regulate the quantity of stormwater discharged, therefore:

(a) Stormwater designs shall meet the multi-stage storm frequency storage requirements to control the peak flow rates of stormwater discharge associated with the one (1) year, two (2) year, five (5) year, ten (10) year, and twenty-five (25) year NRCS Type II twenty-four (24) hour design storm frequency and reduce the generation of post construction stormwater runoff to pre-construction levels. These practices should seek to utilize pervious areas for stormwater treatment and to infiltrate stormwater runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity.

(b) Detention of stormwater shall be required if there is a net increase in runoff from the site during a twenty-five (25) year storm event following development (or redevelopment), for sites one (1) acre or larger; or, if the site will contain one-half (1/2) acre or more of impervious area (driveways, parking lots, sidewalks, patios, roofs) following development (or redevelopment). Where a detention pond or retention pond and related equipment and facilities are designed and intended to provide stormwater management for more than one (1) lot and/or for more than one (1) property owner, such as is the case for residential and commercial

subdivisions and residential and commercial condominiums, including interval ownership (time-share) tourist housing, then a legally established property owner's association shall have the responsibility of ownership and maintenance of such areas in perpetuity. The maintenance plan and maintenance agreement shall be constructed as provided for in § 18-406(1).

(c) If hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the City Engineer may impose any and all additional requirements deemed necessary to control the volume, timing, and rate of runoff.

(7) Permanent stormwater management plan requirements. The stormwater management plan shall include sufficient information to allow the City Engineer to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the project site. To accomplish this goal the stormwater management plan shall include the following:

(a) Topographic base map. Topographic base map of the site which extends a minimum of one hundred feet (100') beyond the limits of the proposed development and indicates:

(i) Existing surface water drainage including streams, ponds, culverts, ditches, sink holes, wetlands; and the type, size, elevation, etc., of nearest upstream and downstream drainage structures;

(ii) Current land use including all existing structures, locations of utilities, roads, and easements;

(iii) All other existing significant natural and artificial features;

(iv) Proposed land use with tabulation of the percentage of surface area to be adapted to various uses; drainage patterns; locations of utilities, roads and easements; the limits of clearing and grading.

(b) Proposed structural BMPs. In instances in which a detention/retention basin is to be employed as a part of the stormwater management system, the outlet structures and pipe from such basins shall be precast reinforced concrete.

(c) Proposed non-structural BMPs.

(d) A written description of the site plan and justification of proposed changes in natural conditions may also be required.

(8) Calculations. Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in § 18-404(6). These calculations must show that the proposed

stormwater management measures are capable of controlling runoff from the site in compliance with this Ordinance. Such calculations shall include:

- (a) A description of the design storm frequency, duration, and intensity where applicable;
- (b) Time of concentration;
- (c) Soil curve numbers or runoff coefficients including assumed soil moisture conditions;
- (d) Peak runoff rates and total runoff volumes for each watershed area;
- (e) Infiltration rates, where applicable;
- (f) Culvert, stormwater sewer, ditch and/or other stormwater conveyance capacities;
- (g) Flow velocities;
- (h) Data on the increase in rate and volume of runoff for the design storms; and
- (i) Documentation of sources for all computation methods and field test results.

(9) Soils information. If a stormwater management control measure depends on the hydrologic properties of soils (e.g., infiltration basins), then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles and soil survey reports. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure.

(10) Maintenance and repair plan. The design and planning of all permanent stormwater management facilities shall include detailed maintenance and repair procedures to ensure their continued performance. These plans will identify the parts or components of a stormwater management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.

(11) Buffer zone requirements. Vegetative buffer. An undisturbed vegetative buffer of thirty feet (30') (as measured from the top-of-bank) shall be maintained adjacent to all free-flowing waters of the State located including bodies of water such as perennial and intermittent streams, rivers, ponds and lakes and wetlands. Buffer width depends on the size of the drainage area. Streams or other waters with drainage areas less than one (1) square mile will require buffer widths of thirty feet (30') of buffer zone. Streams or other waters with drainage areas greater than one (1) square mile will require buffer widths of sixty feet (60') minimum.

A sixty foot (60') buffer width has been established for sites that contain or are adjacent to a receiving stream designated as impaired or exceptional waters. This sixty foot (60') buffer can be established on an average width basis

at a project, as long as the minimum width of the buffer is more than thirty feet (30') at any measured location.

Vegetated, preferably native, water quality buffers protect water bodies by providing structural integrity and canopy, as well as stormwater infiltration, filtration and evapotranspiration. Buffer zones are not primary sediment control measures and should not be relied upon as such. Every effort should be made in construction activities not to take place within the buffer and the buffer should remain in its undisturbed state of vegetation. BMPs providing equivalent protection to a receiving stream as a natural riparian buffer zone may be used at a construction site. Such BMPs shall be designed to be effective in protecting the receiving water from effects of stormwater runoff as a natural riparian zone. A justification for use and a design of equivalent BMPs shall be included in the SWPPP. Such equivalent BMPs are expected to be routinely used at a construction project typically located adjacent to surface waters. These projects include, but are not limited to: sewer line construction, roadway construction, utility line or equipment installation, greenway construction, construction of a permanent outfall or a velocity dissipating structure, etc. Enhancements, restoration and re-establishment may be allowed with proper permit(s).

(12) Variance. The City of Sevierville may allow a variance to the water quality buffer requirements. When a variance is allowed by the City, mitigation must be at least as protective of the natural resources and the environment as the undisturbed buffer. A determination that standards cannot be met may not be based solely on the difficulty or cost associated with implementation.

If it is infeasible to provide an undisturbed naturally vegetated buffer of any size between the disturbed portion of the site and any waters of the State, sediment and erosion controls certified by a Tennessee Licensed Professional Engineer to achieve the equivalent sediment load reduction as an undisturbed, naturally vegetated, thirty foot (30') buffer may be implemented on approval by the City Engineer.

Note: If pre-existing development on the site has resulted in significant disturbances within the thirty foot (30') buffer (for example, sites where all vegetation in the thirty foot (30') buffer area has been removed and replaced with impervious surfaces as a result of prior development), the site is exempt from complying with the buffer requirements as long as the area of encroachment is not extended. (Ord. #2012-010, Oct. 2012)

18-405. Management of permanent stormwater systems: operation, maintenance, and inspection.

(1) As built plans. All applicants are required to submit actual as built plans for any structures located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be sealed by a Registered Professional Engineer licensed to practice in Tennessee. A final inspection by the City is required before any performance security or performance bond will be released. The City shall have

the discretion to adopt provisions for a partial pro-rata release of the performance security or performance bond on the completion of various stages of development. In addition, occupation permits shall not be granted until corrections to all BMPs have been made and accepted by the City.

(2) Landscaping and stabilization requirements.

(a) Any area of land from which the natural vegetative cover has been either partially or wholly cleared by development activities shall stabilize. Stabilization measures shall be initiated as soon as possible in portions of the site where construction activities have temporarily or permanently ceased. Temporary or permanent soil stabilization at the construction site (or a phase of the project) must be completed no later than fifteen (15) days (seven (7) days for steep slopes) after the construction activity in that portion of the site has temporarily or permanently ceased. In the following situations, temporary stabilization measures are not required:

(i) Where the initiation of stabilization measures is precluded by snow cover or frozen ground conditions or adverse soggy ground conditions, stabilization measures shall be initiated as soon as practicable; or

(ii) Where construction activity on a portion of the site is temporarily ceased, and earth disturbing activities will be resumed within fifteen (15) days.

Permanent stabilization with perennial vegetation (using native herbaceous and woody plants where practicable) or other permanently stable, non-eroding surface shall replace any temporary measures as soon as practicable. Unpacked gravel containing fines (silt and clay sized particles) or crusher runs will not be considered a non-eroding surface.

(b) The following criteria shall apply to revegetation efforts:

(i) Reseeding must be done with an annual or perennial cover crop accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until such time as the cover crop is established over ninety percent (90%) of the seeded area.

(ii) Replanting with native woody and herbaceous vegetation must be accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until the plantings are established and are capable of controlling erosion.

(iii) Any area of revegetation must exhibit survival of a minimum of seventy-five percent (75%) of the cover crop throughout the year immediately following revegetation. Revegetation must be repeated in successive years until the minimum seventy-five percent (75%) survival for one (1) year is achieved.

(iv) In addition to the above requirements, a landscaping plan must be submitted with the final design describing the vegetative stabilization and management techniques to be used at a site after construction is completed. This plan will explain not only how the site will be stabilized after construction, but who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved.

(3) Inspection of stormwater management facilities. Periodic inspections of facilities shall be performed, documented, and reported in accordance with this chapter, as detailed in § 18-406(3).

(4) Records of installation and maintenance activities. Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation of the stormwater facility, and of all maintenance and repairs to the facility, and shall retain the records for at least three (3) years. These records shall be made available to the City during inspection of the facility and at other reasonable times upon request.

(5) Failure to meet or maintain design or maintenance standards. If a responsible party fails or refuses to meet the design or maintenance standards required for stormwater facilities under this chapter, the City, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the stormwater management facility becomes a danger to public safety or public health, the City shall notify in writing the party responsible for maintenance of the stormwater management facility. Upon receipt of that notice, the responsible person shall have thirty (30) days to effect maintenance and repair of the facility in an approved manner. In the event that corrective action is not undertaken within that time, the City may take necessary corrective action. The cost of any action by the City under this section shall be charged to the responsible party. (Ord. #2012-010, Oct. 2012)

18-406. Existing locations and ongoing developments.

(1) On-site stormwater management facilities maintenance agreement.

(a) Where the stormwater facility is located on property that is subject to a development agreement, and the development agreement provides for a permanent stormwater maintenance agreement that runs with the land, the owners of property must execute an inspection and maintenance agreement that shall operate as a deed restriction binding on the current property owners and all subsequent property owners and their lessees and assigns, including but not limited to, homeowner associations or other groups or entities.

(b) The maintenance agreement shall:

(i) Assign responsibility for the maintenance and repair of the stormwater facility to the owners of the property upon which

the facility is located and be recorded as such on the plat for the property by appropriate notation.

(ii) Provide for a periodic inspection by the property owners in accordance with the requirements below for the purpose of documenting maintenance and repair needs and to ensure compliance with the requirements of this Ordinance. The property owners will arrange for this inspection to be conducted by a Registered Professional Engineer licensed to practice in the State of Tennessee, who will submit a signed written report of the inspection to the City of Sevierville. It shall also grant permission to the City to enter the property at reasonable times and to inspect the stormwater facility to ensure that it is being properly maintained.

(iii) Provide that the minimum maintenance and repair needs include, but are not limited to: the removal of silt, litter and other debris, the cutting of grass, cutting and vegetation removal, and the replacement of landscape vegetation, in detention and retention basins, and inlets and drainage pipes and any other stormwater facilities. It shall also provide that the property owners shall be responsible for additional maintenance and repair needs consistent with the needs and standards outlined in the MS4 BMP manual.

(iv) Provide that maintenance needs must be addressed in a timely manner, on a schedule to be determined by the City of Sevierville.

(v) Provide that if the property is not maintained or repaired within the prescribed schedule, the City of Sevierville shall perform the maintenance and repair at its expense, and bill the same to the property owner. The maintenance agreement shall also provide that the City of Sevierville's cost of performing the maintenance shall be a lien against the property.

(2) Existing problem locations -- no maintenance agreement.

(a) The City of Sevierville shall in writing notify the owners of existing locations and developments of specific drainage, erosion or sediment problems affecting or caused by such locations and developments, and the specific actions required to correct those problems. The notice shall also specify a reasonable time for compliance. Discharges from existing BMPs that have not been maintained and/or inspected in accordance with this Ordinance shall be regarded as illicit.

(b) Inspection of existing facilities. The City may, to the extent authorized by State and Federal law, enter and inspect private property for the purpose of determining if there are illicit nonstormwater discharges, and to establish inspection programs to verify that all stormwater management facilities are functioning within design limits.

These inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of the City's NPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other BMPs.

(3) Owner/operator inspections -- generally. The owners and/or the operators of stormwater management practices shall:

(a) Perform routine inspections to ensure that the BMPs are properly functioning. These inspections shall be conducted on an annual basis, at a minimum. These inspections shall be conducted by a person familiar with control measures implemented at a site. Owners or operators shall maintain documentation of these inspections. The City of Sevierville may require submittal of this documentation.

(b) Perform comprehensive inspection of all stormwater management facilities and practices. These inspections shall be conducted once every five (5) years, at a minimum. Such inspections must be conducted by either a professional engineer or landscape architect, licensed in the State of Tennessee. Complete inspection reports for these five (5) year inspections shall include:

- (i) Facility type;
- (ii) Inspection date;
- (iii) Latitude and longitude and nearest street address;
- (iv) BMP owner information (e.g., name, address, phone number, fax, and email);

(v) A description of BMP condition including: vegetation and soils; inlet and outlet channels and structures; embankments, slopes, and safety benches; spillways, weirs, and other control structures; and any sediment and debris accumulation;

(vi) Photographic documentation of BMPs; and

(vii) Specific maintenance items or violations that need to be corrected by the BMP owner along with deadlines and reinspection dates.

(c) Owners or operators shall maintain documentation of these inspections. The City of Sevierville may require submittal of this documentation.

(4) Corrections of problems subject to appeal. Corrective measures imposed by the City of Sevierville under this section are subject to appeal under § 18-410 of this chapter. (Ord. #2012-010, Oct. 2012)

18-407. Illicit discharges.

(1) Scope. This section shall apply to all water generated on developed or undeveloped land entering the City's separate storm sewer system.

(2) Prohibition of illicit discharges. No person shall introduce or cause to be introduced into the municipal separate storm sewer system any discharge that is not composed entirely of stormwater or any discharge that flows from a stormwater facility that is not inspected in accordance with § 18-406 shall be an illicit discharge. Nonstormwater discharges shall include, but shall not be limited to, sanitary wastewater, car wash wastewater, radiator flushing disposal, spills from roadway accidents, carpet cleaning wastewater, effluent from septic tanks, improper oil disposal, laundry wastewater/gray water, improper disposal of auto and household toxics. The commencement, conduct or continuance of any nonstormwater discharge to the municipal separate storm sewer system is prohibited except as described as follows:

(a) Uncontaminated discharges from the following sources:

- (i) Water line flushing or other potable water sources;
- (ii) Landscape irrigation or lawn watering with potable water;
- (iii) Diverted stream flows;
- (iv) Rising groundwater;
- (v) Groundwater infiltration to storm drains;
- (vi) Pumped groundwater;
- (vii) Foundation or footing drains;
- (viii) Crawl space pumps;
- (ix) Air conditioning condensation;
- (x) Springs;
- (xi) Non-commercial washing of vehicles;
- (xii) Natural riparian habitat or wetland flows;
- (xiii) Swimming pools (if dechlorinated - typically less than one (1) PPM chlorine);
- (xiv) Firefighting activities;
- (xv) Any other uncontaminated water source.

(b) Discharges specified in writing by the City as being necessary to protect public health and safety.

(c) Dye testing is an allowable discharge if the City has so specified in writing.

(d) Discharges authorized by the Construction General Permit (CGP), which comply with Section 3.5.9 of the same:

(i) Dewatering of work areas of collected stormwater and groundwater (filtering or chemical treatment may be necessary prior to discharge);

(ii) Waters used to wash vehicles (of dust and soil, not process materials such as oils, asphalt or concrete) where detergents are not used and detention and/or filtering is provided before the water leaves the site;

(iii) Water used to control dust in accordance with CGP Section 3.5.5;

(iv) Potable water sources including waterline flushings from which chlorine has been removed to the maximum extent practicable;

(v) Routine external building washdown that does not use detergents or other chemicals;

(vi) Uncontaminated groundwater or spring water; and

(vii) Foundation or footing drains where flows are not contaminated with pollutants (process materials such as solvents, heavy metals, etc.).

(3) Prohibition of illicit connections. The construction, use, maintenance or continued existence of illicit connections to the municipal separate storm sewer system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(4) Reduction of stormwater pollutants by the use of best management practices. Any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at the person's expense, the BMPs necessary to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed in compliance with the provisions of this section. Discharges from existing BMPs that have not been maintained and/or inspected in accordance with this Ordinance shall be regarded as illicit.

(5) Notification of spills. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting in, or may result in, illicit discharges or pollutants discharging into the municipal separate storm sewer system, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, the person shall notify the City in person

or by telephone, fax, or email, no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the City within three (3) business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

(6) No illegal dumping allowed. No person shall dump or otherwise deposit outside an authorized landfill, convenience center or other authorized garbage or trash collection point, any trash or garbage of any kind or description on any private or public property, occupied or unoccupied, inside the City. (Ord. #2012-010, Oct. 2012)

18-408. Enforcement.

(1) Enforcement authority. The City of Sevierville shall have the authority to issue notices of violation and citations, and to impose the civil penalties provided in this section. Measures authorized include:

(a) Verbal warnings. At minimum, verbal warnings must specify the nature of the violation and required corrective action.

(b) Written notices. Written notices must stipulate the nature of the violation and the required corrective action, with deadlines for taking such action.

(c) Citations with administrative penalties. The City Engineer has the authority to assess monetary penalties, which may include civil and administrative penalties.

(d) Stop work orders. Stop work orders that require construction activities to be halted, except for those activities directed at cleaning up, abating discharge, and installing appropriate control measures.

(e) Withholding of plan approvals or other authorizations. Where a facility is in noncompliance, the City Engineer's own approval process affecting the facility's ability to discharge to the MS4 can be used to abate the violation.

(f) Additional measures. The City Engineer may also use other escalated measures provided under local legal authorities. The City Engineer may perform work necessary to improve erosion control measures and collect the funds from the responsible party in an appropriate manner, such as collecting against the project's bond or directly billing the responsible party to pay for work and materials.

(2) Notification of violation.

(a) Verbal warning. Verbal warning may be given at the discretion of the inspector when it appears the condition can be corrected by the violator within a reasonable time, which time shall be approved by the inspector.

(b) Written notice. Whenever the City of Sevierville finds that any permittee or any other person discharging stormwater has violated or is violating this Ordinance or a permit or order issued hereunder, the City of Sevierville may serve upon such person written notice of the violation. Within ten (10) days of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the City of Sevierville. Submission of this plan in no way relieves the discharger of liability for any violations occurring before or after receipt of the notice of violation.

(c) Consent orders. The City of Sevierville is empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the person to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to paragraphs (d) and (e) below.

(d) Show cause hearing. The City of Sevierville may order any person who violates this chapter or permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the person specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the violator show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing.

(e) Compliance order. When the City of Sevierville finds that any person has violated or continues to violate this chapter or a permit or order issued thereunder, the City of Sevierville may issue an order to the violator directing that, following a specific time period, adequate structures or devices be installed and/or procedures implemented and properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the construction of appropriate structures, installation of devices, self-monitoring, and management practices.

(f) Cease and desist and stop work orders. When the City of Sevierville finds that any person has violated or continues to violate this chapter or any permit or order issued hereunder, the City of Sevierville may issue a stop work order or an order to cease and desist all such violations and direct those persons in noncompliance to:

- (i) Comply forthwith; or
- (ii) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened

violation; including halting operations except for terminating the discharge and installing appropriate control measures.

(g) Suspension, revocation or modification of permit. The City of Sevierville may suspend, revoke or modify the permit authorizing the land development project or any other project of the applicant or other responsible person within the City. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated upon such conditions as the City of Sevierville may deem necessary to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

(h) Conflicting standards. Whenever there is a conflict between any standard contained in this chapter and in the BMP manual adopted by the City under this Ordinance, the strictest standard shall prevail. (Ord. #2012-010, Oct. 2012)

18-409. Penalties.

(1) Violations. Any person who shall commit any act declared unlawful under this chapter, who violates any provision of this chapter, who violates the provisions of any permit issued pursuant to this chapter, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action by the City of Sevierville, shall be guilty of a civil offense.

(2) Penalties. Under the authority provided in Tennessee Code Annotated, § 68-221-1106, the City declares that any person violating the provisions of this chapter may be assessed a civil penalty by the City of Sevierville not less than fifty dollars (\$50.00) and not more than five thousand dollars (\$5,000.00) per day for each day of violation. Each day of violation shall constitute a separate violation.

(3) Measuring civil penalties. In assessing a civil penalty, the City of Sevierville may consider:

- (a) The harm done to the public health or the environment;
- (b) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;
- (c) The economic benefit gained by the violator;
- (d) The amount of effort put forth by the violator to remedy this violation;
- (e) Any unusual or extraordinary enforcement costs incurred by the City;
- (f) The amount of penalty established by Ordinance or Resolution for specific categories of violations; and
- (g) Any equities of the situation which outweigh the benefit of imposing any penalty or damage assessment.

(4) Recovery of damages and costs. In addition to the civil penalty in subsection (2) above, the City may recover:

(a) All damages proximately caused by the violator to the City, which may include any reasonable expenses incurred in investigating violations of, and enforcing compliance with, this chapter, or any other actual damages caused by the violation.

(b) The costs of the City's maintenance of stormwater facilities when the user of such facilities fails to maintain them as required by this chapter.

(5) Referral to TDEC. Where the City has used progressive enforcement to achieve compliance with this Ordinance, and in the judgment of the City has not been successful, the City may refer the violation to TDEC. For the purposes of this provision, "progressive enforcement" shall mean two (2) follow-up inspections and two (2) warning letters. In addition, enforcement referrals to TDEC must include, at a minimum, the following information:

(a) Construction project or industrial facility location;

(b) Name of owner or operator;

(c) Estimated construction project or size or type of industrial activity (including SIC code, if known);

(d) Records of communications with the owner or operator regarding the violation, including at least two (2) follow-up inspections, two (2) warning letters or notices of violation, and any response from the owner or operator.

(6) Other remedies. The City may bring legal action to enjoin the continuing violation of this chapter, and the existence of any other remedy, at law or equity, shall be no defense to any such actions.

(7) Remedies cumulative. The remedies set forth in this section shall be cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one (1) or more of the remedies set forth herein has been sought or granted. (Ord. #2012-010, Oct. 2012)

18-410. Appeals. Pursuant to Tennessee Code Annotated, § 68-221-1106(d), any person aggrieved by the imposition of a civil penalty or damage assessment as provided by this chapter may appeal said penalty or damage assessment to the City's Board of Zoning Appeals.

(1) Appeals to be in writing. The appeal shall be in writing and filed with the Municipal Recorder or Clerk within fifteen (15) days after the civil penalty and/or damage assessment is served in any manner authorized by law.

(2) Public hearing. Upon receipt of an appeal, the City's Board of Zoning Appeals shall hold a public hearing within thirty (30) days. Ten (10) days' prior notice of the time, date, and location of said hearing shall be published in a daily newspaper of general circulation. Ten (10) days' notice by registered mail shall also be provided to the aggrieved party, such notice to be

sent to the address provided by the aggrieved party at the time of appeal. The decision of the Board of Zoning Appeals of the City shall be final.

(3) Appealing decisions of the City's Board of Zoning Appeals. Any alleged violator may appeal a decision of the City's Board of Zoning Appeals pursuant to the provisions of Tennessee Code Annotated, title 27, chapter 8. (Ord. #2012-010, Oct. 2012)

TITLE 19

ELECTRICITY AND GAS

CHAPTER

1. ELECTRICITY.
2. GAS.

CHAPTER 1

ELECTRICITY¹

SECTION

- 19-101. Board of Public Utilities to supervise and control.
- 19-102. Board membership and qualifications.
- 19-103. Appointment and terms of members; vacancies.
- 19-104. Oath and bond of Board members.
- 19-105. Removal of Board members.
- 19-106. Board meetings, organization, compensation, etc.
- 19-107. General powers and duties of the Board and Superintendent.
- 19-108. Certified public accountant to make periodic audits and reports.
- 19-109. Records and reports of the Board.
- 19-110. Handling of moneys, funds, and revenues.
- 19-111. "Municipal Electric Plant Act" incorporated by reference.

19-101. Board of Public Utilities to supervise and control. A Board of Public Utilities shall be constituted and appointed as provided in Tennessee Code Annotated, §§ 7-52-101 - 7-52-135, to have supervision and control of the construction and operation of the electric system of the City of Sevierville. The Board of Public Utilities shall have such powers and duties and shall be subject to such limitations as are prescribed in Tennessee Code Annotated, §§ 7-52-101 - 7-52-135, except that the Board of Public Utilities shall have no power or authority over waterworks, sewerage works, or gas systems.

Board members shall serve without compensation, but they may be paid necessary travel and other expenses while engaged in the business of the Board, including an allowance not to exceed twenty dollars (\$20.00) per month for regular members and twenty-five dollars (\$25.00) per month for the Chairman

¹Municipal code references
 Electrical code: title 12.
 Fire code: title 7.

for attendance at Board meetings. (1996 Code, § 19-101, as amended by Ord. #O-2019-004, April 2019 *Ch4_10-21-19*)

19-102. Board membership and qualifications. The Board shall consist of five (5) members or commissioners, four (4) of whom shall be known as public members and one (1) of whom shall be a member of the Board of Aldermen, subject to the qualifications and method of appointment as herein provided.

No person shall be eligible to appointment to the Board as a public member unless he shall have been for at least one (1) year next preceding his appointment a citizen and a bona fide resident and property holder of the City of Sevierville. No officer or employee of the City shall be eligible to serve as a public member on the Board until at least one (1) year after the expiration of the term of his public office or the termination of his employment. Any Board member who shall cease to possess any of the qualifications herein enumerated shall immediately forfeit his office and membership on the Board. (1996 Code, § 19-102)

19-103. Appointment and terms of members; vacancies. The four (4) public members of the Board shall be named and appointed by the Mayor of Sevierville, subject, however, to the consent and approval of the Board of Aldermen. The fifth member of the Board shall be designated and appointed by the Mayor from the membership of the Board of Aldermen, subject, however, to the consent and approval of the Board of Aldermen.

Except as otherwise provided herein as to original appointees to the Board, the term of office of each public member shall be four (4) years from the first day of July next succeeding the date of appointment, and such appointments shall be made at the regular meeting of the Board of Mayor and Aldermen immediately preceding the expiration date of the term of office of the retiring member.

The term of appointment of the member to the Board from among the membership of the Board of Aldermen shall be for such time as the Mayor may fix and designate, but in no event shall such appointment extend beyond the term of office of the appointee on the Board of Aldermen.

Vacancies on the Board may be filled for the unexpired term only, and appointments to complete unexpired terms shall be made in the same manner as hereinabove provided. (1996 Code, § 19-103)

19-104. Oath and bond of Board members. Each member of the Board shall qualify by taking the same oath of office as that required to be taken by the Board of Mayor and Aldermen, and each member shall give such bond, if any, as may be required from time to time by resolution of the Board of Mayor and Aldermen. (1996 Code, § 19-104)

19-105. Removal of Board members. Any member of the Board may be removed for cause in the method and manner as prescribed by the "Municipal Electric Plant Act" of 1935, as amended. (1996 Code, § 19-105)

19-106. Board meetings, organization, compensation, etc. The appointees to the Board shall meet within ten (10) days from the final adoption of these provisions for the purposes, among other things, of taking their oath of office, of electing a Chairman from among the Board members, and electing or designating a Secretary and Treasurer or Secretary-Treasurer, and fixing and determining the amount of the surety bond, if any, which shall be required of such Secretary and Treasurer or Secretary-Treasurer, and fixing his or their compensation, if any. The Secretary and Treasurer or Secretary-Treasurer may or may not be members of the Board.

The Chairman shall preside over the meetings of the Board. The Secretary shall keep the minutes of the Board and shall perform such other duties as the Board may prescribe from time to time. The Treasurer shall be responsible for the safe keeping and disbursement of funds and revenues of the electric system and properties, and shall perform such other duties as the Board may, from time to time, prescribe. A new election of officers of the Board shall be held at the first regular meeting of the Board following the appointment of a new member for a full term. Members elected to offices provided for in this section shall continue to hold office until their successors are elected and qualified or until they cease to be members of the Board. If the Secretary and Treasurer or Secretary-Treasurer are not members of the Board, they shall hold office at the will of the Board. A majority of the Board shall constitute a quorum and the Board shall act by vote of a majority present at any meeting duly called and held and attended by a quorum. Vacancies in the Board shall not effect its power and authority so long as a quorum remains. Board members shall serve without compensation, but they may be paid necessary travel and other expenses while engaged in the business of the Board, including an allowance not to exceed twenty dollars (\$20.00) per month for regular members and twenty-five dollars (\$25.00) per month for the Chairman's attendance at Board meetings. Such expenses, as well as the salaries of the Secretary and Treasurer or Secretary-Treasurer, shall constitute a cost of operation and maintenance of the electric plant and facilities. The Board shall have the right to adopt by-laws and promulgate reasonable and lawful rules and regulations not inconsistent with the provisions of this chapter or the provisions of Tennessee Code Annotated §§ 7-52-101 through 7-52-135 and any amendments thereto. The Board shall hold public meetings at least once a month. Changes in the time and place of meetings shall be made known to the public as far in advance as practicable. (1996 Code, § 19-106)

19-107. General powers and duties of the Board and Superintendent. The Board shall have and exercise and is hereby granted all

the powers and duties possessed by the City of Sevierville to construct, acquire, operate or expand the electric system and facilities. The Board shall have and maintain full control and complete jurisdiction over the management, improvement, operation, and maintenance of the electric system and facilities, and may make all lawful contracts and do any and all lawful acts and things that are necessary, convenient, or desirable in order to operate, maintain, enlarge, extend, preserve, and promote an orderly, economic, and business like administration of the electric system and facilities. The Board may appoint a Superintendent who shall be qualified by training and experience for the general Superintendence of the electric system and properties and the operation and management thereof. The Superintendent need not be a resident of the state at the time of his employment. The salary of the Superintendent shall be fixed by the Board, and he shall serve at the pleasure of the Board and he may be removed by the Board at any time. The Board shall determine all programs and make all plans and determinations as to improvements, rates, and financial practices. The Board may establish such rules and regulations as it may deem necessary or appropriate to govern the furnishing and sale of electricity and may make proper disposition of available moneys in the electric system fund for the acquisition, improvement, operation and maintenance of the electric system and facilities.

The Superintendent, subject to the Board, shall be charged with the immediate management and operation of the electric properties, system, and facilities, and the enforcement and execution of all rules, regulations, programs, plans, and decisions made or adopted by the Board. The Superintendent shall appoint and hire all employees and fix their duties and compensation and let all contracts, subject to the approval of the Board. The Superintendent shall let all contracts, subject to the approval of the Board, but may without the approval, obligate the system on purchase orders up to an amount to be fixed by the Board, but not to exceed fifty thousand dollars (\$50,000.00). Any work, construction, or purchase of inventory exceeding in cost the amount specified above shall, before any contract is let or work done, be advertised by the Superintendent for bids, but the Board shall have power to reject any and all bids. Any purchase or work which exceeds ten thousand dollars (\$10,000.00) shall be by sealed competitive bids. Any work or purchase for sums less than ten thousand dollars (\$10,000.00) shall be by rules and regulations established by the Superintendent. The Superintendent shall make or cause to be made and kept proper books and records of the electric system and properties, and its affairs, subject to the direction of the Board. (1996 Code, § 19-107, modified)

19-108. Certified public accountant to make periodic audits and reports. An independent certified public accountant, not an employee of the City of Sevierville, or its electric system, shall be employed by the Board to make such audits and reports as often as the Board deems necessary, but in any event once each year. (1996 Code, § 19-108)

19-109. Records and reports of the Board. The Board shall keep a complete and accurate written record of all of its meetings and actions taken thereat and it shall see that accurate records are kept of all receipts and disbursements of revenues and funds of the electric system. It shall be the duty of the Board to furnish written reports of its meetings, receipts, and disbursements to the Board of Mayor and Aldermen semi-annually. These reports shall be filed in open meeting of the Board of Mayor and Aldermen and the originals, or true copies thereof, shall be kept on file in the Recorder's Office, where they shall be open to public inspection at all times. (1996 Code, § 19-109)

19-110. Handling of moneys, funds, and revenues. All moneys, funds, and revenues belonging to or derived from the electric plant facilities and system shall be conserved, disposed of, and handled in the method and manner provided for and authorized by the terms and provisions of the "Municipal Electric Plant Act" of 1935. (1996 Code, § 19-110)

19-111. "Municipal Electric Plant Act" incorporated by reference. The Board and its officers and employees shall perform and discharge all of the other rights, powers, duties, privileges and obligations as are prescribed in Tennessee Code Annotated §§ 7-52-101 through 7-52-135 including any amendments thereto, all of which are incorporated herein by reference and made a part thereof. (1996 Code, § 19-111, modified)

CHAPTER 2**GAS**¹**SECTION**

19-201. To be furnished under franchise.

19-201. To be furnished under franchise. Gas service shall be provided to the City of Sevierville and its inhabitants under such franchise as the Board of Mayor and Aldermen shall grant.² (1996 Code, § 19-201)

¹Municipal code references

Gas code: title 12.

Plumbing code: title 12.

²See ordinance No. 654, dated September 16, 1991, of record in the recorder's office, for the twenty (20) year gas franchise granted to the Sevier County Utility District.

Charter reference

Grant franchises for public utilities and services: art. II, § 2.12.

TITLE 20**MISCELLANEOUS****CHAPTER**

1. EMERGENCY ALARM DEVICES.
2. CODE OF CONDUCT FOR CITY PARKS AND RECREATIONAL FACILITIES.

CHAPTER 1**EMERGENCY ALARM DEVICES****SECTION**

- 20-101. False alarm.
- 20-102. False alarm activations.
- 20-103. Fee assessment for false alarms.
- 20-104. Disconnection.
- 20-105. Penalty for offenses.
- 20-106. Automatic telephone dialing alarm systems prohibited.
- 20-107. Severability of provisions.

20-101. False alarm. "False alarm" means an alarm signal eliciting a response by the Police and/or Fire Department when a situation requiring a response by the Police and/or Fire Department does not in fact exist; but in this definition does not include an alarm signal caused by unusually violent conditions of nature nor does it include other extraordinary circumstances not reasonably subject to control by the alarm user. (Ord. #2012-002, Feb. 2012)

20-102. False alarm activations.

(1) Whenever an alarm is activated in the City, thereby requiring an emergency response to the location by Police and/or Fire personnel, a Police and/or Fire Officer on the scene of the activated alarm shall determine whether the emergency response was in fact required as indicated by the alarm system or whether in some way the alarm system malfunctioned and thereby activated a false alarm.

(2) If the Police or Fire Officer at the scene of the activated alarm system determined the alarm to be false and no emergency response was necessary, then said Officer shall submit a report of the false alarm to the City Administrator, or his designee, and the respective Chief. A written notification of emergency response and determination of the response shall be mailed or delivered to the alarm user at the address of location where alarm was activated. The addressee upon receipt of the notification shall be entitled to a hearing before the City Administrator or his designee and addressee desiring a

hearing and shall request said hearing within ten (10) days of the date of notification.

(3) The Police or Fire Official shall have the right to inspect any alarm system on the premises to which response has been made and he may cause inspection of such system to be made at any reasonable time thereafter to determine whether it is in conformity with this chapter.

(4) It shall be a violation of this chapter to intentionally cause a false alarm, and any person who intentionally causes a false alarm shall be subject to the penalty provisions contained herein.

(5) There shall be a fourteen (14) day grace period provided to the alarm user during the initial installation of the alarm system. For fourteen (14) days after the alarm has been installed, the fees provided for in § 20-103 will not apply.

(6) Any alarm business testing or servicing any alarm system shall notify the Police and/or Fire Departments and instruct said Departments of the location and time of said testing or servicing. The fees provided for in § 20-103 will not apply to the alarm user if prior notice of testing or servicing has been made to the respective Departments as outlined in this section. (Ord. #2012-002, Feb. 2012, modified)

20-103. Fee assessment for false alarms. More than three (3) false alarms of any type of defined alarm system that occur within any six (6) month period (January -- June or July -- December) is excessive and constitutes a public nuisance. The activation of four (4) or more false alarms within either of the above defined six (6) month periods will result in penalties of twenty-five dollars (\$25.00) for each such false alarm, which shall be due and owing the City of Sevierville within ten (10) days from the date of false alarm. (Ord. #2012-002, Feb. 2012)

20-104. Disconnection. In the event that an alarm system emitting an audible, visual, or other similar response shall fail to be deactivated within thirty (30) minutes, the City shall have the right to take such action as may be necessary in order to disconnect any such alarm. (Ord. #2012-002, Feb. 2012, modified)

20-105. Penalty for offenses. Any person failing to comply with any of the provisions of this chapter shall be guilty of a violation, and upon conviction in City Court, shall be subject to a fine of twenty-five dollars (\$25.00). Each occurrence shall constitute a separate offense. (Ord. #2012-002, Feb. 2012)

20-106. Automatic telephone dialing alarm systems prohibited. Use of automatic telephone dialing systems for the purpose of directly requesting emergency service from the Fire and/or Police Departments is prohibited. (Ord. #2012-002, Feb. 2012)

20-107. Severability of provisions. Should any of the provisions of this chapter be determined to be invalid, the remaining provisions will not be affected by such invalidity. (Ord. #2012-002, Feb. 2012)

CHAPTER 2

CODE OF CONDUCT FOR CITY PARKS AND RECREATIONAL FACILITIES

SECTION

20-201. General code of conduct.

20-201. General code of conduct. This Code of Conduct shall be followed by all persons using any recreational grounds and facilities operated or controlled by the City of Sevierville. The requirements of the Code are in addition to the requirements of the Sevierville Municipal Code, which also applies to all users of City grounds and facilities.

(1) Any physical or verbal abuse toward another person is strictly prohibited.

(2) All users must comply with all instructions from Department of Parks and Recreation staff members.

(3) No writing on, marking on, defacing, abusing or damaging any City property in any manner. Violators shall be required to pay all costs of repair, in addition to any other penalties imposed for violation of this Code or other applicable law.

(4) No loitering in any facility. You must be a participant in an activity and/or organized meeting relating to such activity.

(5) No misuse or abuse of equipment.

(6) No public displays of affection.

(7) No alcoholic beverages, drugs, or gambling in buildings or on surrounding grounds. Groups holding functions held at the Civic Center may be permitted to serve alcoholic beverages upon approval from the Director of Parks and Recreation.

(8) Use of tobacco products is prohibited within all City Recreation Facilities as provided in Title 11, chapter 7 of the Sevierville Municipal Code.

(9) Per State Law, possession of tobacco products by persons under the age of eighteen (18) years is not allowed on any City property.

(10) No riding or parking of any type of motorized vehicle in any area not designated or designed as a marked parking area, or in any officially posted area without written permission. Riding of skateboards is allowed only in areas designated for such activity.

(11) Sevierville Parks and Recreation reserves the right to close any facility for any reason deemed necessary or desirable by the Director of Parks and Recreation or his designee, including but not limited to inclement weather, maintenance and scheduled events.

(12) All outdoor public parks owned or leased by the City of Sevierville Department of Parks and Recreation will officially open for public use at 6:00 A.M. each morning and close for public use at 11:00 P.M. each night, unless

different hours are posted at the park, and unless approved scheduled events are taking place after that time, in which case all persons must leave the premises within (15) fifteen minutes after the conclusion of the program. All areas not lighted will close at dusk. No visitors are permitted in a park at any time except when the park is open.

(13) No camping, sleeping, or overnight parking is allowed in or on any outdoor park, parking lot, trail, or greenway operated by City of Sevierville without written permission from the Director of Park and Recreation.

(14) No person shall exhibit, sell or offer for sale, hire, lease or let out any object or merchandise, or anything whatsoever, except under a permit issued by the Department of Parks and Recreation. For advertising, commercial or publicity purposes, no person shall take moving pictures or photographs within the limits of any park, or buy or sell or publish the negatives thereof or the prints therefrom or exhibit such negatives or prints in public, or use pictures or photographs of any park or park structure, or perform any personal service for hire in any park, except under a permit or otherwise than in accordance with the terms of such permit.

(15) Any violation of this Code of Conduct may result in suspension from Recreation Facilities and /or activities. A violation will result in a Written Disciplinary Report. A copy of the Report will be mailed to the parents or guardians of children under the age of eighteen (18) years. Violators who are juveniles may be reported to the appropriate juvenile authorities and subject to prosecution and punishment by same.

(16) The Director of Parks and Recreation and the City of Sevierville will maintain copies of the Written Discipline Report. Any person who commits two or more violations within a twelve (12) month period may be issued a citation by City police to appear in court pursuant to the Sevierville Municipal Code or other applicable law. Citation to court may subject the violator to suspension from use of City Recreational Facilities, permanent loss of the privilege to use City Recreational Facilities, and any other penalties provided by law.

(17) All provisions of the Sevierville Municipal Code must be obeyed, including but not limited to Article 9, Chapter 2 regarding solicitation. Violations of the Municipal Code are subject to the penalties set forth in the Municipal Code and any additional penalties set forth in this Code of Conduct.

(18) Particular City Recreational Facilities may have Codes of Conduct that must also be followed by persons using those facilities, in addition to the rules set forth in this Code of Conduct.

(19) Violations of any of the Codes of Conduct are punishable by a fine of up to fifty dollars (\$50.00) per violation, plus additional penalties as set forth in the Codes of Conduct and in the Sevierville Municipal Code. These penalties are in addition to any other remedies provided in the Sevierville Municipal Code or in State law.

I, _____, have read the above Code of Conduct fully and understand this document and its meaning in full.

Date: _____
(as added by Ord. #2018-014, Sept, 2018 *Ch4_10-21-19*)

APPENDIX

- A. ETHICS PROVISIONS PROVIDED BY STATUTE.
- B. DOWNTOWN CENTRAL BUSINESS IMPROVEMENT DISTRICT.
- C. PURCHASING POLICIES AND PROCEDURES MANUAL.

Appendix A

1. Campaign finance.

All candidates for the Chief Administrative Office (Mayor), any candidates who spend more than \$500, and candidates for other offices that pay at least \$100 a month are required to file campaign financial disclosure reports. Civil penalties of \$25 per day are authorized for late filings. Penalties up to the greater of \$10,000 or 15 percent of the amount in controversy may be levied for filings more than 35 days late. It is a Class E felony for a multicandidate political campaign committee with a prior assessment record to intentionally fail to file a required campaign financial report. Further, the treasurer of such a committee may be personally liable for any penalty levied by the Registry of Election Finance (Tennessee Code Annotated §§ 2-10-101 – 2-10-118).

Contributions to political campaigns for municipal candidates are limited to:

- a. \$1,000 from any person (including corporations and other organizations);
- b. \$5,000 from a multicandidate political campaign committee;
- c. \$20,000 from the candidate;
- d. \$20,000 from a political party; and
- e. \$75,000 from multicandidate political campaign committees.

The Registry of Election Finance may impose a maximum penalty of \$10,000 or 115 percent of the amount of all contributions made or accepted in excess of these limits, whichever is greater (Tennessee Code Annotated §§ 2-10-301 – 2-10-310).

Each candidate for local public office must prepare a report of contributions that includes the receipt date of each contribution and a political campaign committee's statement indicating the date of each expenditure (Tennessee Code Annotated §§ 2-10-105 – 2-10-107).

Candidates are prohibited from converting leftover campaign funds to personal use. The funds must be returned to contributors, put in the volunteer public education trust fund, or transferred to another political campaign fund, a political party, a charitable or civic organization, educational institution, or an organization described in 26 U.S.C. 170(c) (Tennessee Code Annotated § 2-10-114).

2. Conflicts of Interest.

Municipal officers and employees are permitted to have an "indirect interest" in contracts with their municipality if the officers or employees publicly

acknowledge their interest. An indirect interest is any interest that is not "direct," except it includes a direct interest if the officer is the only supplier of goods or services in a municipality. A "direct interest" is any contract with the official himself or with any business of which the official is the sole proprietor, a partner, or owner of the largest number of outstanding shares held by any individual or corporation. Except as noted, direct interests are absolutely prohibited (Tennessee Code Annotated § 6-2-402, Tennessee Code Annotated § 6-20-205, Tennessee Code Annotated § 6-54-107 – 6-54-108, Tennessee Code Annotated § 12-4-101 – 12-4-102).

3. Disclosure conflict of interests.

Conflict of interest disclosure reports by any candidate or appointee to a local public office are required under Tennessee Code Annotated §§ 8-50-501, et seq. Detailed financial information is required, including the names of corporations or organizations in which the official or one immediate family member has an investment of over \$10,000 or 5 percent of the total capital. This must be filed no later than 30 days after the last day legally allowed for qualifying as a candidate. As long as an elected official holds office, he or she must file an amended statement with the Tennessee Ethics Commission or inform that office in writing that an amended statement is not necessary because nothing has changed. The amended statement must be filed no later than January 31 of each year (Tennessee Code Annotated § 8-50-504).

4. Consulting fee prohibition for elected municipal officials.

Any member or member-elect of a municipal governing body is prohibited under Tennessee Code Annotated § 2-10-124 from "knowingly" receiving any form of compensation for "consulting services" other than compensation paid by the state, county, or municipality. Violations are punishable as Class C felonies if the conduct constitutes bribery under Tennessee Code Annotated § 39-16-102. Other violations are prosecuted as Class A misdemeanors. A conviction under either statute disqualifies the offender from holding any office under the laws or Constitution of the State of Tennessee.

"Consulting services" under Tennessee Code Annotated § 2-10-122 means "services to advise or assist a person or entity in influencing legislative or administrative action, as that term is defined in § 3-6-301, relative to the municipality or county represented by that official." "Consulting services" also means services to advise or assist a person or entity in maintaining, applying for, soliciting or entering into a contract with the municipality represented by that official. "Consulting services" does not mean the practice or business of law in connection with representation of clients by a licensed attorney in a contested case action, administrative proceeding or rule making procedure;

"Compensation" does not include an "honorarium" under Tennessee Code Annotated § 2-10-116, or certain gifts under Tennessee Code Annotated § 3-6-305(b), which are defined and prohibited under those statutes.

The Attorney General construes "Consulting services" to include advertising or other informational services that directly promote specific legislation or specifically target legislators or state executive officials. Advertising aimed at the general public that does not promote or otherwise attempt to influence specific legislative or administrative action is not prohibited. Op. Atty.Gen. No. 05-096, June 17, 2005.

5. Bribery offenses.

a. A person who is convicted of bribery of a public servant, as defined in Tennessee Code Annotated § 39-16-102, or a public servant who is convicted of accepting a bribe under the statute, commits a Class B felony.

b. Under Tennessee Code Annotated § 39-16-103, a person convicted of bribery is disqualified from ever holding office again in the state. Conviction while in office will not end the person's term of office under this statute, but a person may be removed from office pursuant to any law providing for removal or expulsion existing prior to the conviction.

c. A public servant who requests a pecuniary benefit for performing an act the person would have had to perform without the benefit or for a lesser fee, may be convicted of a Class E felony for solicitation of unlawful compensation under Tennessee Code Annotated § 39-16-104.

d. A public servant convicted of "buying and selling in regard to offices" under Tennessee Code Annotated § 39-16-105, may be found guilty of a Class C felony. Offenses under this statute relevant to public officials are selling, resigning, vacating, or refusing to qualify and enter upon the duties of the office for pecuniary gain, or entering into any kind of borrowing or selling for anything of value with regard to the office.

e. Exceptions to 1, 3, and 4, above include lawful contributions to political campaigns, and a "trivial benefit" that is "incidental to personal, professional, or business contacts" in which there is no danger of undermining an official's impartiality.

6. Official misconduct, official oppression, misuse of official information.

a. Public misconduct offenses under Tennessee Code Annotated §§ 39-16-401 – 39-16-404 apply to officers, elected officials, employees,

candidates for nomination or election to public office, and persons performing a governmental function under claim of right even though not qualified to do so.

b. Official misconduct under Tennessee Code Annotated § 39-16-402 pertains to acts related to a public servant's office or employment committed with an intent to obtain a benefit or to harm another. Acts constituting an offense include the unauthorized exercise of official power, acts exceeding one's official power, failure to perform a duty required by law, and receiving a benefit not authorized by law. Offenses under this section constitute a Class E felony.

c. Under Tennessee Code Annotated § 39-16-403, "Official oppression," a public servant acting in an official capacity who intentionally arrests, detains, frisks, etc., or intentionally prevents another from enjoying a right or privilege commits a Class E felony.

d. Tennessee Code Annotated § 39-16-404 prohibits a public servant's use of information attained in an official capacity, to attain a benefit or aid another which has not been made public. Offenses under the section are Class B misdemeanors.

e. A public servant convicted for any of the offenses summarized in sections 2-4 above shall be removed from office or discharged from a position of employment, in addition to the criminal penalties provided for each offense. Additionally, an elected or appointed official is prohibited from holding another appointed or elected office for ten (10) years. At-will employees convicted will be discharged, but are not prohibited from working in public service for any specific period. Subsequent employment is left to the discretion of the hiring entity for those employees. Tennessee Code Annotated § 39-16-406.

7. Ouster law.

Some Tennessee city charters include ouster provisions, but the only general law procedure for removing elected officials from office is judicial ouster. Cities are entitled to use their municipal charter ouster provisions, or they may proceed under state law.

The judicial ouster procedure applies to all officers, including people holding any municipal "office of trust or profit." (Note that it must be an "office" filled by an "officer," distinguished from an "employee" holding a "position" that does not have the attributes of an "office.") The statute makes any officer subject to such removal "who shall knowingly or willfully misconduct himself in office, or who shall knowingly or willfully neglect to perform any duty enjoined upon such officer by any of the laws of the state, or who shall in any public place be in a state of intoxication produced by strong drink voluntarily taken, or who shall

engage in any form of illegal gambling, or who shall commit any act constituting a violation of any penal statute involving moral turpitude" (Tennessee Code Annotated § 8-47-101).

Tennessee Code Annotated § 8-47-122(b) allows the taxing of costs and attorney fees against the complainant in an ouster suit if the complaint subsequently is withdrawn or deemed meritless. Similarly, after a final judgment in an ouster suit, governments may order reimbursement of attorney fees to the officer targeted in a failed ouster attempt (Tennessee Code Annotated § 8-47-121).

The local Attorney General or City Attorney has a legal "duty" to investigate a written allegation that an officer has been guilty of any of the mentioned offenses. If he or she finds that "there is reasonable cause for such complaint, he shall forthwith institute proceedings in the Circuit, Chancery, or Criminal Court of the proper county." However, with respect to the City Attorney, there may be an irreconcilable conflict between that duty and the City Attorney's duties to the City, the Mayor, and the rules of professional responsibility governing attorneys. Also, an Attorney General or City Attorney may act on his or her own initiative without a formal complaint (Tennessee Code Annotated §§ 8-47-101 – 8-47-102). The officer must be removed from office if found guilty (Tennessee Code Annotated § 8-47-120).

Appendix B**Downtown Central Business Improvement District**

SITUATE in the Fifth (5th) Civil District of Sevier County, Tennessee, and within the corporate limits of the City of Sevierville, Tennessee, said area being the same as, and identical to, the (C-1) Central Business District as established by the "Zoning Map of the City of Sevierville, Tennessee" dated October 10, 1981, as provided by Ordinance No. 414, and being more particularly described as follows:

BEGINNING at a point marking the intersection of the southerly edge of the right of way of Main Street with the easterly edge of the right of way of the Sevierville By-Pass, said point being the northwesternmost corner of the property herein described; thence from said point of beginning, continuing with the easterly edge of the right of way of the Sevierville By-Pass in a southerly to southeasterly direction the following approximate distances: 315 feet to a point in the center of the right of way of Commerce Street at its intersection with the Sevierville By-Pass; thence 280 feet to a point in the center of Bruce Street at its intersection with the Sevierville By-Pass; thence 1340 feet to a point in the center of Prince Street Extended at its intersection with the Sevierville By-Pass and thence 1150 feet to the point of intersection with the easterly edge of the right of way of the Sevierville By-Pass with the northerly edge of the right of way of Tennessee Highway No. 71 (a/k/a the Gatlinburg Highway); thence leaving the easterly edge of the right of way of the Sevierville By-Pass and with the northerly or westerly edge of the right of way of Tennessee Highway No. 71 in a northerly direction the following distances: 200 feet to a point in the center of Court Avenue at its intersection with Tennessee Highway No. 71; thence 1055 feet to a point in the center of Prince Street at its intersection with Tennessee Highway No. 71; thence 230 feet to a point in the center of Church Street at its intersection with Tennessee Highway No. 71; thence 220 feet to a point in the center of Cedar Street at its intersection with Tennessee Highway No. 71; thence 200 feet to a point in the center of Joy Street at its intersection with Tennessee Highway No. 71; thence 270 feet to a point in the center of Bruce Street at its intersection with Tennessee Highway No. 71; thence 575 feet to a point at the intersection of Tennessee Highway No. 71 with the southerly edge of the right of way of Main Street; thence leaving Tennessee Highway No. 71 and continuing with the southerly edge of the right of way of Main Street in a westerly direction the following distances: 640 feet to a point in the center of Court Avenue at its intersection with Main Street; thence 265 feet to a point in the center of County Avenue at its intersection with Main Street; thence 470 feet to the point of beginning. This description being taken from the records contained in the Sevier County, Tennessee, Tax Assessor's Office.

APPENDIX C

(as added by Ord. #2021-017, Oct. 2021

Ch6_02-07-22)

PURCHASING POLICY & PROCEDURES MANUAL



P.O. Box 5500 Sevierville TN 37864-5500 Phone (865) 453-5504 Fax (865) 453-5518
October 4, 2021

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Forms – Located on Staffnet – Forms or Policy Tabs <http://staffnet.sevierville.priv/>

Bid Tabulation Form <http://staffnet.sevierville.priv/Forms/Current Forms/Bid Tabulation.pdf>

Board Memorandum Template <http://staffnet.sevierville.priv/Forms/Blank Form - Board Memorandum - Master - Updated 7-30-21.docx>

Budget Transfer Form <http://staffnet.sevierville.priv/Forms/Current Forms/Budget Transfer Form.pdf>

Business Tax and License Affidavit <http://staffnet.sevierville.priv/Forms/Business Tax License Affidavit.pdf>

Fixed Asset Catalog <http://staffnet.sevierville.priv/Forms/Fixed Asset Catalog.pdf>

Fixed Asset Disposal Log <http://staffnet.sevierville.priv/Forms/Fixed Asset Disposal.pdf>

Fixed Asset Transfer Log <http://staffnet.sevierville.priv/Forms/Fixed Asset Transfer.pdf>

Qualification Based Selection <http://staffnet.sevierville.priv/Forms/Qualification Based Selection Appendices.pdf>

Resolution R2005-007 Petroleum Fuel <http://staffnet.sevierville.priv/Policies/Fuel Purchasing.pdf>

TDOT Consultation Selection <http://staffnet.sevierville.priv/Internal Support/documents/TDOT Consultant Selection Policy.pdf>

Title IV <http://staffnet.sevierville.priv/Forms/Title VI Information.pdf>

Travel Authorization Form <http://staffnet.sevierville.priv/Forms/Travel Authorization updated 06232021.pdf>

Uniform Policy <http://staffnet.sevierville.priv/Policies/Uniform Policy.pdf>

Vendor Information Form <http://staffnet.sevierville.priv/Forms/vendor information form update 03292021.pdf>

Did You Know?

Purchases totaling less than \$5,000 – Pre-authorized purchase order not required but must be entered once known.

Purchases \$5,000 - \$9,999.99 – Three (3) quotes required on purchase order to be approved – Departments retain quote documents.

Purchases \$10,000 - \$24,999.99 – Three (3) written quotes and prior approval by Board of Mayor and Aldermen before a purchase order entered and approved.

Purchases \$25,000 or more – Sealed bids, contact Purchasing Agent.

Commodities – Purchased based on spot pricing current market, limited to budgeted amounts, authorized purchase order before placing order, quotes listed on purchase order, Department retains quote documents.

Ethics – Good stewardship to the City, no gratuities, gifts should be nominal amount or returned.

Budget Transfers – Approved by City Administrator, no Department may exceed total budget.

Emergency Purchases – Critical functions, **MUST** have City Administrator approval.

Travel - Pre-Approved by City Administrator, per diem rates www.gsa.gov and both MTAS and State of Tennessee policies found on <http://staffnet.sevierville.priv/Policies/policies.html>

Lodging – Receipts are required and must itemize room charges and taxes by date. Sales tax exempt within Tennessee.

Conference Lodging – If documentation is provided by a conference brochure or registration, a higher rate will be allowed.

Per Diem for Incidentals – Are intended to include miscellaneous costs associated with travel.

Meals for One Day Travel – Per diem is not permitted for employees on one day travel status with no overnight stay. See policy for additional information.

Meeting Meals – Are reimbursable if not on travel status. Example: During an MTAS class a break is programmed into the day and a meal is provided with the cost not included in the class. The meal is purchased by the employee it is a reimbursable expense.

Policies and Forms – Located on: <http://staffnet.sevierville.priv/>

Purchasing Methods and Policies

Purchase Orders

Limits and Authorization

The City Administrator or his designee shall be the Purchasing Agent for the City of Sevierville. All supplies, materials, equipment, and services of any nature whatsoever shall be acquired by the Purchasing Agent or his authorized representative. The limits of these purchase are as follows:

- 1) **Purchases Totaling less than \$5,000.00** – An authorized purchase order is not required prior to a purchase of less than five thousand dollars (\$5,000.00). However, a purchase order must be entered once the cost of goods/services is known.
- 2) **Purchases Totaling \$5,000.00 to \$9,999.99** – All purchases between five thousand (\$5,000.00) and nine thousand nine hundred ninety-nine dollars and ninety-nine cents (\$9,999.99) require a minimum of three (3) competitive quotes. Requisitioners are encouraged to obtain as many quotes as practical. A bid tabulation sheet http://staffnet.sevierville.priv/Forms/Current_Forms/Bid_Tabulation.pdf can be used in compiling the information from various vendors. Three (3) competitive quotes must be recorded on the purchase order before approval will be granted.
- 3) **Purchases Totaling \$10,000.00 to \$24,999.99** – All purchases between ten thousand dollars (\$10,000.00) and twenty-four thousand nine hundred ninety-nine dollars and ninety-nine cents (\$24,999.99) must receive prior approval by the Board of Mayor and Aldermen. Once the three (3) written competitive quotes have been compiled, the request to purchase the items shall be forwarded with a Board Memorandum [http://staffnet.sevierville.priv/Forms/Blank_Form - Board Memorandum - Master - Updated 7-30-21.docx](http://staffnet.sevierville.priv/Forms/Blank_Form_-_Board_Memorandum_-_Master_-_Updated_7-30-21.docx) to the Administration Department for addition to the agenda of an upcoming Board of Mayor and Aldermen meeting. Once the Board of Mayor and Aldermen has approved the purchase, a purchase order shall then be created. The date of Board approval must appear on the purchase order description section of the purchase order. An authorized purchase order is required before placing an order for goods/services. Departments must retain quote information in accordance with MTAS policy.
- 4) **Purchases Totaling \$25,000.00 or More** - Sealed bids are required on all purchases of twenty-five thousand dollars (\$25,000.00) or more. The Purchasing Agent or an authorized representative, generally the Department Head of the Department making the request, will determine the specifications of the goods/services to be purchased. The Purchasing Agent will set a date and time for the public bid opening. One (1) insertion of an invitation to bid will be published in a newspaper of general circulation in the Sevier County area at least five (5) days prior to the bid-opening date. After all bids have been reviewed, the Purchasing Agent or an authorized representative will make a recommendation to the Board of Mayor and Aldermen. The Board of Mayor and Aldermen must approve the purchase before a purchase order can be created. The date of approval must appear on the purchase order. A more detailed account of the sealed bid process is in Section 2 of this policy.
- 5) **Concessions Purchases** – Concessions will be purchased considering price, quality, and desired menu offerings, and these criteria will be reviewed annually as the basis of purchases.

- 6) **Commodities** – Items that are designated as commodities will be purchased considering the current market price at the time the purchase is necessary, limiting the purchase to the budgeted amounts. Board of Mayor and Aldermen must approve commodity designation. The commodity designation may be approved for up to three (3) years. The date of Board approval must appear on the purchase order description section of the purchase order when submitted for final payment. An authorized purchase order is required before placing an order for goods/service.

Petroleum fuels for vehicle use will be purchased primarily by the Fleet Department following guidelines set forth in Resolution NO. R2005-007 http://staffnet.sevierville.priv/Policies/Fuel_Purchasing.pdf passed by the Board of Mayor and Aldermen on May 2, 2005.

General Purchasing Guidelines and Ethics

Departments may not divide purchases for the purpose of avoiding the above-mentioned limits. If a foreseeable (within fiscal year) purchase exceeds the limits, regardless of the purchase order breakdown, the gross purchase amount shall determine requirements. Purchases for which reimbursement is anticipated must comply with all purchasing requirements. Anticipated reimbursement documentation must be forwarded to accounts receivable. Only emergency purchases approved by the City Administrator may be made before obtaining standard authorization.

Responsibility to the City

- Follow the lawful instruction or laws of the City and Tennessee law.
- Understand the authority granted by the City and Tennessee law.
- Avoid activities which would compromise or give the perception of compromising the best interests of the City.
- Reduce the potential for any charges of preferential treatment by actively promoting the concept of competition.
- Obtain the maximum benefit for funds spent as agents of the City.

Conflict of Interest

- Avoid any private or professional activity that would create a conflict between your personal interest and the interests of the City.
- Take care when engaging in personal business with any company that is a supplier to the City. In situations where engaging in personal business with a supplier is unavoidable the employee shall make clear to the supplier that he is not allowed and cannot accept preferential treatment from the company.
- Avoid lending money to/or borrowing money from any supplier.

No appointed, or elected official shall have any financial interest in the profits of any contract, service or other work performed for the City. He shall not personally profit directly or indirectly from any contract, purchase, sale or service between the City and any person or company. Any employee having a direct or indirect interest must confirm in writing that they have no influence in the decision making or conflict of interest with the award of the contract. Any employee violating provisions of this rule shall be subject to appropriate disciplinary action including dismissal.

“Direct Interest”, means any purchase or contract with the employee himself or with any business in which the employee is sole proprietor, a partner, or the person having at least 5% ownership interest in the business.

“Indirect Interest”, means any purchase or contract in which the employee has no direct interest, however a

spouse or relative has an interest in the contract. A conflict of interest exists if a spouse or relative co-mingles their assets.

Gratuities

- Never solicit or accept money, loans, credits or prejudicial discounts, gifts, entertainment, favors or services from your present or potential suppliers which might influence or appear to influence purchasing decisions.
- Never solicit gratuities in any form for yourself or the City.
- Items of nominal value offered by suppliers for public relations purposes are acceptable when the value of such items has been established by the City and would not be perceived by the offeror, receiver or others as posing an ethical breach.
- Gifts offered exceeding nominal value should be returned with an explanation or if perishable either returned or donated to a charity in the name of the supplier. Nominal value is fifty dollars (\$50.00).
- In the case of any gift, care should be taken to evaluate the intent and perception of acceptance to ensure that it is legal, that it will not influence your buying decisions, and that it will not be perceived by your peers and others as unethical.

Business Meals

- There are times when during the course of business, it may be appropriate to conduct business during meals. The meal should be for a specific business purpose. Purchase order should identify attendees and business purpose. Alcohol shall never be purchased with City's monies.
- Avoid meals with suppliers unless necessary.
- The purchasing professional should pay for meals as frequently as the supplier.
- Budgeted funds should be available for such purpose, as necessary.

Relationship with the City

- Remain focused on the best interests of the City.
- Buyers should not engage in activities if there are significant personal/financial interests.
- Exercise discretionary authority on behalf of the City.
- All involvement and transactions shall be handled in a professional manner with the interest of the City taking precedent.

Relationship with Professional Purchasing Organizations and Associations

- It is the responsibility of the Buyer through affiliation with the City to represent the City in a professional and ethical manner.
- A Buyer shall not use his position to persuade an individual or firm to provide a benefit to the City.

Budget Transfers and Amendments

A budget transfer form http://staffnet.sevierville.priv/Forms/Current_Forms/Budget_Transfer_Form.pdf must be prepared by the Department and signed by the City Administrator. Finance will then process the budget transfer. Budget transfer forms are required for unbudgeted items ten thousand dollars (\$10,000.00) or greater.

A budget amendment will be considered only when additional funds need to be appropriated due to significant

changes within a Department. The amendment will be presented to the Board of Mayor and Aldermen in the form of an ordinance. Three (3) readings are required before the ordinance is passed. Please contact the Finance Department if a budget amendment needs to be considered.

Purchase Order Generation

Purchase orders are to be entered only after all requirements stated within this policy have been met. The responsibility for entering purchase orders lies with each individual Department. Upon approval of the purchase order and receipt of goods or services, the documentation may be submitted to the Finance Department for payment.

- Avoid providing insufficient description or too much abbreviation.
- Avoid failing to enter all the required line items in the financial software.
- Enter written description of item being purchased.
- Avoid incorrect vendor information.
- Enter quantity and per unit price when available.
- Multiple items or invoices may be entered on one purchase order, with each invoice on a separate line.
- Person signing the purchase order acknowledges receipt of items or goods. **No person shall sign for receipt who does not have personal knowledge of receipt.**

Emergency Purchases

Emergency purchases are costly and should be kept to a minimum. Emergency purchases are defined as when critical functions and operations of the Department would be hampered by proceeding in the regular manner or where property, equipment, or life are endangered through unexpected circumstances and materials and labors, etc., are needed immediately. A true emergency will usually occur as the result of parts and labor needed to repair equipment. Emergencies created through negligence and poor planning shall be avoided. Avoiding emergency purchases will ultimately save the City additional expenditures.

Avoid the use of personal funds unless an emergency has occurred or the purchase has been approved by the City Administrator or Finance Director. The City Administrator must authorize all emergency purchases. Follow the following steps to handle emergency purchases:

1. The using Department shall always use sound judgement in making emergency purchases of materials/supplies and for labor or equipment at the best possible price. Orders should be placed with vendors with whom the using Department has had previous satisfactory experience.
2. Suppliers must furnish sales tickets, delivery slips, invoices, etc. for supplies or services rendered. Terms of the transaction and price must appear on the documentation provided by the supplier.
3. Upon completion of the purchase, on the same or following business day, the using Department shall enter a purchase order for approval. A detailed description of materials, supplies or service rendered as well as the words "EMERGENCY PURCHASE" shall appear on the purchase order, along with a brief description of the emergency. Date of City Administrator approval shall be entered on the purchase order.
4. The using Department shall prepare a memo to the City Administrator, specifying the amount paid, goods purchased, vendor name and the nature of the emergency. If the expenditure totals ten thousand dollars (\$10,000.00) or more the Department must seek ratification by the Board of Mayor and Aldermen.

Travel

The City of Sevierville has adopted the MTAS – Municipal Travel Policy as the standard travel policy for City employees. A copy of this policy may be found on http://staffnet.sevierville.priv/Policies/MTAS_Travel_Policy.pdf. All current publications may be also found at www.mtas.tennessee.edu. Any exceptions to this policy are outlined below. Travel is governed by State of Tennessee Travel Regulations state travel policy http://staffnet.sevierville.priv/Policies/State_of_TN_Travel_Regulations.pdf Out of state travel per diem rates are found at www.gsa.gov. Travel must be approved by Department Head and City Administrator before purchase order is entered. Itinerary, registration, and approved travel authorization form http://staffnet.sevierville.priv/Forms/Travel_Authorization_updated_06232021.pdf should be attached to purchase orders. Per diem is allowed with overnight travel only. It is the responsibility of the employee to be familiar with and adhere to the established travel policies. Deliberate disregard of these regulations while traveling on City business or the filing of intentionally misleading or fraudulent travel claims is grounds for disciplinary action including termination of employment.

Exceptions:

- Travel Advances – Travel advances may be requested for one hundred percent (100%) of anticipated expenses. Purchase orders for travel advances must be turned in to the Finance Department no less than fifteen (15) days prior to the date of departure.
- Personally Owned Vehicle – Travel using a personally owned vehicle must be indicated on the travel authorization form and pre-approved by the City Administrator. No reimbursement for fuel or mileage will be provided should an employee elect to use a personal vehicle when a City vehicle is available for use. Exceptions may be made if NO City vehicles are available for the trip.
- Lodging – City employees are not required to share a room. If rooms are shared, the applicable maximum rate in the reimbursement rate schedule applies. Additional charges due to double occupancy may be approved.
- Per Diem Rates for Meals and Incidentals (M&I) – Travel on the day of departure and day of return shall be seventy five percent (75%) of the appropriate meals and incidentals rate. Any meals provided by the conference or meeting shall be deducted from the per diem for that day at the seventy five percent (75%) rate.
 - Example: Assume a first and last day travel rate of \$41.25 for the full day. If an employee departs after lunch is provided at the conference (at a full rate of \$14), per diem would be calculated as follows: $\$41.25 - (\$14 \times 75\%) = \$30.75$
- Non-Standard Shift Hours – Employees who work non-standard shift hours will follow the same per diem rate structure as employees with standard shift hours. While traveling, employees will be compensated for up to an eight-hour (8) day unless nonrecreational activities exceed eight hours (8). Firefighter equivalent is up to a ten-hour (10) day.
- Extended Travel – Employees on extended travel status working out-of-state are authorized to take one trip to the home station once every two (2) weeks. On the day of departure and day of return only, employees may be reimbursed for fuel costs (unless using a personal vehicle) and receive per diem at a rate of seventy five percent (75%) of the appropriate M&I rate. Any meals already included shall be deducted from the per diem for that day at the seventy five percent (75%) rate. If employees elect to travel home more frequently, they may do so at their own expense.

Sealed Bids or Proposals

Departmental Responsibility

Sealed bids are required on purchases and construction contracts estimated to be twenty-five thousand dollars (\$25,000.00) or more. Written notice of the invitation to bid shall be published on the City's webpage and once in a newspaper of general circulation in Sevier County, and at least five (5) days proceeding the last day set for receipt of proposals. The notice shall include a general description of the goods to be purchased, state where bid forms and specifications may be secured and the date, time, and location for opening bids. Note: Grants may have other publication requirements.

USING DEPARTMENT'S RESPONSIBILITY

1. Prepare and submit a request to initiate bid process to the Purchasing Agent. This should include type of bid and request for bid opening date. Under routine circumstances, this should be submitted at least five (5) weeks before the approximate or desired date of the bid opening.
2. Prepare detailed specifications. Specifications should not be tailored to a specific product brand. Exceptions may be approved by the City Administrator when brand consistency creates greater overall efficiency and cost savings to the City.
3. Assist the Purchasing Agent in creating a list of vendors to whom bids should be distributed. This list should consist of vendor's name, mailing address, telephone number, contact person and email address.
4. Attend bid opening to assist with any questions concerning the bid specifications.
5. Evaluate bid results and submit a copy of the bid tabulation results as well as recommendation of award to the Purchasing Agent for approval of the Board of Mayor and Aldermen to be placed on a regularly scheduled meeting agenda.
6. Enter purchase order after the Board of Mayor and Aldermen has approved the bid award. The date of approval must appear on the purchase order description section.
7. Sole Source – competitive bidding laws may exempt contracts to “sole source” suppliers. “Sole Source” is applied when there are circumstances where only one person, institution or company has exclusive or predominant capability by reason of experience, specialized facilities, proprietary right, or technical competence to provide the needed services or supplies. This applies to work and/or the necessary special equipment or parts for which no other items are known to exist within the time required and at reasonable prices. For a company to be a supplier seeking to declare a sole source, they must provide documentation that other similar goods or services cannot perform the government's desired objective. Regional sole source – when competitive items can not be obtained within a reasonable distance. All sole sources must have Board of Mayor and Aldermen approval, the date of which must be entered on the purchase order.

PURCHASING AGENT'S RESPONSIBILITY

1. Establish date, time, and location for bid or proposal openings.
2. Assemble final draft of specifications (unless of a technical nature, i.e., architectural engineering, etc.)

using Department's input and assistance.

3. Proofread the final bid or proposal requests.
4. Prepare and advertise the request for bids or proposals.
5. Mail or email bid package to potential vendors.
6. Receive and open bids at appropriate bid opening date and time.
7. Give appropriate Department copies of the bid tabulations results.
8. Give completed Title VI forms <http://staffnet.sevierville.priv/Forms/Title VI Information.pdf> to the Title VI Coordinator.
9. Maintain all specifications, bid data files, and a list of potential bidders in accordance with MTAS guidelines, and bond and grant requirements who have received bid packages.
10. Notify all bidders of bid results after the Board of Mayor and Aldermen awards the bid.

General Information Regarding Sealed Bids or Proposals

1. **Bid or Proposal Opening** – Bids will be opened at the advertised date and time specified on the bid request.
2. **Late Bids** – All bids received after the advertised closing time will not be accepted. All late bids will be maintained (unopened) in the bid file. Bids postmarked on the bid opening date but received after the specified time are considered late and will be maintained (unopened) in the bid file.
3. **Bid Opening Schedule** – The Purchasing Agent is responsible for setting bid opening dates and times.
4. **Telephone and Facsimile Bids** – The Purchasing Agent will not accept any bid by telephone, electronic means or by facsimile. Bids received by electronic means or facsimile will be maintained in the bid file; however, electronic means or facsimile bids will not be considered.
5. **Bid Form** – A bid form will be provided in each bid specifications packet to each bidder. Each bidder shall return the original form in a sealed envelope addressed to the Purchasing Agent.
6. **Unsigned Bids** – Failure of a vendor representative to sign the bid proposal may result in the removal of that bid from consideration.
7. **Acceptance of Bids** – The City reserves the right to reject any or all bids, to waive any informalities in a bid, to make awards to more than one (1) bidder, to accept any part or all of a bid, or to accept that bid (or bids) which in the judgment of the Board of Mayor and Aldermen is in the best interests of the City. The City shall not accept the bid of a vendor or contractor who is in default on the payment of any taxes, licenses, fees, or other monies of whatever nature that may be due the City by said vendor or contractor, unless reconciled prior to award of bid by the Board of Mayor and Aldermen.
8. **Statement when Award not given to Low Bidder** – When the award for purchases and/or construction contracts in excess of twenty-five thousand dollars (\$25,000.00) is not given to the lowest bidder, a full and complete statement of the reason(s) for placing the order elsewhere shall be prepared by the Department Head and forwarded to the Purchasing Agent. The Purchasing Agent shall file the statement with all other documentation relating to the transaction.

9. **Shipping Charges** – Bids are to include any/all shipping charges to the point of desired delivery, normally F.O.B. Sevierville. Bid considerations will be based on delivered price, except as otherwise authorized by the Board of Mayor and Aldermen. Bid specifications must include shipping address and specify that any/all shipping charges are to be included in the final bid price.
10. **Pre-Bid Conference** – On occasion, a product or service will be needed for which little is known, or which is of such a technical nature that may need clarification. In this instance, a pre-bid conference may be deemed necessary. The purpose of the pre-bid conference is to gain input and information from possible vendors and to provide vendors with clarification of bid specifications. In the event that such a conference is required, the date and time will be published in the bid specifications.
11. **Sample Product Policy** – The Purchasing Agent or using Department may request a sample product as part of a bid. If stated on the bid request form, the vendor is required to comply with this request, or the bid may be removed from consideration. Samples will become the property of the City unless otherwise agreed upon.
12. **Bid Deposits or Bond** – When deemed necessary, bid deposits may be prescribed and noted in the bid specifications. The deposit shall be in such amount as the Purchasing Agent shall determine and unsuccessful bidders shall be entitled to return of the deposits where such has been required. A successful bidder shall forfeit any required similar deposit upon failure on his part to enter a contract within ten (10) days after the award.
13. **Performance Bond** – The Purchasing Agent may require a performance bond, before entering a contract, in such amount as he shall find necessary to protect the best interest of the City.
14. **Approved Equal Policy** – Specifications furnished in the request for bid are intended to establish a desired quality or performance level or other minimum requirements which will provide the City with the best product available at the lowest possible price. Approval of equals or substitutes is the sole responsibility of the City or its authorized agent.
15. **Contractors Licensing** – On bids over twenty-five thousand dollars (\$25,000.00), the contractor's license number, classification, and subcontractor information must appear on the outside of the bid envelope.
16. **Alternate Bids** – Should it be found, after bids have been opened, that a product has been offered with an alternate specification and this product would prove to be satisfactory and more economical for the City to use, all bids for that item may be rejected and specifications re-drawn to allow all bidders an equal opportunity to submit bids on the alternative item.
17. **Vendor Information** – Potential suppliers are selected from existing vendor files and using Department's suggestions. New suppliers are added to the bid list as they are identified. A vendor information form [http://staffnet.sevierville.priv/Forms/vendor information form update 03292021.pdf](http://staffnet.sevierville.priv/Forms/vendor%20information%20form%20update%2003292021.pdf) and W-9 form [http://staffnet.sevierville.priv/Forms/W-9 Form.pdf](http://staffnet.sevierville.priv/Forms/W-9%20Form.pdf) will be provided in each bid specification packet. These forms must be filled out completely and signed by each vendor submitting a bid. A Title VI form [http://staffnet.sevierville.priv/Forms/Title VI Information.pdf](http://staffnet.sevierville.priv/Forms/Title%20VI%20Information.pdf) will be provided in each bid specification packet. It is requested that the Title VI form [http://staffnet.sevierville.priv/Forms/Title VI Information.pdf](http://staffnet.sevierville.priv/Forms/Title%20VI%20Information.pdf) be completed and returned when submitting a bid.
18. **Bidders List** – The Purchasing Agent will keep an active bidders list on file. Vendors may request to add or remove their company to/from the bidder list. City employees shall forward all such requests to the Purchasing Agent. All vendors on file are automatically notified regarding bids in their respective categories.
19. **Rights to Negotiate** – If a bid exceeds such amounts estimated to fund the purchase/contract, the City may reject all bids or may award the purchase/contract on the lowest qualified bid with such

deductible alternates to produce a net amount which is within the available funds.

20. **Acknowledgement of Receipt of all bid Amendments/Addendums** – A receipt acknowledgement form is attached to all bid amendments/addendums. It is requested that the acknowledgment form be mailed back to the Purchasing Agent prior to the bid opening.
21. **Tie Bids** – A tie bid is one in which two (2) or more vendors bid identical items at the same unit cost. Tie bids may be determined by one of the following factors:
 - (a) Discount allowed
 - (b) Delivery schedule
 - (c) Previous vendor performance
 - (d) Vendor location
 - (e) Trade-in value offered

If all bids received are for the same total amount or unit price, quality and service being equal, the contract or purchase shall be awarded to a local bidder. If a local vendor has not bid or is not one of the lowest tie bids, the contract shall be awarded to one of the tie bidders by drawing lots in public.

22. **Cancellation of Invitation to Bid or Request for Proposal** – An invitation to bid, a request for proposal or other solicitations may be cancelled, or any and all bids or proposals may be rejected in part when it is in the best interest of the City. The reasons therefore, shall be made a part of the bid or proposal file.
23. **Public Advertisement** – In addition to the City website and publication in a newspaper of general circulation as required by law, the Purchasing Agent may make any other efforts deemed appropriate to notify all prospective bidders of the invitation to bid. This may be accomplished via verbal notification, written notification or by posting the invitation to bid in a public place. It is not required that specifications be included in the invitation to bid, however, this notice should clearly state the product and/or service to be purchased.
24. **State/Federal Contract Prices** – The City of Sevierville may take advantage of available “State and/or Federal contract prices”. The prices and vendor information are available from the Purchasing Division of the Department of General Services for the items available. When State or Federal contracts are used, the bid requirements and procedures are waived but must be approved consistent with policy. State contract number and expiration date should be included on purchase order.
25. **Purchasing Groups** – Is equivalent to State Contract and requires the same documentation. Must be approved by the Board of Mayor and Aldermen by Resolution. An example is: [nppgov.com R2016-003 NPPGOV Purchasing.pdf](http://nppgov.com/R2016-003%20NPPGOV%20Purchasing.pdf)
26. **Purchases from other Government Entities** – Any municipality may purchase from any other government second-hand articles or equipment or other materials, supplies, commodities, and equipment. These purchases may be made without competitive bidding and public advertisement regardless of charter requirements and require approval consistent with policy.
27. **Penalties for Late Delivery or Performance** – The Purchasing Agent may require a penalty for late delivery or performance of services, in such amount as he shall find necessary.
28. **Multi-Year Award** – is a contract for a product or service that lasts for more than twelve months. Certain materials, supplies or services may be best awarded for a contract period exceeding one-year. These contracts are generally conditioned upon the prices, terms and conditions of the original bid remaining unchanged. Should it be determined at the end of any multi-year term that the bid is not renewable, the contract will be re-bid.

29. **All Bid Items must be Reviewed by the Purchasing Agent before being placed on the Agenda -** On the Board Memorandum, all purchases and contracts must indicate the following applicable information: competitive pricing, sole source (specify if sole source for certain specifications or conditions), bid, request for proposal, multi-year contract (include end date and cost per year) and state contract (include SWC number, vendor contract number and expiration date).

Other Aspects to Be Considered in Bid Award

In addition to price, the following aspects will be considered in the award of a bid:

1. The ability of the bidder to perform the contract or provide the material/service required.
2. Whether the bidder can perform the contract, provide the material/service promptly or within the time specified, without delay or interference.
3. The character, integrity, reputation, experience, and efficiency of the bidder.
4. The previous and existing compliance, by the bidder, with laws and ordinances relating to the contract or service.
5. The ability of the bidder to provide future maintenance and service for the use of the subject contract.
6. Terms and conditions stated in the bid.
7. Compliance with specifications or Request for Proposals.

Non-Performance Policy

Failure of a bidder to complete a contract, bid, or purchase order in the specified time agreed upon, or failure to provide the service, materials, or supplies required by such contract, bid, or purchase order, or failure to honor a quoted price on services, materials, or supplies on a contract, bid, or purchase order may result in one (1) or more of the following actions:

1. Removal of a vendor from the bid list for a period to be determined by the City.
2. Allowing the vendor to find the needed item for the City from another supplier at no additional cost to the City.
3. Allowing the City to purchase the needed services, materials, or supplies from another source and charge the vendor for any difference in cost resulting from this purchase.
4. Allowing a monetary settlement.

Delinquent Delivery

Once the purchase order has been issued and approved, no follow up work is required unless the using Department advises that the items have not been received. Upon this notification, the Department Head (using Department) will initiate action, either written or verbal as time allows, to investigate the delay. The using Department will advise the Purchasing Agent of all information pertaining to the purchase order.

Contractual Purchases

Such materials, supplies, or services which are needed on a consistent basis for City operations will be taken by

formal bid and the Board of Mayor and Aldermen will award the contract for a specified period of time. This procedure shall be used in situations where the amount of the purchase of said materials, supplies, or services twenty-five thousand dollars (\$25,000.00) or more within the fiscal year.

Contracts, applications for title, agreements, lease, and contracts for utilities shall not be signed by any City employee unless authorized in writing or email by the City Administrator, Finance Director or by action of the Board of Mayor and Aldermen. Contract specifications are as follows:

1. **Contracts** – When a contract for service is required, the Department Head shall consult with the Finance Department to determine if any special provisions should be included in the contract document. Contracts twenty-five thousand dollars (\$25,000.00) and over should be reviewed by the City Attorney when necessary and approved by the Board of Mayor and Aldermen and executed by the Mayor and/or City Administrator.
2. It is the responsibility of the Department Head of the using Department to execute the terms of the contract and to see that the contract is in order before obtaining a purchase order.
3. If a contract is administered by the using Department, a purchase order is to be entered upon award of the bid. If a contract is administered by the Finance Department, the contract shall be forwarded to the Finance Department upon award of the bid.
4. **Prohibition of Contracts with Municipal Officers** – State laws governing doing business with officers of the City are:
 - a) **T.C.A. Section 6-54-107 Contracts with Officers Prohibited** – No person holding office under any municipal corporation shall, during the time for which he was elected or appointed, be capable of contracting with such corporation for the performance of any work, which is to be paid for out of the treasury. Nor shall such a person be capable of holding or having interest in such a contract, either by himself or by another, directly or indirectly. (See T.C.A. 6-54-108 for penalty).
 - b) **T.C.A. Section 12-4-101 Personal Interest of Officers Prohibited** – It shall not be lawful for any officer, committeeman, director, or other person whose duty it is to vote for, let out, overlook, or in any manner to superintend, any work or any contract in which any municipal corporation, county, state, development districts, utility districts, human resource agencies and other political subdivisions created by statute shall or may be interested, to be directly or indirectly interested in any such contract. (See T.C.A. 12-4-102 for penalty).
5. All contracts entered into by the City for the furnishing of work or services to the City shall contain a provision stating that the contractor, in providing the work or services, shall not discriminate against any person seeking employment with or employed by the contractor because of race, creed, color, national origin or disability.

Items Covered by Warranty or Guarantee

The City acquires many items, which have a warranty or guarantee for a certain length of time such as tires, batteries, water heaters, roofs, and equipment. Before these items are repaired or replaced, the using Department should review the warranty or guarantee for possible coverage of the item. The using Department shall maintain an active current file with complete information on such warranties or guarantees.

Brand Name Designation

When a brand name and/or model is designated, it signifies the minimum quality acceptable. If an alternate is offered, the bidder must include the brand name or model to be furnished. Also included should be complete specifications and descriptive literature as well as a sample for testing if requested by the Department Head.

Brand and/or models other than those designated as “equal-to” products shall receive equal consideration.

Trade-Ins

A list of equipment to be used as trade-in shall be incorporated into the request for bids and bid specifications. The list must include the model, year, serial number(s), and the City of Sevierville fixed asset number(s) as well as any other pertinent data. This may also be integrated as a bid alternate.

General Purchasing Information

Fixed Assets

A fixed asset is described as any tangible product, excluding components of a larger assembly, vehicle, machine, or piece of equipment, in which the value is equal to or exceeds five thousand dollars (\$5,000.00) and has a usage life of three (3) years or more. The following forms must be completed when dealing with fixed assets:

1. **Fixed Asset Catalog** – When a purchase is made and the cost of that purchase meets the requirements of the definition of a fixed asset, a fixed asset catalog form <http://staffnet.sevierville.priv/Forms/Fixed Asset Catalog.pdf> must be prepared by the Finance Department. Once the initial information is recorded, an asset tag is attached to the form and it is forwarded to the using Department. It is then the using Department's responsibility to complete the areas highlighted by the Finance Department and affix the asset tag to the fixed asset. The completed form must be returned to the Finance Department within ten (10) days.
 2. **Fixed Asset Transfer Log** – When a Department Head determines that a piece of equipment qualifies as a surplus item, the fixed asset can be transferred to another department for their use. The fixed asset transfer log <http://staffnet.sevierville.priv/Forms/Fixed Asset Transfer.pdf> must be completed in its entirety and returned to the Finance Department within ten (10) days of the transfer.
 3. **Fixed Asset Disposal Log** - Department Heads are responsible for identifying surplus equipment or materials within the Department. He or she shall notify the Finance Department in writing of any such equipment or materials. If the equipment has been assigned a fixed asset tag, the Department Head must complete a fixed asset disposal log <http://staffnet.sevierville.priv/Forms/Fixed Asset Disposal.pdf> and return the completed form to the Finance Department within ten days. City property which may be consumed in the course of normal City business and items thought to be worthless shall be disposed of in a like manner to any other refuse. Said items shall be charged off as a routine cost of doing business. Items with any value, that are no longer of use to the City, must be sold at public auction. Fixed assets held for auction shall be classified as inactive until sold, at which time they shall be reclassified as disposed. Departments will notify Police/Fleet Department for fixed assets to be sold on Govdeals.com. Proceeds from disposition shall be credited to the applicable fund. No employee may benefit from the sale of City property. Prior to disposal, fixed assets with a value in excess of five thousand (\$5,000.00) shall be approved as surplus by the City Administrator and that approval shall be forwarded to the Finance Department with the Fixed Asset Disposal Log. Donations of surplus items require Board of Mayor and Aldermen approval Date of Board approval listed on the disposal form.
- A. Disposal Worksheet sent to Police/Fleet and Finance Classifying the Asset as Follows:**
- Scrap – Any ferrous materials that can be used for melting to produce iron, steel, or its alloys.
 - Waste - All non-metallic refuse which has a market value.
 - Worn or Damaged – Either scrap or waste material that may be sold or used as trade-in.

- Excess – Any item that does not have a useful purpose for a particular Department. The items may have value however and may be utilized by another Department within the City.
 - Obsolete or Surplus – Any material that is of no use to the City.
- B.** The items shall be classified as one of the above categories and listed on the disposal form stating the apparent condition (excellent, good, fair, or poor) and estimated value, before sending to the Finance Department for disposal.
- Arrange the transfer of property to another department, location, or agency.
 - Prepare the property for sale or auction. Remove all markings related to the City (name, logo, or any references).
 - Report transfer information to the Finance Department (including any items removed that have a fixed asset tag).

Credit Card Purchases

Store credit cards are issued to the City of Sevierville by specific vendors. It is the responsibility of each Department Head to determine which employees within his Department should have purchasing privileges with the credit cards issued to the City of Sevierville (with the exception of bank credit cards which are determined by the Chief Financial Officer). The limits of the use of these credit cards are as follows:

1. No purchases over five thousand dollars (\$5,000.00) may be made without an approved purchase order which must be obtained before the purchase. The Department Head must authorize all purchases of any amount.
2. The card will be exclusively for City use and shall not to be used under ANY circumstance for personal use.
3. The purchaser must ensure for every purchase that the City of Sevierville is not charged sales tax. The purchaser will be personally liable for sales tax charged in non-emergency situations.
4. The purchaser shall attach all slips to purchase order and submit to Finance Department for payment promptly after the purchase is made.
5. Failure to comply with the above listed procedures may result in the revocation of all purchasing privileges for the offending City employee. Any employee violating provisions of these rules shall be subject to appropriate disciplinary action including dismissal.

Leases

No employee shall enter into a lease agreement without approval from the Chief Financial Officer. Leases require special consideration regarding State and GASB regulations. All lease documents must be sent to the Chief Financial Officer for review prior to presentation to the Board of Mayor and Aldermen or any other form of commitment. Documents must include all terms and conditions, interest rate and reasons for which a lease or lease to purchase is preferable to other financing.

Authorized Buyers

Once an employee has been approved to make purchases on behalf of the City of Sevierville, that employee is responsible for ensuring that all paperwork is forwarded to the Finance Department for processing. The Finance Department maintains current records of the names of all City employees who are authorized to make purchases. Any additions/deletions requests must be processed through the Finance Department.

Petty Cash – Use and Reimbursement

Designated Departments are responsible for maintaining a petty cash fund from which low-end purchases may be made when necessary. It is the responsibility of the Finance Department to set the amount of the petty cash funds to be available for such purchases. After an authorized employee obtains cash, the employee will return the unused portion of the funds as well as a receipt detailing the goods/service purchased. The transaction must always balance. Receipt amount and cash returned must equal the amount of cash received to make the transaction. The using Department's ledger number should be noted on the receipt. An authorized purchase order with all attached receipts should be forwarded to the Finance Department for the processing of a check to replenish the funds.

Each authorized employee that uses the petty cash must ensure that the City is not charged sales tax. The purchaser will be personally liable for sales tax charged in non-emergency situations. Spontaneous business lunch expenses shall be exempted from this requirement.

Avoid the use of personal funds unless necessary in an emergency. Emergency purchases must be approved by the City Administrator.

Inspection and Testing

When deemed necessary, the Purchasing Agent may request to inspect all deliveries of supplies, materials, equipment, or contractual services to determine their performance with the specifications set forth in an order or contract. The Purchasing Agent may require chemical and physical tests of materials submitted with bids and delivery samples, or after products have been delivered, to determine their quality in conformance with specifications. In the performance of such tests, the Purchasing Agent may make use of laboratory facilities of any outside laboratory.

Standard Policies and Definitions

1. Preference to local dealers - In the purchasing of supplies, materials, equipment, and services for the City's requirements, preference shall be given to those dealers having stores or warehouses within the City of Sevierville; price, quality, delivery, and service being equal. We expect the bidders to submit the best prices first and to stand firm on the prices quoted. Occasionally we can recognize an obvious error in the quoted prices, in which case the unit price will prevail.
2. Federal Excise Tax – The City of Sevierville is exempt from the payment of sales taxes imposed by the federal government, and suppliers shall be requested to deduct the amount of such taxes from their bids, quotations, and invoices.
3. Standardization Requirements – Important economies can be realized through standardized supplies and materials that can be purchased in large amounts. Thus, Department Heads should adopt as

standards the minimum number of quantities, sizes, and varieties of commodities, consistent with successful operation. Where practical, material and supply purchases should be based on the requirements of a six (6) month period.

4. Inspection of Deliveries – No invoices for supplies, materials, or equipment shall be accepted for payment until supplies, materials, etc. have been received and inspected by the Department Head or his/her designee.
5. Correspondence with Suppliers – Copies of any correspondence with suppliers concerning prices, adjustments, and defective merchandise shall be forwarded to the Finance Department. Receipt is documented on the purchase order. **No person shall sign for receipt who does not have personal knowledge of receipt.** A copy may be retained by the using Department for future purchases if desired.
6. Claims – The using Department shall process all claims for shortages, damaged goods, or other complaints against either the shipper or carrier concerning shipments. The using Department shall notify the Finance Department of all claims.
7. Public Inspection of Records – The Purchasing Agent shall keep a complete record of all bids. Such records shall be open to public inspection and maintained according to MTAS retention policy.
8. Cooperative Purchasing – The Purchasing Agent shall have the authority to join with other units of governments, including the State of Tennessee, in cooperative purchasing when it is deemed that such cooperative purchasing is in the best interest of the City of Sevierville.
9. Like Items – Items that are similar and may be purchased at the lowest common denominator, such as size, color, etc.
10. Lot – A single grouping of like items, which are purchased at one (1) time.
11. Single (Sole) Source of Supply – A product or service must be unique; the uniqueness must be substantially related to the intended purpose, use and performance of the good or service being sought and the supplier seeking to be declared a sole source must show that other similar goods or services cannot perform the government's desired objective.
12. Proprietary Product – A brand-name product made and marketed by one (1) entity having the exclusive rights to manufacture and sell.
13. Within the Limits of the Approved Budget – Purchases must be held within appropriation limits in those funds requiring budgets by law, regulation, or policy. Appropriation limits do not apply to those not requiring budgets, i.e., intergovernmental service funds.
14. Performance and Bid Bonds – Performance and bid bonds as may be deemed appropriated by the Purchasing Agent or the governing body.
15. Architect or Engineer Required – Plans, specifications and estimates for any public works project exceeding fifty thousand dollars (\$50,000.00) must be prepared by a registered Architect or Engineer as required by T.C.A. 62-2-107. A registered Architect or Engineer as directed by the City Administrator may prepare projects estimated to cost less than fifty thousand dollars (\$50,000.00). A qualification-based process or existing contract task order should be used.
16. The Brooks Act – (Public Law 92-582), A federal requirement, also known as Qualifications Based Selection (QBS), [http://staffnet.sevierville.priv/Forms/Qualification Based Selection Appendices.pdf](http://staffnet.sevierville.priv/Forms/Qualification%20Based%20Selection%20Appendices.pdf)

which was enacted on October 18, 1972, that establishes the Federally funded procurement process by which Architects and Engineers are selected for design contracts with design and construction agencies. An attorney should be consulted for advice where The Brooks Act differs from the Tennessee Code.

17. Consultant Selection - Policy for Projects Funded in Whole or in Part with Funds Provided by the Federal Highway Administration or the Tennessee Department of Transportation adopted by the Board of Mayor and Aldermen August 7, 2017. [http://staffnet.sevierville.priv/InternalSupport/documents/TDOT Consultant Selection Policy.pdf](http://staffnet.sevierville.priv/InternalSupport/documents/TDOT%20Consultant%20Selection%20Policy.pdf)
18. Single Audit Requirements – All expenses for federally funded projects must meet single audit requirements. Consult the funding program for specific guidelines. Aggregate expenditures of federal award in excess of seven hundred and fifty thousand dollars (\$750,000) for the fiscal year in which the expenditure threshold is met are required to have a single audit.
19. Federal Grant Requirements – Departments may apply for federal grants. All grants have different compliance requirements. The applying Department has the responsibility to get Board of Mayor and Aldermen approval prior to applying for a grant. Carefully read grant guidelines and acceptable use policies. Understand what types of expenses are allowable.
20. Donations – Donations in excess of ten thousand dollars (\$10,000.00) or that require specific non-budgeted expenditures require Board of Mayor and Aldermen approval prior to acceptance.

Policies and Procedures Relating to Vendors

Credit Applications

Forward all credit applications to the Finance Department after completing as much information as possible. Careful consideration will be given to the terms of each credit application. Unreasonable terms, such as the request for a personal guarantee, will be omitted from the application before the completed form is returned to the vendor for approval. The Finance Department will specify on each application that an approved purchase order is required for purchases equal to or exceeding five thousand dollars (\$5,000.00).

The Finance Department will notify vendors during the application process of the City's tax-exempt status. A certificate of tax exemption will be attached to the credit application when it is submitted to the vendor for credit approval.

Credit applications will only be authorized and signed by the Finance Director or Accounting Manager.

New Vendors

Each Department is responsible for completing a vendor information form [http://staffnet.sevierville.priv/Forms/vendor information form update 03292021.pdf](http://staffnet.sevierville.priv/Forms/vendor%20information%20form%20update%2003292021.pdf) for new vendors. A properly completed form will contain the following information:

1. Vendor Name
2. Federal Tax Identification Number
3. Business License Information
4. Mailing Address
5. Remittance Address
6. Phone
7. Contact Person
8. E-mail Address
9. Business Structure, e.g., Corporation, Sole Proprietor or Partnership. If the business structure is classified as a sole proprietor, the owner's name and social security number are required.
10. Name of person or Department requesting the new vendor.
11. A W-9 form [http://staffnet.sevierville.priv/Forms/W-9 Form.pdf](http://staffnet.sevierville.priv/Forms/W-9%20Form.pdf) must also be completed and signed by

the proposed vendor.

Forward the completed vendor information form and W-9 form to the Finance Department for verification. The requesting Department will be notified of the number assigned after the business license, if required, has been verified as current and no default on the payment of any taxes, licenses, fees, or other monies of whatever nature that may be due the City by said vendor. If no business license number is provided, vendor must also return the Business Tax and License Affidavit [http://staffnet.sevierville.priv/Forms/Business Tax License Affidavit.pdf](http://staffnet.sevierville.priv/Forms/Business_Tax_License_Affidavit.pdf).

Check Processing

Checks are processed weekly. Payments are made on all invoices in which the proper documentation and signed purchase orders have been received in the Finance Department by twelve noon on Tuesday. It is the responsibility of each Department to ensure that all paperwork is submitted to the Finance Department in a timely manner.

Vendor Relations

Bartering, exchange of goods and the use of trade-ins are not acceptable forms of business transactions without the consent of the Board of Mayor and Aldermen.

Acknowledgment of City of Sevierville's Purchasing Policy

I acknowledge that I have reviewed and understand the Purchasing Policy provided by the City of Sevierville. I understand it is my responsibility to comply with and implement all policies and procedures included in the City's purchasing policy.

Please initial you have reviewed all the purchasing policy forms on Staffnet - Forms Tab:

- Bid Tabulation Form _____
- Board Memorandum Template _____
- Budget Transfer Form _____
- Business Tax and License Affidavit _____
- Fixed Asset Catalog _____
- Fixed Asset Disposal Log _____
- Fixed Asset Transfer Log _____
- Qualification Based Selection _____
- TDOT Consultation Selection _____
- Title IV _____
- Travel Authorization Form _____
- Uniform Policy (Policy Tab) _____
- Vendor Information Form _____

Please Sign:

Employee Name

Printed Name

Date

Department

Department Head

ORDINANCE O-2013-020

**AN ORDINANCE ADOPTING AND ENACTING A
CODIFICATION AND REVISION OF THE ORDINANCES
OF THE CITY OF SEVIERVILLE, TENNESSEE**

WHEREAS, some of the Ordinances of the City of Sevierville are obsolete, and

WHEREAS, some of the other Ordinances of the City are inconsistent with each other or are otherwise inadequate, and

WHEREAS, the Board of Mayor and Aldermen of the City of Sevierville, Tennessee, has caused its Ordinances of a general, continuing, and permanent application or of a penal nature to be codified and revised and the same are embodied in a code of Ordinances known as the "Sevierville Municipal Code," now, therefore:

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF SEVIERVILLE, TENNESSEE, THAT:

SECTION 1. Ordinances codified. The Ordinances of the City of a general, continuing, and permanent application or of a penal nature, as codified and revised in the following "titles," namely "titles" 1 to 20, both inclusive, are ordained and adopted as the "Sevierville Municipal Code," hereinafter referred to as the "municipal code."

SECTION 2. Ordinances repealed. All Ordinances of a general, continuing, and permanent application or of a penal nature not contained in the municipal code are hereby repealed from and after the effective date of said code, except as hereinafter provided in Section 3 below.

SECTION 3. Ordinances saved from repeal. The repeal provided for in Section 2 of this Ordinance shall not affect: Any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of the municipal code; any Ordinance or Resolution promising or requiring the payment of money by or to the City or authorizing the issuance of any bonds or other evidence of said City's indebtedness; any appropriation Ordinance or Ordinance providing for the levy of taxes or any budget Ordinance; any contract or obligation assumed by or in favor of said City; any Ordinance establishing a social security system or providing coverage under that system; any administrative Ordinances or Resolutions not in conflict or inconsistent with the provisions of such code; the portion of any ordinance not in conflict with such code which regulates speed, direction of travel, passing, stopping, yielding, standing, or parking on any specifically named public street or way; any right or franchise granted by the City; any Ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way; any Ordinance establishing and prescribing the grade of any street; any Ordinance providing for local

improvements and special assessments therefore; any Ordinance dedicating or accepting any plat or subdivision; any prosecution, suit, or other proceeding pending or any judgment rendered on or prior to the effective date of said code; any zoning Ordinance or amendment thereto or amendment to the zoning map; nor shall such repeal affect any Ordinance annexing territory to the City.

SECTION 4. Continuation of existing provisions. Insofar as the provisions of the municipal code are the same as those of Ordinances existing and in force on its effective date, said provisions shall be considered to be continuations thereof and not as new enactments.

SECTION 5. Penalty clause. Unless otherwise specified in a title, chapter or section of the municipal code, including the codes and Ordinances adopted by reference, whenever in the municipal code any act is prohibited or is made or declared to be a civil offense, or whenever in the municipal code the doing of any act is required or the failure to do any act is declared to be a civil offense, the violation of any such provision of the municipal code shall be punished by a civil penalty of not more than fifty dollars (\$50.00) and costs for each separate violation; provided, however, that the imposition of a civil penalty under provisions of this municipal code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law. In any place in the municipal code the term "it shall be a misdemeanor" or "it shall be an offense" or "it shall be unlawful:" or similar terms appears in the context of a penalty provision of this municipal code, it shall mean "it shall be a civil offense." Anytime the word "fine" or similar term appears in the context of a penalty provision of this municipal code, it shall mean "a civil penalty."¹

Each day any violation of the municipal code continues shall constitute a separate civil offense.

SECTION 6. Severability clause. Each section, subsection, paragraph, sentence, and clause of the municipal code, including the codes and Ordinances adopted by reference, is hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause in the municipal code shall not affect the validity of any other portion of said code, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.

¹State law reference

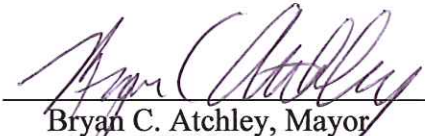
For authority to allow deferred payment of fines, or payment by
Installments, see Tennessee Code Annotated §40-24-101, et seq.

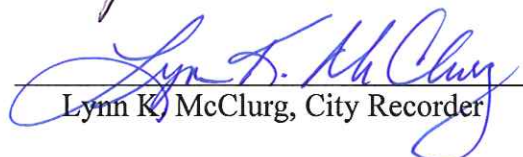
SECTION 7. Reproduction and amendment of code. The municipal code shall be reproduced in loose-leaf form. The Board of Mayor and Aldermen, by motion or resolution, shall fix, and change from time to time as considered necessary, the prices to be charged for copies of the municipal code and revisions thereto. After adoption of the municipal code, each Ordinance affecting the code shall be adopted as amending, adding, or deleting, by numbers, specific chapters or sections of said code. Periodically thereafter all affected pages of the municipal code shall be revised to reflect such amended, added, or deleted material and shall be distributed to City officers and employees having copies of said code and to other persons who have requested and paid for current revisions. Notes shall be inserted at the end of amended or new sections, referring to the numbers of Ordinances making the amendments or adding the new provisions, and such references shall be cumulative if a section is amended more than once in order that the current copy of the municipal code will contain references to all Ordinances responsible for current provisions. Once copy of the municipal code as originally adopted and one copy of each amending Ordinance thereafter adopted shall be furnished to the Municipal Technical Advisory Service immediately upon final passage and adoption.

SECTION 8. Construction of conflicting provisions. Where any provision of the municipal code is in conflict with any other provision in said code, the provision which establishes the higher standard for the promotion and protection of the public health, safety, and welfare shall prevail.

SECTION 9. Code available for public use. A copy of the municipal code shall be kept available in the Recorder's Office for public use and inspection at all reasonable times.

SECTION 10. Date of effect. This Ordinance shall take effect from and after its final passage, the public welfare requiring it, and the municipal code, including all the codes and Ordinances therein adopted by reference, shall be effective on and after that date.

APPROVED: 
Bryan C. Atchley, Mayor

ATTEST: 
Lynn K. McClurg, City Recorder

Passed on 1st reading: July 01, 2013

Passed on 2nd reading: July 17, 2013

Passed on 3rd reading: August 5, 2013