

TITLE 20**MISCELLANEOUS****CHAPTER**

1. AIRCRAFT REGULATIONS.
2. EMERGENCY ALARM DEVICES.
3. DEPARTMENT OF TOURISM.

CHAPTER 1**AIRCRAFT REGULATIONS****SECTION**

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- 20-108. Noise by aircraft prohibited.
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- 20-110. Advertising by aircraft prohibited.

20-101. Aircraft. The term “aircraft” as used in this chapter means any aeroplane, airplane, gas bag, flying machine, balloon, any contrivance now known or hereafter invented, used or designed for navigation of or flight in the air, except a parachute or other contrivance used primarily for safety equipment. (1976 Code, § 9-701)

20-102. Aircraft owned by the government or licensed by foreign governments. The provisions of this chapter shall not apply to public aircraft of the federal government, or of a state, or territory, or of a political subdivision of a state or territory, or to aircraft licensed by a foreign country with which the United States has a reciprocal agreement covering operation of such aircraft. (1976 Code, § 9-702)

20-103. Minimum height for aircraft. No person, firm or corporation shall fly or permit any aircraft to be flown within the corporate limits of the City of Gatlinburg, except at a height sufficient to permit a safe emergency landing and at no instance shall any aircraft fly at a height above the city less than one thousand feet (1,000). In addition, no aircraft shall be permitted to fly within two thousand (2,000) horizontal feet of any personal property or structure

located within the city limits of the City of Gatlinburg. These heights and distances are minimum and unsafe operation of an aircraft above the city shall be a violation of this chapter regardless of the distance involved, if the operation of said aircraft is in violation of any provision of this chapter, federal rules, regulations, or any safe standard of conduct for the operation of an aircraft. (1976 Code, § 9-703)

20-104. Operators and operation of aircraft. No person shall operate an aircraft within or over the corporate limits of the City of Gatlinburg unless such person has first been issued a pilot's license or other approval for the operation of the aircraft by the Federal Aviation Administration or other state or federal agency. No person shall operate any aircraft over or within the City of Gatlinburg in violation of any valid air traffic or other rule or regulation established by the Federal Aviation Administration or other appropriate state or federal agency. (1976 Code, § 9-704)

20-105. Acrobatic flying prohibited. Acrobatic flying by any person flying over any portion of the City of Gatlinburg is hereby prohibited. (1976 Code, § 9-705)

20-106. Sightseeing flights prohibited. Sightseeing flights within or over the City of Gatlinburg are prohibited. (1976 Code, § 9-706)

20-107. Landings within the city prohibited. Except in cases of emergency, no person shall land any aircraft within the corporate limits of the City of Gatlinburg. The provisions of this section shall not apply to aircraft making emergency landings provided the aircraft is not otherwise violating the provisions of this chapter, nor shall this chapter apply to aircraft providing public service or emergency service to any governmental agency. (1976 Code, § 9-707)

20-108. Noise by aircraft prohibited. Unnecessary or loud noise by operators of aircraft within or over the corporate limits of the City of Gatlinburg is hereby prohibited. The operator of such aircraft shall take into account the topography of the City of Gatlinburg and its vicinity in the operation of his aircraft. (1976 Code, § 9-708)

20-109. Dropping objects from aircraft prohibited. No person in any aircraft shall cause or permit to be thrown out, discharged or dropped within the corporate limits of the City of Gatlinburg any object or thing. (1976 Code, § 9-709)

20-110. Advertising by aircraft prohibited. No person shall make exhibition flights, by carrying banners, distributing circulars from, operating a

loud speaking device, or through the use of any signage on said aircraft flying within or over the corporate limits of the City of Gatlinburg. (1976 Code, § 9-710)

CHAPTER 2

EMERGENCY ALARM DEVICES

SECTION

- 20-201. Definitions.
- 20-202. Automatic telephone dialing alarm systems.
- 20-203. Permit issuance and revocation.
- 20-204. Application requirements for an alarm system.
- 20-205. Items required for an alarm system to qualify for an alarm permit.
- 20-206. False alarms.
- 20-207. Fee assessment for false alarm.
- 20-208. Disconnection.
- 20-209. Alarm business requirements.
- 20-210. Penalty for offenses
- 20-211. Severability of provisions.

20-201. Definitions. Unless it is apparent from the context that another meaning is intended, the following words when used in this chapter shall have the meanings indicated herein:

(1) "Alarm system" means any assembly of equipment, mechanical or electrical, arranged to signal the police and/or fire department that an emergency exists or that the services of either or both of those departments are needed. "Alarm system" shall also mean any alarm device which automatically emits an audible, visual, or other response upon the occurrence of any hazard or emergency and is intended to alert persons outside the building to the existence of said hazard or emergency.

(2) "Alarm user" means the person, firm, partnership, association, corporation, company, or organization of any kind in control of any building, structure, or facility or portion thereof wherein an alarm system is maintained.

(3) "Alarm business" means the business of any individual, partnership, corporation, or other entity engaged in selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing any alarm system or in causing any alarm system to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed in or on any building, structure or facility.

(4) "Automatic telephone dialing alarm system" means any alarm system which is a device which automatically or electronically transmits by telephone or telephone line connected to the central dispatch facility a recorded message or code signal indicating a need for emergency response; or a system which, upon activation, connects to an answering service whose function it is to transmit to the police and/or fire department a need for emergency response.

(5) "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, 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.

(6) "Central dispatch facility" means the central communications facility of the Gatlinburg Police Department which receives, routes, or otherwise handles emergency service communications traffic.

(7) "Answering service" refers to a telephone answering service providing among its services the receiving on a continuous basis emergency signals from alarm systems and thereafter relaying the message to the central dispatch facility. (1976 Code, § 1-1601)

20-202. Automatic telephone dialing alarm systems. (1) It shall be unlawful for any person, natural or corporate, to sell, offer for sale, install, maintain, lease, operate, or assist in the operation of an automatic telephone dialing alarm system over any telephone lines exclusively used by the public to directly request emergency service from the fire and/or police department.

(2) The building official, when he has knowledge of the unlawful maintenance of an automatic telephone dialing alarm system installed or operating in violation of this chapter shall, in writing, order the owner, operator, or lessee to disconnect and cease operation of the system within 72 hours of receipt of the order.

(3) Any automatic telephone dialing system installed prior to the effective date of this chapter shall be disconnected and cease operation before January 1, 1991. (1976 Code, § 1-1602)

20-203. Permit issuance and revocation. (1) The building official is hereby authorized to grant a revocable alarm users permit to any alarm user located in the city to operate, maintain, install, or modify a police or fire alarm device, and no such device shall be operated unless such permit shall have first been issued. All such permitted systems shall be inspected annually.

(2) A permit issued pursuant to this chapter may be revoked at any time by the building official upon the giving of ten (10) days notice in writing by registered mail, to the permittee, sent to the address shown on the permit. (1976 Code, § 1-1603)

20-204. Application requirements for an alarm system. Application for an alarm permit shall be made on forms provided by the building official, and shall be accompanied by a \$25.00 application/inspection fee. The application shall request the following information:

(1) The name, address, and telephone number of the applicant's property to be serviced by the alarm, and the name, address and telephone number of the applicant's residence if different from that of the property to be served.

(2) The name, address, and telephone number of the alarm company which will service the alarm, if any.

(3) An emergency telephone number of the alarm user or his representative to allow prompt notification of alarm calls and to assist fire and/or police personnel in the inspection of the property.

(4) Such other information as the building official shall deem necessary.

It is the applicant's responsibility to notify the building official in writing of any and all changes in the information on file with the city regarding such permit within ten (10) days of such changes being made. (1976 Code, § 1-1604)

20-205. Items required for an alarm system to qualify for an alarm permit. (1) All alarm systems shall have a back-up power supply that will automatically become effective in the event of power failure or outage in the primary source of electricity.

(2) All alarm systems shall have an automatic reset which silences the annunciator within thirty (30) minutes after activation and which will not sound again as a result of the same event that resulted in the original activation.

(3) All alarm systems monitored by the Police Department of the City of Gatlinburg shall pay an alarm monitoring fee of \$60.00 per year. In addition, an initial installation fee in the amount of \$65.00 shall be paid prior to installation.

(4) All alarm systems installed on or after the effective date of this chapter must comply with the requirements set out in this section. Pre-existing installations must comply with this section by January 1, 1991. (1976 Code, § 1-1605)

20-206. False alarms. (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 determines 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 manager, or his designee, and the respective chief. A written notification of emergency response and/or determination of the response shall be mailed or delivered to the alarm user at the address noted on the permit or location where the alarm was activated.

(3) The building 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 days after the permit has been issued by the building official, the fees provided for in § 20-207 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 § 20-207 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. (1976 Code, § 1-1606)

20-207. Fee assessment for false alarm. It is hereby found and determined that more than three (3) false alarms, within any six (6) month period, are excessive and constitute a public nuisance. The activation of four (4) or more false alarms within any six (6) month period will result in the assessment of the following fees:

(1) A service charge of twenty-five dollars (\$25.00) shall be automatically levied against the alarm user upon the occurrence of the fourth (4th) false alarm;

(2) A service charge of fifty dollars (\$50.00) shall be automatically levied against the alarm user upon the occurrence of the fifth (5th) false alarm;

(3) A service charge of seventy-five dollars (\$75.00) shall be automatically levied against the alarm user upon the occurrence of the sixth (6th) false alarm.

(4) A service charge of one hundred dollars (\$100.00) shall be automatically levied against the alarm user for each false alarm in excess of six (6). All service charges levied shall be paid to the city by the alarm user within thirty (30) days of the date of the written notice of said charges. Failure to make payment within thirty (30) days from the date of the notice shall result in disconnection of police and fire response to alarms that may occur at the premises described in the alarm user's permit. The permit holder shall be entitled to a hearing before the city manager, or his designee, prior to the disconnection of the alarm system. A permit holder desiring a hearing shall request said hearing within ten days of date of notification. Reconnection of the alarm system and reinstatement of police and fire emergency response service may be made upon payment of all service charges due, accompanied by payment of a twenty-five dollar (\$25.00) reinstatement fee.

(5) The penalties set forth in this section shall apply to both automatic telephone dialing systems and non-telephonic audible alarms. (1976 Code, § 1-1607)

20-208. Disconnection. In the event that an alarm system emitting an audible, visual, or other similar response shall fail to be deactivated within the thirty-minute time limit, provided for in § 20-205(2) hereof, the city shall have the right to take such action as may be necessary in order to disconnect any such alarm. (1976 Code, § 1-1608)

20-209. Alarm business requirements. All alarm businesses operating within the City of Gatlinburg must possess a valid Business Tax License obtained through the office of the City Recorder of Gatlinburg, Tennessee. At the time of application for issuance or renewal for a Business Tax License, the applicant shall submit evidence of a policy of liability insurance providing for the following minimum coverage.

Five hundred thousand dollars (\$500,000.00) liability due to bodily injury or death of a person or persons as a result of the negligent act or acts of the principal insured or his agents operating in the course or scope of his business and for failure of the insured to fulfill the extent of his contract in a manner satisfactory to the contractee. (1976 Code, § 1-1609)

20-210. 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 civil penalty of up to five hundred dollars (\$500.00) per offense. Each occurrence shall constitute a separate offense. (1976 Code, § 1-1610, modified)

20-211. 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. (1976 Code, § 1-1611)

CHAPTER 3

DEPARTMENT OF TOURISM

SECTION

20-301. Department established.

20-302. Purpose.

20-303. Funding.

20-304. Citizen's advisory board.

20-305. Function of citizens advisory board.

20-306. Appointment of executive director.

20-307. Fiscal and budgetary requirements.

20-301. Department established. There is hereby established a Department of Tourism for the purpose of promoting tourist and convention business within the corporate limits of Gatlinburg, Tennessee. (Ord. #2148, April 1997)

20-302. Purpose. The Department of Tourism shall plan to conduct programs of information and publicity designed to attract to the city, tourists, visitors, and other interested persons from outside of the corporate limits, and to also encourage and coordinate 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. The department shall also oversee and operate the convention center and welcome centers of the city. (Ord. #2148, April 1997)

20-303. Funding. The department shall be funded by the following sources of revenue:

(1) From the General Fund. Sixty Percent (60%) of one-third (1/3) of the Hotel/Motel Tax.

(2) From the Hotel/Motel Tax Fund. One-third (1/3) of the Hotel/Motel Tax (for use of Direct Tourism Promotion).

(3) One-eighth (1/8th) of one percent (1%) of the Gross Receipts Tax (as provided for advertising in Ord. #2000).

(4) From the Convention Center Debt Service Fund. Operation and maintenance appropriation.

(5) Revenues derived from the convention center operations and other revenues generated by department operations.

(6) Such other funds or appropriations as may be budgeted by the board of commissioners. (Ord. #2148, April 1997)

20-304. Citizen's advisory board. (1) There is hereby established a citizen's advisory board for the department of tourism. The board shall be

comprised of 27 members as set out below. The board shall consist of people from the following segments of the community:

- City commissioner
- City commissioner
- Lodging facility (under 150 rooms)
- Lodging facility (over 150 rooms)
- Overnight rental properties
- Attraction
- Restaurant
- Retail (downtown)
- Arts and crafts
- Wedding chapels
- Services
- At-large
- At-large
- At-large
- At-large
- At-large
- At-large
- American Legion
- City manager (ex-officio)
- Chamber of commerce executive director (ex-officio)
- National park service (ex-officio)
- Chamber of commerce president (ex-officio)
- Arrowmont School of Arts and Crafts representative (ex-officio)

(2) Terms of office. The two city commission members of the citizens advisory board shall serve two (2) year terms which shall be staggered. At the initial appointment, one city commissioner appointee shall be given a one year term and the second city commissioner appointee shall be given a two year term. Thereafter, all city commissioner appointees shall have two year terms. The twelve members of the board which represent various segments of the community. The three at-large members appointed pursuant to Ord. #2269 shall serve four years each. The three at-large members appointed pursuant to Ord. #2335 shall serve four year terms with the initial appointments to be staggered, for two, three, and four year terms with four year terms thereafter. The four at-large members appointed pursuant to Ord. #2372 shall serve four year terms with the initial appointments to be staggered for one, two, three and four year terms with four year terms thereafter.¹ In order to establish staggered terms, three of the 12 members shall receive one year terms initially. Three of the members shall receive two year terms; three of the members shall

¹The ordinances referenced in this section are available for inspection in the office of the city recorder.

receive three year terms; and the final three appointees shall receive four year terms. Thereafter, all such appointees shall be appointed for a four year term of office. The American Legion representative on the board shall be nominated by American Legion Post No. 202 and shall serve an indefinite term once approved by the board of commissioners. The remaining five members of the board (i.e. the city manager; the chamber of commerce executive director; the national park service representative; the chamber of commerce president; and the Arrowmont representative) shall serve during their term of office, or in the case of the national park service representative and the Arrowmont representative, for the duration of that person's designation by the park or Arrowmont. The terms of the city commission members and the 12 community segment members shall expire on June 30 of the year in which their term ends. The terms of the three at-large members appointed pursuant to Ord. #2335, Aug. 2005, shall serve four-year terms with the initial appointments to be staggered, for two, three, and four year terms with four year terms thereafter.

(3) Selection committee. A selection committee shall be formed each February for the purpose of making recommendations for board members whose terms expire that year. The selection committee shall make recommendations to the board of commissioners no later than May 15th of each year for new members whose terms expire on June 30th. The selection committee shall be composed of the following seven members:

(a) Two board of commission members appointed by the city commission;

(b) Two current tourism advisory board members appointed by the tourist advisory board.

(c) Two members appointed by the chamber of commerce; and

(d) The department of tourism executive director.

(4) Appointment process. The Board of Commissioners of the City of Gatlinburg shall appoint the two city commission members and the 15 members of the board representing the various segments of the economy; the at-large members and the American Legion member. Following submittal of the recommendations to the board of commissioners on or by May 15th of each year, the board of commissioners shall, at their next regularly scheduled board meeting, consider the recommendations for appointment to the board. If any recommended appointee shall not receive confirmation of the board of commissioners, the selection committee shall make further recommendations to the board of commissioners. If a successful confirmation has not been made after three nominations from the selection committee, the city commission will then appoint someone from that segment of the community to the board without further recommendation from the selection committee. Each person appointed by the board of commissioners shall be for a specific position representing a given segment of the community as set forth above. To be a member of the citizen's advisory board, a person must be a business license holder of the City of Gatlinburg that also pays the city gross receipts tax, or its designee, and/or

be a resident of the city. If, at any time, a vacancy should occur on the board, the board of commissioners shall seek recommendations from the selection committee and shall then proceed to consider and appoint a new member to the board using the procedure set forth above for the remainder of the unexpired term.

(5) **Board attendance policy.** Members of the citizens advisory board shall be required to attend at least sixty percent (60%) of the regularly scheduled meetings of the board. Any member not attending sixty percent (60%) of the regular board meetings in the year following first appointment and annually thereafter shall be removed from the board unless waived if there are extenuating circumstances as determined by a vote of the citizens advisory board. Prior to the expulsion of any member, a notice must be sent to a member advising of the possibility of expulsion if additional meetings are missed. (Ord. #2148, April 1997, as replaced by Ord. #2206, April 2000, and amended by Ord. #2269, June 2002, Ord. #2335, Aug. 2005, and Ord. #2372, July 2007)

20-305. Function of citizens advisory board. The role and function of the board of directors shall be advisory in nature, providing guidance and recommendations to the board of commissioners and the Executive Director of Tourism, relating to the development of the operational policy for the Department of Tourism, and the expenditure for any and all funds appropriated for use by the department including, but not limited to, any advertising budgets established in conjunction with the public or private sector. The board shall meet upon call or at a regularly scheduled place and time, and shall advise and assist the Department of Tourism in the formulation of goals, budgetary guidelines, marketing plans and other such policies as are necessary to best serve the citizens of the City of Gatlinburg. The board shall elect a chairman, vice-chairman and a secretary, maintain accurate minutes of each and every meeting, and otherwise comply with the laws of this state in regard to providing adequate notice and publication of each meeting. (Ord. #2148, April 1997)

20-306. Appointment of executive director. The city manager shall appoint an executive director as the administrative head of the Department of Tourism. The salary, benefits and job description for the executive director shall be fixed by the board of commissioners. (Ord. #2148, April 1997)

20-307. Fiscal and budgetary requirements. The Department of Tourism shall present an annual budget, and any and all expenditures shall be made in accordance with the established budget, and otherwise in the same manner and under the same guidelines provided for in the city charter. The executive director and the Department of Tourism citizens advisory board shall prepare and submit to the city manager an administrative budget and, in addition thereto, are authorized to budget separately any special advertising or promotional budget designed for specific purposes for the city. (Ord. #2148, April 1997)