

**TITLE 20**

**MISCELLANEOUS**

**CHAPTER**

1. TELEPHONE FRANCHISE.
2. CUTTING AND TRIMMING OF TREES.
3. PUBLIC RECORDS POLICY.
4. PARKS AND RECREATION.
5. SHORT-TERM RENTAL POLICY.

**CHAPTER 1**

**TELEPHONE FRANCHISE**

**SECTION**

20-101. To be furnished under franchise.

**20-101. To be furnished under franchise.** Telephone service shall be furnished for the municipality and its inhabitants under such franchise as the governing body shall grant. The rights, powers, duties, and obligations of the municipality, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned.<sup>1</sup> (2000 Code, § 20-101)

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<sup>1</sup>The agreements are of record in the office of the city recorder.

## CHAPTER 2

### CUTTING AND TRIMMING OF TREES

#### SECTION

20-201. Permit required, fee, duration, etc.

20-202. Disposal of limbs, etc.

20-203. Prohibition against cutting trees on private property.

20-204. Additional pickup guidelines.

20-205. Violations and penalty.

**20-201. Permit required, fee, duration, etc.** No person, firm, or corporation shall cut trees for hire in the City of LaFollette without first filing an application with the city recorder on a form provided by the city and paying the sum of twenty-five dollars (\$25.00) for a permit to engage in said occupation, which permit shall be for a period of one (1) year and shall be renewable annually on the anniversary date of the permit. (2000 Code, § 20-301)

**20-202. Disposal of limbs, etc.** Any person, firm, or corporation within the corporate limits of the City of LaFollette cutting or trimming trees for compensation shall remove all cuttings, limbs, laps, and debris resulting from said work and deposit such in an appropriate manner outside the corporate limits. (2000 Code, § 20-302)

**20-203. Prohibition against cutting trees on private property.** City employees may not cut trees on private property, unless in the opinion of the public works director and/or the chief of police, it appears that a tree is in imminent danger of falling across a public street. City employees may not otherwise go onto private property to cut trees or remove limbs, cuttings, and other debris. (2000 Code, § 20-303)

**20-204. Additional pickup guidelines.** (1) Brush cannot be mixed with other material such as household trash, furniture or construction material.

(2) Do not place brush and limbs in ditches, around or on top of structures such as mailboxes, fences, meter lids, utility lines, utility poles, drainage grates, etc.

(3) Do not place brush/limbs longer than ten feet (10') in length or twelve inches (12") in diameter. Property owner or its contractor is responsible for removal and proper disposal of any brush/limbs that exceed this size.

(4) Do not place brush under low lying power lines and/or cable lines to allow room for equipment to work.

(5) Brush/limb piles must be placed parallel to the road and may not exceed ten by ten feet (10' x 10').

(6) Brush/limbs taken down by contractor or landscaper are not included in the brush collection program and will not be collected. (Ord. #2021-06, July 2021)

**20-305. Violations and penalty.** Any violation of this chapter shall incur a civil penalty and/or fine of up to fifty dollars (\$50.00) for each offense. (Ord. #2021-06, July 2021)

**CHAPTER 3****PUBLIC RECORDS POLICY**<sup>1</sup>**SECTION**

20-301. Adoption by reference.

**20-301. Adoption by reference.** (1) The *Public Records Policy Manual* for the City of LaFollette, Tennessee, which is a part of this ordinance, is incorporated in its entirety herein by reference.

(2) The following statement shall be deemed as the City of LaFollette's public records policy statement: "It is the policy of the City of LaFollette for personnel of the City of LaFollette shall timely and efficiently provide access and assistance to persons requesting to view or receive copies of public records. No provisions of this policy shall be used to hinder access to open public records. However, the integrity and organization of public records, as well as the efficient and safe operation of the City of LaFollette, shall be protected as provided by current law." (Ord. #2017-04, April 2017)

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<sup>1</sup>The public records policy, and any amending ordinances, is on file in the office of the city recorder.

## CHAPTER 4

### PARKS AND RECREATION

#### SECTION

- 20-401. Definitions
- 20-402. Persons invited to use city parks; park hours.
- 20-403. Unlawful activities generally.
- 20-404. Sanitation.
- 20-405. Traffic.
- 20-406. Recreational activities.
- 20-407. Animals in city parks.
- 20-408. Skateboarding, skating and bicycling.
- 20-409. Certain behavior declared unlawful.
- 20-410. Merchandising, advertising and signs.
- 20-411. Park operating policy.
- 20-412. Enforcement.
- 20-413. Additional rules and regulations.
- 20-414. Liability for injuries or damages.
- 20-415. Smoking prohibition.

**20-401. Definitions.** For the purpose of this chapter the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

City of LaFollette, Tennessee:

(1) "Director" is the senior director of recreation and parks of the City of LaFollette, Tennessee, the person immediately in charge of all park area and its activities, and to whom all park employees in such area are responsible, or, if designated by the director, this shall include deputy directors.

(2) "Park" is all city-owned parks including any facilities or improvements.

(3) "Person" is any person, firm partnership, association, corporation, company or organization of any kind.

(4) "Vehicle" is any wheeled conveyance, whether or not motor powered, animal-drawn, or self-propelled. The term shall include any trailer in tow of any size, kind of description. Exception is made for baby carriages and vehicles in the service of the city park. (Ord. #2012-4, Oct. 2012)

**20-402. Persons invited to use city parks; park hours.** (1) All persons are invited to use city parks and their facilities who will comply with

the terms hereof and such rules and regulations as may be promulgated hereunder governing the use of city parks.

(2) No person shall, under any circumstances, enter for the purpose of remaining therein or remain in any park from sunset and one-half hour before sunrise without general or special permission from the parks and recreation department. Lighted facilities (ball fields, tennis courts, skateparks, etc.) shall remain open until 10:00 P.M. unless otherwise posted, or if authorized by the department during an event. Night time use of boat launch and fishing areas shall be permitted so long as it does not create nuisance for adjacent property owners. Park areas under repair shall be closed as needed. (Ord. #2012-4, Oct. 2012)

**20-403. Unlawful activities generally.** It shall be unlawful and constitutes a misdemeanor for any person within county parks to:

(1) Building and other property. (a) Disfigurement and removal. Willfully mark, deface, disfigure, tamper with, or displace to remove any building, bridges, tables, benches, fireplaces, railings, paving or paving material, water lines or other public utilities or parts of appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts, or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever either real or personal.

(b) Rest rooms and washrooms. Failure to cooperate in maintaining rest rooms and washrooms in a neat and sanitary condition. No person over the age of six (6) years shall use the rest rooms and washrooms designated for the opposite sex unless said person is physically or emotionally incapable of using same without the assistance of a parent, guardian or caregiver.

(c) Removal of natural resources. Dig or remove any soil, rock, stones, trees, shrubs or plants, down-timber, or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency.

(d) Erection of structures. Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon or across such lands, except on special written permit issued hereunder.

(2) Trees, shrubbery, lawns. (a) Injury and removal. Damage, cut, carve, transplant or remove any tree or plant or injure the bark, or pick the flowers or seeds, of any tree or plant. Nor shall any person attach any rope, wire or other contrivance to any tree or plant. A person shall not dig in or otherwise disturb grass areas or in any other way injure or impair the natural beauty or usefulness of any area.

(b) Climbing trees, etc. Climb any tree or walk, stand or sit upon monuments, vases, fountains, railing, fences, or upon any other property not designated or customarily used for such purposes.

(c) Hitching of animals. Tie or hitch a horse or other animal to any tree or plant.

(3) Wild animals, birds, etc. (a) Hunting, molesting, etc. Hunt, molest, harm, frighten, kill, trap, chase, tease, shoot, throw missiles at any animal, reptile or bird; nor shall he remove or have in his possession the young of any wild animal, or the eggs or nest, or young of any reptile or bird. Exception to the foregoing is made in that snakes known to be deadly poisonous may be killed on sight.

(b) Feeding. Give or offer, or attempt to give any wild animal or bird any food, tobacco, alcohol or other known noxious substances.

(3) Explosives, firearms and weapons. Bring into or have in his possession in any park any firearms (with the exception of those persons with a duly issued, current handgun carry permit issued by the state), slingshots, firecrackers, torpedoes, fireworks or other missile propelling instruments or explosives, including any substance, compound, mixture or article having properties of such a character that alone or in combination or contiguity with other substances, mixtures, compounds or articles may propel missiles or may decompose suddenly and generate sufficient heat, sound, gas or pressure or any or all of these to produce rapid flames, combustion or noxious or dangerous odors or sounds such as to annoy any other person or to injure any person or property without appropriated and approved permits or licenses from the county or the state. (Ord. #2012-4, Oct. 2012)

**20-404. Sanitation.** It shall be unlawful for any person within county parks to:

(1) Pollution of waters. Throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay or other body of water in or adjacent to any park or any tributary, stream, storm sewer or drain flowing into such waters any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.

(2) Refuse and trash. Have brought in or shall dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, or refuse or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the persons responsible for its presence, and properly disposed of elsewhere. (Ord. #2012-4, Oct. 2012)

**20-405. Traffic.** It shall be unlawful for any person within the parks to:

(1) State motor vehicle laws and city traffic ordinances apply. Fail to comply with all applicable provisions of the state motor vehicle traffic laws and the traffic ordinances of the city in regard to equipment and operation of vehicles together with such regulations as are contained in this chapter and other ordinances.

(2) Obey personnel; enforcement of traffic regulations. Fail to obey all traffic officers and park employees, such persons being hereby authorized and instructed to direct traffic whenever and wherever needed in the parks.

(3) Operation confined to specific areas. Drive any vehicle on any except the paved park roads or parking areas, or such other areas as may on occasion be specifically designated as temporary parking areas by the director.

(4) Parking. (a) Designated areas. Park a vehicle in other than an established or designated parking area, and such use shall be in accordance with the posted directions thereat and with the instructions of any employee who may be present.

(b) Full-parking. Full-park on the road or driveway at any time.

(c) Night parking. Leave a vehicle standing or parked at night without lights clearly visible for at least one hundred feet (100') from both front and rear and on any driveway or road area except legally established parking areas.

(d) Emergency procedure. Fail to immediately notify a park employee or by placing a note on disabled vehicle of an emergency in the nature of a breakdown requiring the assistance of a tow truck, mechanic or other person.

(e) Abandonment. Leave a vehicle within the boundaries of the park after park hours unless such vehicle be disabled and is reported by the driver to a park employee. Any vehicle remaining in said park after closing hours, except as is excepted herein will be towed away and stored at the expense of the owner.

(5) Bicycles, motorcycles and all terrain vehicles. (a) Confined to roads. Ride a bicycle or motorcycle on other than a paved vehicular road or specifically designated route or trail.

(b) All terrain vehicle. Ride an all terrain vehicle in the park.

(c) Operation generally. Ride a bicycle or motorcycle on other than on the right-hand side of the road paving as close as conditions permit, and bicycles and motorcycles shall be kept in single file when two or more are operating as a group. Bicyclists and motorcyclists shall, at all times, operate their machines with reasonable regard to the safety of others, signal all turns and follow the recommended passing procedures when overtaking vehicles. No motorcycles shall be operated in the park unless equipped with a properly functioning muffler adequate to suppress motor noise to a comfortable level of sound.



(d) Rider prohibited. Ride a bicycle or motorcycle on any road within the park between thirty (30) minutes after sunset or thirty (30) minutes before sunrise without an attached headlight plainly visible at least two hundred feet (200') in front of, and without a red tail light or red reflector plainly visible from at least one hundred (100') from the rear of such bicycle or motorcycle. (Ord. #2012-4, Oct. 2012)

**20-406. Recreational activities.** It shall be unlawful for any person within a city park to:

(1) Picnic areas. (a) Generally. Picnic or lunch in a place other than those designated for that purpose. Park employees shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end.

(b) Availability. Violate the regulation that use of the individual fireplaces/grills together with tables and benches follows generally the rule of "first come, first served."

(c) Duty of picnicker. Leave a picnic area before the fire is completely extinguished and before all trash in the nature of boxes, papers, cans, bottles, garbage and other refuse is placed in the disposal receptacles where provided. If no such trash receptacles are available, then refuse and trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere.

(2) Camping. Except as specifically set out below, to set up tents, shacks or any other temporary shelter for the purpose of overnight camping, nor shall any person leave in a park after closing hours any movable structure or special vehicle to be used or that could be used for such purpose, such as house-trailer, camp-wagon or the like. Overnight "pup tent" camping by organized groups sponsored by recognized youth development agencies is permissible by special permit of the director. Camping in designated areas with permit as designated by the director is permissible.

(3) Games. Take part in or abet the playing of any games involving thrown or otherwise propelled objects such as balls, stones, arrows, javelins or model airplanes except in areas set apart for such forms of recreation. The playing of rough or comparatively dangerous games such as football, baseball and quoits is prohibited except on the fields and courts or areas provided therefor. (Ord. #2012-4, Oct. 2012)

**20-407. Animals in city parks.** (1) Lease requirement. All animals must be on a leash not exceeding six feet (6') in length and in the custody of a competent person while on city park property.

(2) Prohibited animals. The following animals are not prohibited in city parks:

- (a) Livestock;
  - (b) Wild or exotic animals privately owned;
  - (c) Where the city park sign prohibits all animals privately owned; and
  - (d) Any animal behaving in a dangerous or potentially dangerous manner or any dog that has been classified as dangerous
- (3) No animals allowed in designated county parks. No privately owned animals will be permitted in county parks that have a designated sign posted to that effect. This restriction will be designated in certain parks that have a high volume of participants and inadequate areas for animals.
- (4) Responsibility for animal waste. The owner or person having custody of an Animal must remove from the county park all waste generated by such animal.
- (5) Off-leash dog parks. Dog owners shall be responsible and liable for the control and behavior dogs while using designated off-leash dog parks. (Ord. #2012-4, Oct. 2012)

**20-408. Skateboarding, skating and bicycling.** (1) No person shall use a skateboard in any park except at such times and upon places as may be designated or maintained therefore. Skateboards shall be permitted on paved greenway trails unless otherwise posted.

(2) Any person operating a skateboard, skates, bicycle or other similar device in a county skatepark shall wear a protective helmet of good fit fastened securely upon their head with all straps of the helmet. Such helmet must be approved by the American National Standards Institute (ANSI), the Snell Memorial Foundation, the American Society for Testing and Materials (ASTM) or otherwise approved by the commissioner of safety.

(3) It shall be unlawful for any parent or legal guardian of a person below the age of thirteen (13) to knowingly permit such person to operate a skateboard, skates, bicycle or similar device in a county-owned skatepark without wearing a helmet as described in subsection (2) of this section. Such parents or legal guardians violating this chapter shall received a citation to court pursuant to subsection (2) of this section.

(4) Any person violating any requirement set forth in subsections (1), (2) or (3) of this section shall be guilty of a violation and upon conviction sentenced to pay a fine of twenty-five dollars (\$25.00) and court costs.

(5) A law enforcement officer or city representative may deny use of a city skatepark to individuals who do not follow the posted rules at the skateparks. (Ord. #2012-4, Oct. 2012)

**20-409. Certain behavior declared unlawful.** It shall be unlawful for any person within the city park to:

- (1) Alms. Solicit alms or contributions for any purpose whether public or private, unless as permitted in writing by the director.

(2) Fires. Build or attempt to build a fire except in such areas and under such regulations as may be designated by the director. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other inflammable material within any park area or on any highway, road or street abutting or contiguous thereto.

(3) Closed areas. Enter an area posted as "closed to the public" nor shall any person use or abet the use of any area in violation of posted notices.

(4) Going onto ice. Go onto the ice on any of the waters except such areas as are designated as skating fields, and provided a safety signal is displayed.

(5) Exhibit permits. Fail to produce and exhibit any permit from the director upon request of any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with an ordinance or rule.

(6) Interference with permittees. Disturb or interfere unreasonably with any person or party occupying any area or participating in any activity under the authority of a permit.

(7) Intoxicating beverages. Possess controlled substances and/or alcoholic beverages, wine, and/or beer at any time, except in places with valid permits such as marinas, restaurants and golf courses. (Ord. #2012-4, Oct. 2012)

**20-410. Merchandising, advertising and signs**. No person in a county park shall:

(1) Vending and peddling. Expose or offer for sale any article, thing or service nor shall he station or place any stand, cart or vehicle for the transportation, sale or display of any such article or thing. Exception is here made as to any regularly licensed concessionaire acting by and under the authority and regulation of the direction, and those conducting activities under a permit where such permit permits the sale of articles or things. The exception under the permit shall only be granted to those activities which are charitable in purpose.

(2) Advertising. Announce, advertise or call the public attention in any way to any article or service for sale or hire without written permission from the director.

(3) Signs. Paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatever, nor shall any person erect or cause to be erected any sign whatever on any public lands or highways or roads adjacent to a county park. (Ord. #2012-4, Oct. 2012)

**20-411. Park operating policy**. (1) Reserved and closed areas. Any section or part of a county park may be declared closed to the public by the director any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise) and either entirely or merely to certain uses, as the director shall find reasonably necessary. No group shall utilize an athletic field that is posted as requiring reservations, without a reservation from

the department or authorizing association. All use is prohibited on fields with signs indicating under repair or fields that are locked or otherwise secured. Provided, further, nothing herein shall be constructed as to prohibit informal neighborhood use of fields that are not under repair or secured. Informal use shall consist of no more than ten (10) people and shall not be an organized team.

(2) Special events. (a) Application. A person seeking issuance of a permit hereunder shall file an application with the appropriate director.

(b) Standards for issuance. The director shall issue a permit hereunder when he finds:

(i) That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park;

(ii) That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation;

(iii) That the proposed activity or use is not unreasonably anticipated to incite violence, crime or disorderly conduct;

(iv) That the proposed activity will not entail unusual, extraordinary or burdensome expense or police operation by the county; and

(v) The facilities desired have not been reserved for other use at the day and hour required in the application.

(c) Effect of permit. A permittee shall be bound by all park rules and regulations and all applicable ordinances fully as though the same were inserted in said permits.

(d) Liability of permittee. The person or persons to whom a permit is issued shall be liable for any loss, damage or injury sustained by any person whatever by reason of the negligence of the person or persons to whom such permit shall have been issued, and shall provide certificate of insurance before the event.

(e) Revocation. The director shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance, or upon good cause shown. (Ord. #2012-4, Oct. 2012)

**20-412. Enforcement.** (1) Officials. The director, park employees, and members of the city police department shall, in connection with their duties imposed by law, diligently enforce the provisions of this chapter.

(2) Ejectment. The director, any park employees, and members of the city police department shall have the authority to eject from the parks any person acting in violation of this chapter, rules, the county sports code of conduct and regulations promulgated hereunder. (Ord. #2012-4, Oct. 2012)

**20-413. Additional rules and regulations.** The director shall have the authority to promulgate such rules and regulations as may be necessary to carry

out the provisions of this chapter and to assure an impartial, fair and safe use and enjoyment of city parks by those persons lawfully using the parks. The director shall have the authority to schedule the use of park facilities under this section. Regulations pertaining to specific activities shall be displayed in a prominent and public located at the point of the activity controlled. Rules and regulations pertaining to the parks as a whole shall be publicly and prominently displayed at each entrance to city parks. Rules and regulations adopted in accordance with this section shall have the same force and effect as it copied herein verbatim. (Ord. #2012-4, Oct. 2012)

**20-414. Liability for injuries or damages.** All persons using the parks will do so at their own risk. The city will not be liable for any injuries or damages sustained by persons using said parks. (Ord. #2012-4, Oct. 2012)

**20-415. Smoking prohibition.** All parks owned and operated by the City of LaFollette shall be non-smoking parks and/or facilities and the burning of tobacco products within said parks and facilities shall be strictly prohibited. Tobacco Products shall mean any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, or any other preparation of tobacco including hemp products and other drug substance shall be prohibited.

All of other provisions of said policy not specifically amended herein shall remain in full force and effect. (Ord. #2020-04, Oct. 2020)

## CHAPTER 5

### SHORT-TERM RENTAL POLICY

#### SECTION

20-501. Short-term rentals.

20-502. Operating permit required.

20-503. Application requirements.

20-504. Types of operating permits.

**20-501. Short-term rentals.** The City of LaFollette has determined that regulation of short-term rental units is necessary in order to protect the health, safety, and welfare of the public, as well as to promote the public interest by regulating the methods of operation. To meet these ends, the city has determined that all persons eligible to operate short-term rental units within the city must be issued a permit pursuant to the requirements of this section. (Ord. #2021-08, July 2021)

**20-502. Operating permit required.** Once thirty (30) days have passed from the passage of this chapter it shall be unlawful to operate or advertise any short-term rental unit without a short-term rental unit operating permit issued under this section.

Exceptions will be made for qualifying property owners who are eligible to utilize their property as a short-term rental and have applied for a permit within the thirty-day timeframe but have steps to take in order to meet the permitting requirements. A reasonable time will be provided to the owner to allow the remaining requirements for a permit to be met. (Ord. #2021-08, July 2021)

**20-503. Application requirements.** Every qualifying property owner desiring to operate a short-term rental unit shall submit an application for an operating permit to the city recorder or his/her designee. In addition to the information required by the application itself, the city recorder or his/her designee may request other information reasonably required to allow the city to process the application. The permit application shall not be considered complete until the city recorder has all information as required by the application or otherwise. Each application shall contain at the least all of the following information.

(1) Applicant must acknowledge that they have read all regulations pertaining to the operation of a short-term rental unit within the city of LaFollette, including this section, the city/county business license requirements, the city's occupancy privilege tax requirements, any additional administrative regulations promulgated or imposed by the city to implement this section, and acknowledging responsibility for compliance with the provisions of this article.

(2) If a lessee is operating a short-term rental unit, the lessee shall provide:

(a) The full legal name of the owner of the short-term rental unit;

(b) The mailing address, email address; and telephone number(s) of the owner; and

(c) The owner's signature acknowledging the owner's understanding of all city short-term rental unit rules and verifying the owner's agreement that they are legally responsible and liable for compliance by the lessee and all occupants of the short-term rental unit with all provisions of this section and other applicable ordinances of the city.

(3) Applicant must designate a person who shall be available twenty-four (24) hours per day, seven (7) days per week for the purpose of:

(a) Being able to physically respond, as necessary, within forty-five (45) minutes of notification of a complaint regarding the condition, operation, or conduct of occupants of the short-term rental unit; and

(b) Taking any remedial action necessary to resolve any such complaints. This contact person may be the owner, a lessee, or the owner's agent.

(4) Applicant must provide the full legal name, street and mailing addresses, email address, and telephone number of the owner of the short-term rental unit, and in cases where a business entity or trust is the owner of the property, the individual who has responsibility for overseeing the property on behalf of the business entity or trust, including the mailing address, email address, and telephone number of the individual having such responsibility. If the owner of a short-term rental unit is a business entity, the business must submit documentation to demonstrate that the business is in good standing with the Tennessee Secretary of State.

(5) Applicant and owner (if different), must acknowledge in writing that in the event a permit is approved and issued, Applicant and owner (if different) assume all risk and indemnify, defend and hold the city harmless concerning the city's approval of the permit, the operation and maintenance of the short-term rental unit, and any other matter relating to the short-term rental unit.

(6) Applicant must provide a valid Campbell County and City of LaFollette Business License. For short-term rental units that were in operation prior to enactment of this chapter, proof that applicant remitted taxes due on renting the short-term rental unit, pursuant to title 67, chapter 6, part 5 of the *Tennessee Code Annotated* for filing periods that cover at least six (6) months within the twelve (12) month period immediately preceding the date this chapter is adopted. (Ord. #2021-08, July 2021)

**20-504. Types of operating permits.** There are three (3) types of permits available under this section.

(1) **Owner occupied.** This type of permit is available to owner's who utilize the property as their principal residence, except in the instance of duplexes as further described in this section. A person can only hold one (1) owner occupied operating permit in the city, and it is only available to natural persons. The owner is not required to remain or be present at the short-term rental unit during the period when it is used as a short-term rental.

(a) If there is an accessory dwelling structure on the property, this type of operating permit can be used for either the primary dwelling or the accessory structure, but not for both. If the property houses a legal duplex and an owner owns both sides of the duplex, this type of permit is available to the owner for either side of the duplex so long as the owner's principal residence is on one side of the duplex.

(b) Proof of ownership and residency is required for this type of permit and shall be established by the deed for the property as recorded in the Campbell County Register of Deeds Office. Residency shall be established by at least two (2) of the following documents, which must list the address of the short-term rental unit on the document:

- (i) Owner's motor vehicle registration;
- (ii) Valid driver's license or TN identification card for owner;
- (iii) The address used for the school registration of owner's children;
- (iv) The owner's voter registration card; or
- (v) Owner's W-2 form reflecting the property address.

(c) At least one (1) owner listed on the deed for the short-term rental unit must establish residency at the short-term rental unit.

(2) **Non-owner occupied.** This type of permit is available to an owner or lessee of the property and is available to a natural person or a business entity. Upon application for a non-owner-occupied permit, if a lessee is applying, they must provide the owner's signature as set forth above.

(3) **Unoccupied.** This type of permit is available to a non-occupant owner of premises where the premises are only occupied when used as a short-term rental unit and are available to natural persons and business entities. These permits may also be held by an owner's agent, such as a rental company, with the rental company providing the same information and guarantees as is required of a lessee of property.

If there is an accessory dwelling structure on the property, the permit can be used for the primary dwelling or accessory dwelling structure, but not for both. If a property houses a legal duplex and an owner owns both sides of the duplex, only one side of the duplex can be used.



(5) Fees. An application for an operating permit under this article shall be accompanied by a fee of fifty dollars (\$50.00). Said fee is designed to reimburse the city for the cost of processing the application. There shall be no proration of fees, and once paid, they are non-refundable.

(6) Issuance of permit. Once the city recorder or his/her designee has determined that the application is complete, a permit shall be issued or denied within fourteen (14) business days. If the city recorder is satisfied that the application and the short-term rental unit conform to the requirements of this section and other applicable laws and ordinances, a permit shall be issued to applicant. If the application or short-term rental unit does not conform to the requirements of this section or other pertinent laws or ordinances, the permit shall not be issued, but the applicant will be advised in writing of the deficiencies and be given a reasonable opportunity to collect them. If not corrected within a reasonable period of time, the application will be permanently denied and written notice of the denial given. The operating permit shall be valid for one (1) calendar year from the date of issuance, unless the operating permit is revoked pursuant to this article or terminated by ordinance or otherwise.

(7) Permit renewal. Unless suspended or revoked for a violation of any provision of this section or other law, city ordinance or rule, a permit may be renewed annually upon payment of a renewal fee of fifty dollars (\$50.00), unless one (1) of the conditions set forth in subsection (14) are applicable. As with the application fee, this fee is designed to compensate the city for the cost incurred in processing the application and taking any other action necessary to attempt to ensure the applicant's compliance with this chapter. The renewal fee shall be paid no later than fourteen (14) business days prior to the expiration date for the current permit. A renewal application shall be submitted to the city recorder. A renewed operating permit shall be good for one (1) calendar year from the date of issuance.

(8) Permit non-transferable. A permit issued under this section is nontransferable, and any attempt to transfer it shall render the permit void. A transfer of the ownership interest in the property itself shall also render the permit void, whether the transfer is voluntary or involuntary and whether by deed, court order, foreclosure, by law, or otherwise.

(9) Vested rights. Except in instances where constitutional principles or binding state or federal laws otherwise provide, the provisions of this article and any ordinances or other measures concerning short-term rental units are not a grant of vested rights to continue as a short-term rental unit indefinitely. Any short-term rental unit use, and permits for short-term rental units, are subject to provisions of other ordinances, resolutions, or other city measures concerning short-term rental units that may be enacted or adopted at a later date, even though such ordinances, resolutions, or other city measures may change the terms, conditions, allowance, or duration for short-term rental unit use, including but not limited to those that may terminate some or all

short-term rental unit uses, with or without some period of amortization. While this recitation concerning vested rights is implicit in any uses permitted by the city, this explicit recitation is set forth to avoid any uncertainty or confusion.

(10) Compliance with city and state laws. It shall be unlawful to operate a short-term rental unit in a manner that does not comply with all applicable city and state laws, and any violation shall subject the violator to a fine of fifty dollars (\$50.00) for each violation. For any violation, each day that the violation exists shall constitute a separate offense.

(11) Operation without permit. Any short-term rental unit operating or advertising for operation without a valid pennit shall be deemed a public safety hazard. The city may issue the operator, the owner, and the local contact person a civil citation for operating a short-term rental unit or advertising one for operation without a permit and the penalty for such is fifty dollars (\$50.00) per day per unit.

(12) Public nuisance. It is unlawful and a violation of this article and is hereby declared a public nuisance for any person to commit, cause, or maintain a violation of any provision of this section or to otherwise fail to comply with any requirement contained in this section. The operation or maintenance of a short-term rental unit in violation of this article or any other city ordinance may be abated or summarily abated by the city in any manner permitted by this code or otherwise provided by law for the abatement of public nuisances. The city may issue civil citations to the operator, owner, occupants, and local contact person for any violation of this article or any other city ordinance by the operator, owner, local contact person, or occupants of the short-term rental unit, and the penalty for such is fifty dollars (\$50.00) per day.

(13) Complaints. All complaints regarding short-term rental units shall be filed with the codes enforcement officer or his/her designee. Those making complaints are specifically advised that any false complaint made against a short-term rental unit owner or provider is punishable as perjury under *Tennessee Code Annotated*, § 39-16-702. For any complaint made, the city shall provide written notification of the complaint by regular mail to the operator and owner (if different) of the property at the address(es) provided on the application on file. The city shall investigate the complaint, and within thirty (30) days of the date notice was sent to the operator, the operator shall respond to the complaint, and may present any evidence they deem pertinent, and respond to any evidence produced by the complainant or obtained by the city through its investigation. If, after reviewing all relevant material, the city finds the complaint to be supported by a preponderance of the evidence, the city may take, or cause to be taken, enforcement action as provided in this section or otherwise in the zoning ordinance, municipal code, or the generally applicable law.

(14) Revocation of permit. The city may permanently revoke an operating permit if the city discovers that:

- (a) An applicant obtained the permit by knowingly providing false information on the application;

- (b) The continuation of the short-term rental unit presents a threat to public health or safety;
- (c) The owner ceases to own the property;
- (d) The property is not used as a short-term rental for a period of thirty (30) months or more;
- (e) There has been a violation of a generally applicable local law three (3) or more separate times arising as a result of the operation of the property as a short-term rental unit and all appeals from the violations have been exhausted.

(15) Appeal of denial or revocation. If a permit is revoked, the codes enforcement officer shall state the specific reasons for the revocation. Any person whose application has been denied or whose operating permit has been revoked may appeal such denial by submitting a written request for a hearing to the codes enforcement officer within ten (10) days of the denial or revocation. A hearing shall be conducted by the city's codes enforcement appeals board at its next regularly scheduled meeting, and the applicant or permit holder must be present for the appeal to be heard. The codes enforcement appeals board shall consider whether the denial or revocation was justified and whether good cause exists to issue or reinstate the permit. The decision of the codes enforcement appeals board shall be issued verbally during the course of the meeting and the applicant or operating permit holder shall be given the opportunity to address the codes enforcement appeals board. Should the applicant or permit holder fail to appear, the appeal shall be dismissed. The decision resulting therefrom shall be final and subject only to judicial review pursuant to state law.

(16) Additional remedies. The remedies provided in this section are not exclusive, and nothing in this section shall preclude the use or application of any other remedies, penalties or procedures established by law.

(17) City shall not enforce private agreements. The city shall not have any obligation or be responsible for making a determination regarding whether the issuance of an operating permit or the use of a dwelling as a short-term rental unit is permitted under any private agreements or any covenants, conditions, and restrictions or any of the regulations or rules of the homeowners' association or maintenance organization having jurisdiction in connection with the short-term rental unit, and the city shall have no enforcement obligations in connection with such private agreements or covenants, conditions and restrictions or such regulations or rules. If the short-term rental unit operator is a lessee, the owner of the short-term rental unit shall provide written acknowledgment and agreement to the short-term rental unit, but the city shall not have any obligation or be responsible for verifying the ownership information.

(18) Taxes. All short-term rental unit operators are responsible for applicable taxes, including, but not limited to, hotel occupancy privilege tax, local option sales tax, and gross receipts tax to the city sales tax to the State of Tennessee, and gross receipts tax to the State of Tennessee.

(19) Advertising. It shall be unlawful to advertise any short-term rental unit without the operating permit number clearly displayed on the advertisement. For the purposes of this section, the terms "advertise," "advertising" or "advertisement" mean the act of drawing the public's attention to a short-term rental unit in any forum, whether electronic or non-electronic, in order to promote the availability of the short-term rental unit.

(20) Maximum occupancy. The number of transients in a short-term rental unit shall not exceed the sum of three (3) transients per bedroom plus; however, the maximum occupancy of the short-term rental unit shall not exceed eight (8) persons, including transients and any other individuals residing in or otherwise using the short-term rental unit. A bedroom is hereby defined as a room having a source of natural light, a minimum ceiling height of seven feet six inches (7' 6"), have means of emergency egress, a source of permanent heat, and a smoke alarm. (Ord. #2021-08, July 2021)