

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

1. AIRCRAFT.
2. INVASIVE PLANT MANAGEMENT ORDINANCE.
3. TREE ORDINANCE.
4. TOURIST RESIDENCY PERMIT PROGRAM.

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

- 20-101. Definition.
- 20-102. Minimum height of aircraft.
- 20-103. Operators and operation of aircraft.
- 20-104. Acrobatic flying prohibited.
- 20-105. Sightseeing flights prohibited.
- 20-106. Landings within the town prohibited.
- 20-107. Noise by aircraft prohibited.
- 20-108. Dropping objects from aircraft prohibited.
- 20-109. Advertising by aircraft prohibited.

**20-101. Definition.** The term "aircraft" as used in this chapter means any airplane, helicopter, 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. (2000 Code, § 20-101)

**20-102. Minimum height for aircraft.** No person, firm or corporation shall fly or permit any aircraft to be flown within the corporate limits of the Town of Pittman Center, except at a height sufficient to permit a safe emergency landing and in no instance shall any aircraft fly at a height above the town 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 town limits of the Town of Pittman Center. These heights and distances are a minimum and unsafe operation of an aircraft above the town 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. (2000 Code, § 20-102)

**20-103. Operators and operation of aircraft.** No person shall operate an aircraft within or over the corporate limits of the Town of Pittman Center 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 Town of Pittman Center 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. (2000 Code, § 20-103)

**20-104. Acrobatic flying prohibited.** Acrobatic flying by any person flying over any portion of the Town of Pittman Center is hereby prohibited. (2000 Code, § 20-104)

**20-105. Sightseeing flights prohibited.** Sightseeing flights within or over the Town of Pittman Center are prohibited. (2000 Code, § 20-105)

**20-106. Landings within the town prohibited.** Except in cases of emergency, no person shall land any aircraft within the corporate limits of the Town of Pittman Center. 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. (2000 Code, § 20-106)

**20-107. Noise by aircraft prohibited.** Unnecessary or loud noise by operators of aircraft within or over the corporate limits of the Town of Pittman Center is hereby prohibited. The operator of such aircraft shall take into account the topography of the Town of Pittman Center and its vicinity in the operation of his aircraft. (2000 Code, § 20-107)

**20-108. 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 Town of Pittman Center any object or thing. (2000 Code, § 20-108)

**20-109. 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 Town of Pittman Center. (2000 Code, § 20-109)

## CHAPTER 2

### INVASIVE PLANT MANAGEMENT ORDINANCE

#### SECTION

20-201. Prohibited planting.

20-202. Permit to build.

20-203. Management and removal of established prohibited plants.

20-204. National park boundary priority.

**20-201. Prohibited planting.** The importation, sale, propagation, recent planting or transplanting of listed "prohibited plants" will be prohibited. Any plant species found in violation of this chapter will be subject to confiscation, disposal, or elimination as may be directed by the Town of Pittman Center at owners expense without opportunity for recovery of lost revenue or income. (2000 Code, § 20-201)

**20-202. Permit to build.** In order to receive a permit to build, the person requesting such will be instructed that all "prohibited plants" be treated for removal from the permit site to assure their eradication or reasonable control. Permit will also state that repeated control treatment of "prohibited plants" will be necessary in order to help native species survive and keep "prohibited plants" under reasonable control. Failure to provide the "needed later control treatment," as determined by the Town of Pittman Center, may result in mandatory eradication of "prohibited plants" at landowner's expense. (2000 Code, § 20-202)

**20-203. Management and removal of established prohibited plants.** Where "prohibited plants" are already established, their management and removal will be encouraged and facilitated by local authorities and organizations. (2000 Code, § 20-203)

**20-204. National park boundary priority.** Insofar as the Town of Pittman Center encourages development that relates to and magnifies our unique relations to and with the Great Smoky Mountains National Park, "prohibited plants" occurring within five hundred feet (500') of the National Park boundary in Pittman Center should receive high priority for plant management. (as added by Ord. #185, July 2003)

## CHAPTER 3

### TREE ORDINANCE

#### SECTION

- 20-301. Definitions.
- 20-302. Creation and establishment of a town tree board.
- 20-303. Term of office.
- 20-304. Compensation.
- 20-305. Duties and responsibilities.
- 20-306. Operation.
- 20-307. Street tree species to be planted.
- 20-308. Spacing.
- 20-309. Distance from curbs and sidewalks.
- 20-310. Distance from street corners and fireplugs.
- 20-311. Utilities.
- 20-312. Public tree care.
- 20-313. Tree topping.
- 20-314. Pruning and corner clearance.
- 20-315. Appeals.
- 20-316. Violations and penalty.

**20-301. Definitions.** (1) "Street trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying on federal, state, county, or town rights of way.

(2) "Park trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation in public parks and all areas owned by the town. (Ord. #291, Feb. 2020)

**20-302. Creation and establishment of a Town of Pittman Center Tree Board.** There is hereby created and established a Town of Pittman Center Tree Board herein after referred to as the "tree board" for the Town of Pittman Center, Tennessee, which shall consist of five (5) members who shall be appointed by the mayor with the approval of the commission. (Ord. #291, Feb. 2020)

**20-303. Term of office.** The term of the five (5) persons to be appointed by the mayor shall be three (3) years, except that the term of two (2) of the members appointed to the first board shall be for only one (1) year and the term of two (2) members of the first board shall be for two (2) years. In the event that a vacancy shall occur during the term of any members, his successor shall be appointed for the unexpired portion of the term. The mayor shall have the right to remove any member. (Ord. #291, Feb. 2020)

**20-304. Compensation.** Members of the tree board shall serve without compensation. (Ord. #291, Feb. 2020)

**20-305. Duties and responsibilities.** (1) Responsibilities. To develop, maintain, and facilitate a plan for the development, conservation, and care of the urban forest resources of the town.

(2) Qualifications. Resident of the town or any professional in natural resources with an interest in and knowledge of trees and related resources and their relationship to the human and physical environment of the city.

(3) Activities:

(a) Develop and /or review annually and update as necessary a long-range plan for the urban forest of the city.

(b) Advise the mayor, board of mayor and aldermen, and various departments on matters concerning trees and related resources.

(c) Advise residents on matters concerning the betterment of trees and related resources.

(d) Coordinate and conduct special projects for the betterment of the urban forest. (Ord. #291, Feb. 2020)

**20-306. Operation.** The tree board shall elect its own officers and keep minutes of its proceedings. A majority of the members shall be a quorum for the transaction of business. (Ord. #291, Feb. 2020)

**20-307. Street tree species to be planted.** The Town of Pittman Center will refer to the following list of native plants. These species are considered endemic to the Town of Pittman Center and the Great Smoky Mountains National Park. No other species other than those included in this list may be planted as "street trees" without approval of the tree board.

Native Plant List

COMMON NAME/ SCIENTIFIC NAME

(1)	SMALL TREES	
	Alternate leaf dogwood	Cornus alternifolia
	American holly	Ilex opaca
	American, Chicksaw plum	Prunus americana, P. angustifolia
	Blackhaw, Rusty blackhaw	Viburnum prunifolium, V. rufidulum
	Carolina buckthorn	Rhanmus caroliniana
	Carolina Silverbell	Halesia tetraptera
	Flowering dogwood	Cornus florida
	Fringe tree	Chionanthus virginicus
	Hawthorn	Crataegus spp.
	Hercules club	Aralia spinosa
	Hoptree	Ptelea trifoliata

Ironwood	<i>Carpinus caroliniana</i>
Pawpaw	<i>Asimina triloba</i>
Redbud	<i>Cercis canadensis</i>
Service berry	<i>Amelanchier arborea</i> , <i>A. laevis</i>
Sweetbay magnolia	<i>Magnolia virginiana</i>
Wahoo	<i>Euonymus atropurpureus</i>
Winged, Smooth, Staghorn sumac	<i>Rhus copallinum</i> , <i>R. glabra</i> , <i>R. typhina</i>
Witch-hazel	<i>Hamamelis virginiana</i>
(2) MEDIUM TREES	
Hophornbeam	<i>Ostrya virginiana</i>
Persimmon	<i>Diospyros virginiana</i>
Red cedar	<i>Juniperus virginiana</i>
River birch	<i>Betula nigra</i>
Sourwood	<i>Oxydendrum arboreum</i>
Sweet birch	<i>Betula lenta</i>
Yellow wood	<i>Cladrastis kentuckea</i>
(3) LARGE TREES	
American basswood	<i>Tilia americana</i>
American beech	<i>Fagus grandifolia</i>
Black cherry	<i>Prunus serotina</i>
Black walnut	<i>Juglans nigra</i>
Blackgum	<i>Nyssa sylvatica</i>
Blue ash	<i>Fraxinus quadrangulata</i>
Buroak	<i>Quercus macrocarpa</i>
Carolina, Black willow	<i>Salix caroliniana</i> , <i>S. nigra</i>
Chestnut, Chinkapin oak	<i>Quercus montana</i> , <i>Q. muhlenbergii</i>
Cucumbertree	<i>Magnolia acuminata</i>
Eastern cottonwood	<i>Populus deltoides</i>
Kentucky coffeetree	<i>Gymnocladus dioica</i>
Overcup, Water, Pin oak	<i>Quercus lyrata</i> , <i>Q. nigra</i> , <i>Q. palustris</i>
Pignut, Shagbark, Mockernut hickory	<i>Carya glabra</i> , <i>C. ovata</i> , <i>C. tomentosa</i>
Red maple	<i>Acer rubrum</i>
Red mulberry	<i>Morus rubra</i>
Sassafras	<i>Sassafras albidum</i>
Shortleaf, Virginia pine	<i>Pinus echinata</i> , <i>P. virginiana</i>
Southern red, Post, Black oak	<i>Quercus falcata</i> , <i>Q. stellata</i> , <i>Q. velutina</i>
Sugar maple	<i>Acer saccharum</i>
Swamp white, Shingle oak	<i>Quercus bicolor</i> , <i>Q. imbricaria</i>
Sweetgum	<i>Liquidambar styraciflua</i>
Sycamore	<i>Platanus occidentalis</i>
Tulip poplar	<i>Liriodendron tulipifera</i>
White pine	<i>Pinus strobus</i>
White, Green ash	<i>Fraxinus americana</i> , <i>F. pennsylvanica</i>

White, Scarlet oak  
 Willow, Northern Red, Shumard oak  
 Yellow, Ohio buckeye

*Quercus alba*, *Q. coccinea*  
*Quercus phellos*, *Q. rubra*, *Q. shumardii*  
*Aesculus flava*, *A. glabra*

## (4) SHRUBS

American beautyberry  
 American snowbell  
 Arrow wood, Possum haw  
 Bladdernut  
 Buttonbush  
 Carolina, Prairie, Swamp rose  
 Cedarglade, Shrubby St. John's Wort  
 Common winterberry  
 Coralberry  
 Cumberland azalea  
 Cumberland rosemary  
 Elderberry  
 Fothergilla  
 Fragrant sumac  
 Hazelnut  
 Hearts a bustin  
 Highbush, Lowbush blueberry  
 Indigo bush  
 Leatherwood  
 Maple leaf  
 Mock orange  
 Mountain laurel  
 Mountain rosebay  
 New Jersey tea  
 Ninebark  
 Northern, Southern bush honeysuckle  
 Oakleaf hydrangea  
 Possumhaw holly  
 Red, Black chokeberry  
 Silky dogwood  
 Spicebush  
 Sweet pepperbush  
 Sweet, Piedmont azalea  
 Sweetshrub  
 Virginiasweetspire  
 Wild hydrangea

*Callicarpa americana*  
*Styrax americana*  
*Viburnum dentatum*, *V. nudum*  
*Staphylea trifolia*  
*Cephalanthus occidentalis*  
*Rosa carolina*, *R. setigera*, *R. palustris*  
*Hypericum frondosum*, *H. prolificum*  
*Ilex verticillata*  
*Symphoricarpos orbiculatus*  
*Rhododendron cumberlandense*  
*Conradina verticillata*  
*Sambucus canadensis*  
*Fothergilla major*  
*Rhus aromatica*  
*Corylus americana*  
*Euonymus americanus*  
*Vaccinium corymbosum*, *V. pallidum*  
*Amorpha fruticosa*  
*Dirca palustris*  
*viburnum Viburnum acerifolium*  
*Philadelphus hirsutus*, *P. inodorus*  
*Kalmia latifolia*  
*Rhododendron catawbiense*  
*Ceanothus americanus*  
*Physocarpus opulifolius*  
*Diervilla lonicera*, *D. sessilifolia*  
*Hydrangea quercifolia*  
*Ilex decidua*  
*Aronia arbutifolia*, *A. melanocarpa*  
*Cornus amomum*  
*Lindera benzoin*  
*Clethra alnifolia*  
*Rhododendron arborescens*, *R. canescens*  
*Calycanthus floridus*  
*Itea virginica*  
*Hydrangea arborescens*

(Ord. #291, Feb. 2020)

**20-308. Spacing.** The spacing of street trees will be in accordance with the species size classes listed in § 20-307.

Small trees	30 feet
Medium trees	40 feet
Large trees	50 feet

Exceptions will be made for stamped planting plans designed and submitted by a landscape architect. (Ord. #291, Feb. 2020)

**20-309. Distance from curbs and sidewalks.** The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with the three (3) species-size classes listed in § 20-307. No trees may be planted closer to any curb or sidewalk than the following:

Medium trees	10 feet
Large trees	20 feet (Ord. #291, Feb. 2020)

**20-310. Distance from street corners and fireplugs.** No street tree shall be planted closer than thirty-five feet (35') feet of any street corner, measured from the point of nearest intersection edge of pavement. No street tree shall be planted closer than ten feet (10') of any fire hydrant. (Ord. #291, Feb. 2020)

**20-311. Utilities.** No street trees may be planted under or within ten (10) lateral feet of any overhead utility wire, or over or within five feet (5') of any underground water line, sewer lines, transmission line, or other utility or guide wire anchor. Property owners, contractors, or other appropriate parties are required to contact Tennessee 811 to mark underground utilities prior to planting. (Ord. #291, Feb. 2020)

**20-312. Public tree care.** The town shall have the right to plant, prune, maintain, and remove trees, plants, and shrubs within the lines of all streets, alleys, avenues, lanes, squares, and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

The tree board may remove or cause or order to be removed any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, other public improvements, or is affected with an injurious fungus, insect, or other pest.

The tree board may remove or cause or order to be removed any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, other public improvements, or is affected with an injurious fungus, insect, or other pest. (Ord. #291, Feb. 2020)



**20-313. Tree topping.** It shall be unlawful as a normal practice for any person, firm, or contractor to top any street tree, park tree, or other tree on public property or town right-of-way. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the city tree board. The town is exempt from § 20-313. (Ord. #291, Feb. 2020)

**20-314. Pruning and corner clearance.** Every owner of any tree overhanging any street or right-of-way within the town shall prune the branches so that such branches will not obstruct the view of any street intersection and so that there shall be a clear space of eight feet (8') above the surface of the street or sidewalk. The town shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign. (Ord. #291, Feb. 2020)

**20-315. Appeals.** Any person, partnership or corporation may appeal any ruling or order of the tree board to the Town of Pittman Center Board of Mayor and Aldermen. (Ord. #291, Feb. 2020)

**20-316. Violations and penalty.** Any person, partnership or corporation violating the terms of this ordinance shall be assessed a fine not greater than the sum of fifty dollars (\$50.00) per day. Each day of the violation of this ordinance shall constitute a separate and distinct offense. (Ord. #291, Feb. 2020)

## CHAPTER 4

### TOURIST RESIDENCY PERMIT PROGRAM<sup>1</sup>

#### SECTION

- 20-401. Definition.
- 20-402. Permit.
- 20-403. Fee.
- 20-404. Person required to obtain permit.
- 20-405. Permit revocation.
- 20-406. Violations and penalty.

**20-401. Definition.** "Tourist residency" (sometimes referred to as a tourist residence) is defined as the practice of renting single family residences, specifically including cabins and chalets and similar residences, including condominiums and apartments, which are not otherwise inspected by the State of Tennessee, on an overnight, weekly or other basis of less than thirty (30) days duration, to tourists and/or visitors.

Tourist residencies shall be reviewed and permitted under the adopted building codes and *Life Safety 101 Code*, except as exempted below, under the following criteria:

(1) Tourist residency, as defined herein, consisting of three (3) or less stories, less than five thousand (5,000) gross square feet, and twelve (12) or fewer occupants shall be classified as one- and two-family dwellings. These dwellings are subject to the fire sprinkler exemptions of *Tennessee Code Annotated*, § 68-120- 101(a)(8)(A);

(2) Tourist residency, as defined herein, consisting of more than (3) stories, more than five thousand (5,000) gross square feet, or more than twelve (12) occupants, shall be classified as R-1 or R-3 as determined by the provisions of *NFPA 101-Life Safety Code* and the *International Building Code* requirements. These dwellings are not subject to the fire sprinkler exemptions of *Tennessee Code Annotated*, § 68-120-101 (a)(8)(A).

(3) Grandfathered short-term rental units, defined as "used as a short-term rental unit" under *Tennessee Code Annotated*, § 13-7-602(9) at the time of passage of this chapter shall be exempt from the provisions of this chapter unless as provided under *Tennessee Code Annotated*, § 13-7-604 the property ceases being used as a short-term rental unit for a period of thirty (30) continuous months or has been in violation of a generally applicable local law three (3) or more separate times. (Ord. #292, Feb. 2020)

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<sup>1</sup>Municipal code reference

Zoning ordinance: title 14, chapter 2.

**20-402. Permit.** Each tourist residence as defined above must have a tourist residency permit and have an annual tourist residency inspection. (Ord. #292, Feb. 2020)

**20-403. Fee.** The base fee for a tourist residency permit shall be the sum of two hundred dollars (\$200.00) per residence. This will include the residence and two (2) bedrooms, an additional seventy-five dollars (\$75.00) per bedroom shall be charged. (Ord. #292, Feb. 2020, as replaced by Ord. #322, May 2023 *Ch2\_01-18-24*)

**20-404. Person required to obtain permit.** The owner of the tourist residence or his/her agent, if being rented by an overnight rental agent, shall be required to obtain the tourist residency permit. (Ord. #292, Feb. 2020)

**20-405. Permit revocation.** Any individual unit that has been in violation and found guilty of a generally applicable local law three (3) or more separate times shall have their permit revoked provided that the provider has no appeal rights remaining per *Tennessee Code Annotated*, § 13 -7-604. (Ord. #292, Feb. 2020)

**20-406. Inspection.** The town may enter the premises of permit holders to inspect for violations with reasonable notice to the property owner/management. (Ord. #292, Feb. 2020)

**20-407. Violations and penalty.** Any owner, or rental agent on behalf of an owner, who rents a tourist residence without first obtaining a tourist residency permit shall be in violation of this chapter. Each rental shall constitute a separate violation of same. Each day a violation shall continue shall constitute a separate violation of same. Upon conviction of any such violation, such person shall be punished by levying a fine not to exceed fifty dollars (\$50.00) per violation. (Ord. #292, Feb. 2020)