

**THE
LOUISVILLE
MUNICIPAL
CODE**

Prepared by the



Municipal Technical Advisory Service

In cooperation with the Tennessee Municipal League

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TOWN OF LOUISVILLE CODE, TENNESSEE

MAYOR

Jill Robinson Pugh

VICE MAYOR

Daniel Franklin

ALDERMEN

Steven Kelley

John Loope

Lysia Vaught

RECORDER

Caleb Wheeler

PREFACE¹

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

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

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

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

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

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

¹Whenever in this municipal code of ordinances masculine pronouns are used, the feminine is included.

When the foregoing conditions are met MTAS will reproduce replacement pages for the code to reflect the amendments and additions made by such ordinances. This service will be performed at least annually and more often if justified by the volume of amendments. Replacement pages will be supplied with detailed instructions for utilizing them so as again to make the code complete and up to date.

The able assistance of the codes team is gratefully acknowledged: Kelley Myers, Nancy Gibson, and Karen Seay.

Abb Oglesby
Legal Program Manager

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

1. An ordinance shall be considered and adopted on two (2) separate days; any other form of board action shall be considered and adopted in one (1) day. Any form of board action shall be passed by a majority of the members present, if there is a quorum. A quorum is a majority of the members to which the board is entitled. All ayes and nays on all votes on all forms of board action shall be recorded. (6-2-102)

2. Each ordinance, or the caption of each ordinance, shall be published after its final passage in a newspaper of general circulation in the municipality. No ordinance shall take effect until the ordinance or its caption is published. (6-2-101)

TABLE OF CONTENTS

PAGE

INTRODUCTION

OFFICIALS OF THE CITY AT TIME OF CODIFICATION.....	ii
PREFACE.....	iii
ORDINANCE ADOPTION PROCEDURES PRESCRIBED BY THE CITY CHARTER.....	v

CHARTER

CHARTER TABLE OF CONTENTS.....	C-1
TEXT OF CHARTER.....	C-4

CODE OF ORDINANCES

CODE-ADOPTING ORDINANCE.....	ORD-1
TITLE 1. GENERAL ADMINISTRATION.....	1-1
CHAPTER	
1. BOARD OF MAYOR AND ALDERMEN.....	1-1
2. MAYOR.....	1-7
3. RECORDER	1-8
4. MISCELLANEOUS	1-9
5. PUBLIC NOTICE REQUIREMENTS.....	1-12
6. CODE OF ETHICS.....	1-13
TITLE 2. BOARDS AND COMMISSIONS, ETC.	2-1
RESERVED FOR FUTURE USE	
TITLE 3. MUNICIPAL COURT.....	3-1
RESERVED FOR FUTURE USE	

	<u>PAGE</u>
TITLE 4. MUNICIPAL PERSONNEL	4-1
CHAPTER	
1. PERSONNEL REGULATIONS	4-1
2. TRAVEL REIMBURSEMENT REGULATIONS	4-2
TITLE 5. MUNICIPAL FINANCE AND TAXATION	5-1
CHAPTER	
1. MISCELLANEOUS	5-1
2. REAL AND PERSONAL PROPERTY TAXES	5-3
3. BUSINESS TAX	5-4
TITLE 6. LAW ENFORCEMENT	6-1
RESERVED FOR FUTURE USE	
TITLE 7. FIRE PROTECTION AND FIREWORKS.	7-1
CHAPTER	
1. FIRE CODE	7-1
2. FIREWORKS	7-3
TITLE 8. ALCOHOLIC BEVERAGES	8-1
CHAPTER	
1. BEER.	8-1
2. INTOXICATING LIQUORS.	8-7
3. BROWN BAGGING	8-11
TITLE 9. BUSINESS, PEDDLERS, SOLICITORS, ETC.	9-1
RESERVED FOR FUTURE USE	
TITLE 10. ANIMAL CONTROL.	10-1
CHAPTER	
1. DOGS AND CATS	10-1

	<u>PAGE</u>
TITLE 11. MUNICIPAL OFFENSES	11-1
CHAPTER	
1. ALCOHOL	11-1
2. NOISE	11-3
3. FIREARMS	11-6
TITLE 12. BUILDING, UTILITY, ETC. CODES	12-1
CHAPTER	
1. BUILDING CODE	12-1
2. RESIDENTIAL CODE	12-5
3. PROPERTY MAINTENANCE	12-6
TITLE 13. PROPERTY MAINTENANCE REGULATIONS	13-1
CHAPTER	
1. MISCELLANEOUS	13-1
TITLE 14. ZONING AND LAND USE CONTROL	14-1
CHAPTER	
1. ZONING ORDINANCE	14-1
2. FLOOD DAMAGE PREVENTION ORDINANCE	14-2
3. SHORT-TERM RENTAL REGULATIONS	14-1
TITLE 15. MOTOR VEHICLES, TRAFFIC AND PARKING	15-1
CHAPTER	
1. MISCELLANEOUS	15-1
2. SPEED LIMITS	15-3
TITLE 16. STREETS AND SIDEWALKS, ETC.	16-1
RESERVED FOR FUTURE USE	
TITLE 17. REFUSE AND TRASH DISPOSAL	17-1
CHAPTER	
1. REFUSE	17-1
2. OFF-SITE MATERIAL FOR DUMPING OR FILL . . .	17-4

	<u>PAGE</u>
TITLE 18. WATER AND SEWERS	18-1
RESERVED FOR FUTURE USE	
TITLE 19. ELECTRICITY AND GAS	19-1
RESERVED FOR FUTURE USE	
TITLE 20. MISCELLANEOUS.	20-1
CHAPTER	
1. USE OF PUBLIC PARKS AND RECREATION	
AREAS.	20-1
CERTIFICATE OF AUTHENTICITY.	CERT-1

TITLE 1**GENERAL ADMINISTRATION¹****CHAPTER**

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. RECORDER.
4. MISCELLANEOUS.
5. PUBLIC NOTICE REQUIREMENTS.
6. CODE OF ETHICS.

CHAPTER 1**BOARD OF MAYOR AND ALDERMEN²****SECTION**

- 1-101. Governing body.
- 1-102. Qualifications for office.

¹Charter references

See the charter index, the charter itself and footnote references to the charter in the front of this code.

Municipal code references

Building, plumbing and electrical inspectors: title 12.
Zoning: title 14.

²Charter references

For charter provisions related to the board of mayor and aldermen, see *Tennessee Code Annotated*, title 6, chapter 3. For specific charter provisions related to the board of mayor and aldermen, see the following sections:

City administrator: § 6-4-101.

Compensation: § 6-3-109.

Duties of mayor: § 6-3-106.

Election of the board: § 6-3-101.

Oath: § 6-3-105.

Ordinance procedure

Publication: § 6-2-101.

Consideration and passage: § 6-2-102.

Residence requirements: § 6-3-103.

Vacancies in office: § 6-3-107.

Vice-mayor: § 6-3-107.

- 1-103. Term of office.
- 1-104. Oath of office.
- 1-105. Vice mayor.
- 1-106. Vacancies in office.
- 1-107. Regular town election.
- 1-108. Additional officers and personnel.
- 1-109. Compensation of officers and employees.
- 1-110. Exercise of powers.
- 1-111. Meetings.
- 1-112. Rules of procedure.
- 1-113. Ordinance adoption procedures.
- 1-114. Emergency meeting.
- 1-115. Committees.

1-101. Governing body. The governing body of the town shall consist initially of one (1) mayor and two (2) aldermen, to be known as the board of mayor and aldermen. At such time as allowable under state law, the number of aldermen shall be increased from two (2) to four (4). All such aldermen shall be "at large." The size and apportionment of the aldermen may from time to time be altered as provided under the general law of the State of Tennessee.

In accordance with the provisions of *Tennessee Code Annotated*, § 6-3-102, the number of aldermen is increased from two (2) to four (4). The increase in the number of aldermen shall be accomplished as follows:

(1) In the election held in February, 1992, two (2) additional aldermen shall be elected:

(a) One (1) additional alderman shall be elected for a two (2) year term of office, which shall expire in February, 1994, or when the successor to that office is elected and qualified; and

(b) One (1) additional alderman shall be elected for a one (1) year term of office, which shall expire in February, 1993, or when the successor to that office is elected and qualified.

(2) In the elections held in February, 1993, and 1994, for the successors to the office of the aldermen elected pursuant to this section, the terms of office shall be for two (2) years, or until the successors are elected and qualified. (Ord. #1991-1, Feb. 1991, as amended by Ord. #1991-16, Nov. 1991)

1-102. Qualifications for office. To be eligible for election and to continue in the office of mayor or alderman, a person shall be registered to vote in Blount County, Tennessee, and registered to vote in the Town of Louisville, Tennessee. Further, any candidate for the offices of mayor or alderman must have been a resident of the Town of Louisville, Tennessee, for one (1) year next preceding the date of the election to office. A candidate in an area which may have been annexed less than one (1) year prior to the election shall be eligible if he or she meets all other requirements and has been a resident in the annexed

area for at least one (1) year next preceding the date of the election to office. (Ord. #1991-1, Feb. 1991)

1-103. Term of office. The mayor and aldermen shall take office at 7:00 P.M. on the next regularly scheduled meeting of the board of mayor and aldermen after their election to office. The terms of office shall be staggered four (4) year terms. The mayor and two (2) aldermen shall serve a four (4) year term and the two (2) remaining aldermen shall serve four (4) year terms. (Ord. #2009-8, July 2009)

1-104. Oath of office. Before taking office the mayor and aldermen shall take the following oath before the recorder or some official authorized to administer oaths:

"I do solemnly swear that I have all the qualifications named in the Charter and Bylaws of the Town of Louisville, Tennessee, for the office of (Mayor) (Alderman); that I will support the Constitutions of the United States and of the State of Tennessee, and the Charter, Bylaws, and Ordinances of the Town of Louisville, Tennessee, and that I will faithfully discharge the duties of my office." (Ord. #1991-1, Feb. 1991)

1-105. Vice mayor. (1) The board of mayor and aldermen shall elect an alderman to the office of vice mayor, who shall serve as mayor when the mayor is absent or unable to discharge the duties of the mayor's office, and, in case of a vacancy in the office of mayor, until the next regular municipal election.

(2) The election of the vice mayor shall occur at the regular meeting of the board of mayor and aldermen in June following every regular town election.

(3) The vice mayor shall serve for a period of two (2) years.

(4) In the event the vice mayor resigns, via written notice to the board, the board at the meeting at which the resignation is accepted shall elect an alderman to fill the remaining term of the resigning vice mayor.

(5) In the event that the vice mayor becomes unable to serve as alderman due to death or removal from office or other disqualification under law, the board shall elect an alderman to fill the remaining term of the vice mayor. (Ord. #2009-13, Sept. 2009)

1-106. Vacancies in office. A vacancy in the office of alderman shall be filled by the affirmative vote of a majority of the remaining members of the board of mayor and aldermen, and said action by the board of mayor and aldermen in filling the vacancy shall be to complete the unexpired term or until the next town election at which an alderman would be chosen, whichever comes first. All such actions by the board of mayor and aldermen in filling such vacancies shall be by a voice vote upon the calling of the roll, and the results

duly recorded in the official minutes of the town. If the office of mayor is vacated, the vice mayor shall serve as mayor for the unexpired term and the position of the alderman so filling the post shall constitute a vacancy in the position of alderman to be filled as provided herein. (Ord. #1991-1, Feb. 1991)

1-107. Regular town election. All elections for mayor and aldermen shall be held to coincide with the regular November General Election. (Ord. #2009-8, July 2009)

1-108. Additional officers and personnel. The board of mayor and aldermen may by ordinance provide for such other officers and employees as it may deem necessary for the proper administration of the town's affairs, and prescribe the duties thereof. (Ord. #1991-1, Feb. 1991)

1-109. Compensation of officers and employees. The board of mayor and aldermen shall set by ordinance the compensation of all appointed officers and employees of the town. (Ord. #1991-1, Feb. 1991)

1-110. Exercise of powers. The exercise of all powers granted by the bylaws or by general law to municipalities is vested in the board of mayor and aldermen, except as otherwise provided herein. The board of mayor and aldermen shall speak solely through its minutes or journal entries which shall be authenticated by the mayor and recorder after reading and approval. (Ord. #1991-1, Feb. 1991)

1-111. Meetings. Regular meetings of the board of mayor and aldermen shall be held at least once each month on the second Tuesday of each month at 6:00 P.M. Special meetings may be called by the mayor or by two (2) aldermen by giving adequate public notice of said called meeting no less than forty-eight (48) hours next preceding said meeting. Said notice shall state the business and time and place of the meeting. Any business not stated in the notice within the call shall not be considered unless all members of the board of mayor and aldermen are present. All meetings shall be open to the public. (Ord. #1991-1, Feb. 1991, modified)

1-112. Rules of procedure. The mayor shall preside over all meetings. The mayor shall have one (1) vote; each alderman shall have one (1) vote per alderman. During such time as the board of mayor and aldermen is composed of one (1) mayor and two (2) aldermen, the quorum shall consist of two (2) members. At such time as the board of mayor and aldermen may be increased to a total of five (5) members [one (1) mayor and four (4) aldermen], a quorum shall consist of three (3) members. An affirmative vote of a majority of all members of the board of mayor and aldermen shall be required for the passage of any ordinance, resolution or motion, except for a motion to adjourn to a later

day, which motion may be carried by two (2) members of the board of mayor and aldermen. The record shall show by roll call how each member of the board of mayor and aldermen voted on every matter before it. The board of mayor and aldermen shall by ordinance or by resolution establish its own rules of procedure not inconsistent with these bylaws and the laws of the State of Tennessee, and such rules, until amended or abolished, shall be as binding upon the board of mayor and aldermen as though contained in these bylaws. (Ord. #1991-1, Feb. 1991)

1-113. Ordinance adoption procedures. All ordinances shall begin with the clause, "BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF LOUISVILLE, TENNESSEE," and shall be introduced in writing. Each ordinance shall be passed on two (2) separate days at regular, adjourned, or special meetings, and shall be read in its entirety, before final passage. It shall not be necessary to copy ordinances in the minutes, but reference to them shall be made in the minutes by the number and subject matter. After passage each ordinance shall be authenticated by the mayor and recorder. (Ord. #1991-1, Feb. 1991, modified)

1-114. Emergency meeting. When an occurrence or threat of an occurrence, whether natural or man made, that results in or may result in substantial injury or harm to the population or substantial damage or loss of property and may result in the need to declare a state of emergency by municipal officials, the mayor, or the vice-mayor in the mayor's absence, the vice-mayor may call a special meeting of the board of mayor and aldermen upon immediate notice by telephone or in person upon the members of the board of mayor and aldermen. (Ord. #2009-8, July 2009)

1-115. Committees. (1) The necessity of and the establishment of committees shall be as determined by the board of mayor and aldermen, by way of resolution.

(2) The board of mayor and aldermen may establish, by resolution, rules for the creation of committees and the appointment of committee members and chairman.

(3) The board of mayor and aldermen, by resolution may dissolve any committee when it deems that its purpose has been fulfilled.

(4) Any and all ordinances and resolutions inconsistent with this section are hereby rescinded and repealed in full. (Ord. # 2010-29, Nov. 2010)

CHAPTER 2

MAYOR¹

SECTION

1-201. Supervisory duties of mayor.

1-201. Supervisory duties of mayor. The mayor shall have the duty of the immediate and general supervision of all personnel. He or she shall see that all laws and ordinances and the provisions of the bylaws and the laws of the State of Tennessee are enforced, make recommendations to the board of mayor and aldermen, and do all things necessary to protect the interests of the Town of Louisville, Tennessee. (Ord. #2010-27, Nov. 2010)

¹Charter references

Duties of mayor: § 6-3-106.

Vacancies in office: § 6-3-107.

Vice-mayor: § 6-3-107.

CHAPTER 3

RECORDER¹

SECTION

1-301. Appointment; compensation; duties.

1-302. Bond required.

1-301. Appointment; compensation; duties. A recorder shall be appointed by the board of mayor and aldermen to serve at the will of the board of mayor and aldermen. Such person shall receive that compensation that shall be fixed by ordinance. The immediate responsibility for the administration of the financial affairs of the town shall be that of the recorder. The recorder shall also have the following duties:

(1) To act as clerk and secretary of the board of mayor and aldermen, and keep a record of all the proceedings of the board of mayor and aldermen.

(2) To have custody of all records, papers, and documents, and the bonds of all officers and employees.

(3) To receive and have custody of all funds and to make all disbursements as provided for by the board of mayor and aldermen.

(4) To keep separate and apart from the general funds of the town, all special funds required to be so kept by general law of the State of Tennessee, or by ordinance.

(5) To install and maintain adequate accounting records.

(6) To maintain constant and comprehensive budgetary control, and to prepare financial statements annually or more often if required by the board of mayor and aldermen.

(7) To perform such other duties as may be provided by ordinance. (Ord. #1991-1, Feb. 1991)

1-302. Bond required. Before entering upon the discharge of the duties of the recorder, such person shall execute a faithful performance bond in an amount not less than five thousand dollars (\$5,000.00). All other officers and employees authorized to have custody of or handle the funds of the town shall give such bonds as the board of mayor and aldermen may deem necessary. The cost of all such bonds shall be an expense of the town. (Ord. #1991-1, Feb. 1991)

¹Charter references

City recorder: § 6-4-201 et seq.

Recorder as treasurer: § 6-4-401(c).

CHAPTER 4

MISCELLANEOUS

SECTION

- 1-401. Annexation regulations.
- 1-402. Qualification to vote.
- 1-403. Powers of the town.
- 1-404. Recall of elected officials.

1-401. Annexation regulations. Notwithstanding any other state law, the people, citizens, and residents of Louisville, Tennessee, deem it to be just and fair that the government shall be a government only by the consent of those governed. To that end, the Town of Louisville, Tennessee, may not annex any territory to its boundaries except under the following conditions:

(1) A referendum is had pursuant to *Tennessee Code Annotated*, § 6-51-104 and § 6-51-105. Such referendum or the request therefor shall be had only upon the submission of a signed petition duly executed and meeting all the requirements of petitions under Tennessee Election Law. Said petition must contain the signatures of petitioners owning a total of no less than fifty-one percent (51%), by area, of the property proposed to be annexed. No referendum on the annexation of any property shall be held unless it be at the request of the said owners of no less than fifty-one percent (51%), by area, of the property to be annexed.

(2) Said petition must be presented to the board of mayor and aldermen for consideration and approval. The board of mayor and aldermen then shall decide by appropriate vote whether or not it desires to submit the annexation request to the referendum process. If submitted to referendum vote, a vote of fifty-one percent (51%) of those voting shall be required to pass the referendum.

(3) Upon the written request by a property owner for annexation by the town limits of Louisville, Tennessee, said request shall be considered by the board of mayor and aldermen, and the property of that owner may be annexed into the town limits, upon his request, by the board of mayor and aldermen.

(4) In order to facilitate annexations by referendum or upon request, the board of mayor and aldermen may, by ordinance, annex rights-of-way along highways, waterways and other public property, in order to obtain access to private property for which a request has been made to annex. (Ord. #1991-1, Feb. 1991, as amended by Ord. #2007-1, June 2007, modified)

1-402. Qualification to vote. Every person registered to vote under the laws of the State of Tennessee shall be entitled to register and vote in all elections of the Town of Louisville if he or she is a resident of the Town of

Louisville, and has qualified to vote under state election laws. (Ord. #2009-8, July 2009)

1-403. Powers of the town. Subject to the limitations in the bylaws, the Town of Louisville, Tennessee, shall have the power to:

- (1) Enact such bylaws and ordinances as may be necessary and proper to preserve and protect the health, quiet, and good order of the town.
- (2) To expend the money of the town for all lawful purposes.
- (3) To acquire or receive and hold, maintain, improve, sell, lease, mortgage, pledge, or otherwise dispose of property, real or personal, and any estate or interest therein for municipal purposes.
- (4) To establish, open, relocate, vacate, alter, widen, extend, grade, improve, repair, construct, reconstruct, maintain, light, sprinkle, and clean, public highways, streets, boulevards, parkways, sidewalks, alleys, parks, public grounds, and squares, wharves, bridges, viaducts, sewers, and drains, and to regulate the use thereof.
- (5) To provide for the erection and maintenance of all buildings necessary for the use of the town, or to lease suitable buildings for the necessary use of the town.
- (6) To pass all bylaws and ordinances necessary and proper to enforce the powers granted by state law, not inconsistent with the constitution and the laws of the United States or the State of Tennessee, and all powers granted municipalities thereunder, except those which may be limited by the bylaws. (Ord. #1991-1, Feb. 1991)

1-404. Recall of elected officials. (1) Any citizen desiring a recall of an elected official shall circulate a petition for recall. Recall petitions shall require the signature of at least thirty-four percent (34%) of the registered voters in the Town of Louisville. The form of petition must first be submitted to the county election commission for approval as to form. Each completed petition shall contain the following:

- (a) The full text of the question attached to each petition.
 - (b) The genuine signature and address of registered voters only.
 - (c) The printed name of each signatory.
 - (d) The date of signature.
- (2) Completed petitions shall be filed with the county election commission within seventy-five (75) days after final certification by the county election commission.
- (3) A petition for recall shall be filed at least sixty (60) days before a general municipal or county election may be held on the question contained in such petition. The question contained in a petition filed less than sixty (60) days before an upcoming general municipal or county election will be placed on the ballot of the following general municipal or county election.

(4) At recall elections, voters who would be qualified to vote for a successor to the incumbent shall vote either "for recall" or "against recall." If at least sixty-six percent (66%) of those voting vote "for recall," the person named shall be declared removed from office and the office declared vacant. Such vacancy shall be filled as provided under the town's charter. (Ord. #2011-13, Nov. 2011)

CHAPTER 5

PUBLIC NOTICE REQUIREMENTS

SECTION

1-501. Adequate public notice.

1-501. Adequate public notice. (1) That adequate public notice of committee meetings of boards, commissions, or committees which are not otherwise provided for under state law shall be as follows:

(a) Notices shall give the time, place and purpose of all meetings at least forty-eight (48) hours prior to the meeting.

(b) Notices shall be posted at the following public places:

(i) At the front entrance to the site of the regular meetings of the board of mayor and aldermen.

(c) Notice sent to the major newspaper of general circulation in Blount County, Tennessee.

(d) E-mail notice to all board of mayor and aldermen members.

(e) Posting on the town's web site.

(f) E-mail or telephone notice to all members of the committee, board or commission which is calling the meeting.

(2) This adequate notice requirement shall not apply to notices which are otherwise required and specified by state statute and such state statutory requirements shall supercede the requirements of this section. (Ord. #2009-11, Aug. 2009)

CHAPTER 6

CODE OF ETHICS¹

SECTION

- 1-601. Applicability.
- 1-602. Definition of "personal interest."
- 1-603. Disclosure of personal interest by official with vote.
- 1-604. Disclosure of personal interest in non-voting matters.
- 1-605. Acceptance of gratuities, etc.
- 1-606. Use of information.
- 1-607. Use of municipal time, facilities, etc.
- 1-608. Use of position or authority.
- 1-609. Outside employment.
- 1-610. Ethics complaints.
- 1-611. Violations and penalty.

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

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

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

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

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

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

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

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

1-601. Applicability. This chapter is the code of ethics for personnel of the municipality. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the municipality. The words "municipal" and "municipality" include these separate entities.

1-602. Definition of "personal interest." (1) For purposes of §§ 1-603 and 1-604, "personal interest" means:

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

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

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

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

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

1-603. Disclosure of personal interest by official with vote. An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself¹ from voting on the measure.

1-604. Disclosure of personal interest in non-voting matters. An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter.

¹Masculine pronouns include the feminine. Only masculine pronouns have been used for convenience and readability.

1-605. Acceptance of gratuities, etc. An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the municipality:

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

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

1-606. Use of information. (1) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.

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

1-607. Use of municipal time, facilities, etc. (1) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.

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

1-608. Use of position or authority. (1) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the municipality.

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

1-609. Outside employment. An official or employee may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the municipal position or conflicts with any provision of the municipality's charter or any ordinance or policy.

1-610. Ethics complaints. (1) The town attorney is designated as the ethics officer of the municipality. Upon the written request of an official or employee potentially affected by a provision of this chapter, the town attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

(2) (a) Except as otherwise provided in this subsection, the town attorney shall investigate any credible complaint against an appointed

official or employee charging any violation of this chapter, or may undertake an investigation on his own initiative when he acquires information indicating a possible violation, and make recommendations for action to end or seek retribution for any activity that, in the attorney's judgment, constitutes a violation of this code of ethics.

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

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

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

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

1-611. Violations and penalty. An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or other applicable law, and in addition is subject to censure by the governing body. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action.

TITLE 2

BOARDS AND COMMISSIONS, ETC.

[RESERVED FOR FUTURE USE]

TITLE 3

MUNICIPAL COURT

[RESERVED FOR FUTURE USE]

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER

1. PERSONNEL REGULATIONS.
2. TRAVEL REIMBURSEMENT REGULATIONS.

CHAPTER 1

PERSONNEL REGULATIONS

SECTION

4-101. Personnel rules and regulations policy.

4-101. Personnel rules and regulations.¹ The personnel rules and regulations for the Town of Louisville are adopted herein as if set out verbatim.

¹The Personnel Rules and Regulations also known as Employee Handbook, for the Town of Louisville, as amended from time to time, are available in the office of the recorder.

CHAPTER 2

TRAVEL REIMBURSEMENT REGULATIONS

SECTION

- 4-201. Purpose and policy.
- 4-202. Travel policy.
- 4-203. Travel reimbursement rate schedules.
- 4-204. Other expenses.
- 4-205. Administrative procedures.

4-201. Purpose and policy. The Town of Louisville, upon proper application and proof of expenses incurred may, in the discretion of the mayor, reimburse any elected or appointed official or committee member or board or commission member or employee for actual expenses incurred, including, but not necessarily limited to the following:

- (1) Travel expenses, out of town lodging necessitated by and directly related to the conduct of the town's business,
- (2) The cost of seminars and continuing education programs as may be required under law or as may be approved by the mayor.
- (3) The purchase of supplies, parts or other items necessary for the ongoing operations of the town's municipal duties and functions.
- (4) Attorney's fees as may be necessitated for the direct benefit of the town or any of its committees, boards, or commissions.
- (5) Any and all other expenses, deemed by the mayor to be related to the business of the Town of Louisville. (Ord. #2013-03, Jan. 2013, modified)

4-202. Travel policy. (1) In the interpretation and application of this chapter, the term "traveler" or "authorized traveler" means any elected or appointed municipal officer or employee, including members of municipal boards and committees appointed by the mayor or the municipal governing body, and the employees of such boards and committees who are traveling on official municipal business and whose travel was authorized in accordance with this chapter. "Authorized traveler" shall not include the spouse, children, other relatives, friends, or companions accompanying the authorized traveler on town business, unless the person(s) otherwise qualifies as an authorized traveler under this chapter.

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

(3) To qualify for reimbursement, travel expenses must be directly related to the conduct of the town business for which travel was authorized and must be actual, reasonable and necessary under the circumstances. Expenses considered excessive will not be allowed.

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

(5) Any person attempting to defraud the town or misuse town travel funds is subject to legal action for recovery of fraudulent travel claims and/or advances. (Ord. #2013-03, Jan. 2013, modified)

4-203. Travel reimbursement rate schedules. Authorized travelers shall be reimbursed according to the State of Tennessee travel regulation rates. The town's travel reimbursement rates will automatically change when the State of Tennessee rates are adjusted. The municipality may pay directly to the provider for expenses such as meals, lodging and registration fees for conferences, conventions, seminars and other education programs. (Ord. #2013-03, Jan. 2013)

4-204. Other expenses. All other reimbursable expenses shall be reimbursed upon adequate proof of payment of such expenses upon documentation in support as may be required by the mayor. (Ord. #2013-03, Jan. 2013)

4-205. Administrative procedures. The town adopts and incorporates by reference - as if fully set out herein - the administrative procedures submitted by MTAS to, and approved by letter by, the Comptroller of the Treasury, State of Tennessee. A copy of the administrative procedures is on file in the office of the town recorder. (Ord. #2013-03, Jan. 2013)

TITLE 5**MUNICIPAL FINANCE AND TAXATION****CHAPTER**

1. MISCELLANEOUS.
2. REAL AND PERSONAL PROPERTY TAXES.
3. BUSINESS TAX.

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

- 5-101. Fiscal year.
- 5-102. Budget required.
- 5-103. Public hearings on budget.
- 5-104. Appropriations verification.
- 5-105. Purchasing and public advertisement.

5-101. Fiscal year. Unless otherwise provided by ordinance, the town shall operate on a fiscal year beginning July 1, and ending June 30. (Ord. #2001-8, July 2009)

5-102. Budget required. The adoption of an annual budget shall be a prerequisite to the appropriation of money for municipal purposes. (Ord. #1991-1, Feb. 1991)

5-103. Public hearings on budget. A public hearing on the proposed budget shall be held before its final adoption, to be held at such time and place as the board of mayor and aldermen shall determine. Notice of such public hearing shall be posted in at least two (2) public places in the town at least ten (10) days in advance of the date of hearing. (Ord. #1991-1, Feb. 1991)

5-104. Appropriations verification. No obligation shall be created nor expenditure made from appropriated funds until it shall have been determined that an appropriation has been made for that purpose, and that there is unexpended in the appropriation for that purpose an amount sufficient to meet the obligation or to make the expenditure. (Ord. #1991-1, Feb. 1991, modified)

5-105. Purchasing and public advertisement. (1) Public advertisement and competitive bidding shall be required for the purchase of all goods and services exceeding an amount of ten thousand dollars (\$10,000.00) except for those purchases specifically exempted from advertisement and

bidding by the Municipal Purchasing Act of 1983, being *Tennessee Code Annotated*, §§ 6-56-301 *et seq.*

(2) The town's purchasing agent has authority to make purchases up to the amount of four thousand dollars (\$4,000.00) without receiving any bids.

(3) The town's purchasing agent has authority to purchase goods and services that cost between four thousand dollars (\$4,000.00) and ten thousand dollars (\$10,000.00) in the open market without public advertisement, but such purchases shall, whenever possible be based upon at least three (3) competitive bids.

(4) The mayor is hereby designated as the town's purchasing agent. (Ord. #2011-16, Dec. 2011, modified)

CHAPTER 2

REAL AND PERSONAL PROPERTY TAXES

SECTION

5-201. Tax levied.

5-201. Tax levied. Notwithstanding any other statute of the State of Tennessee allowing a municipality to levy a real property tax (ad valorem property tax), or personal property tax, no such tax shall be levied by the municipality except upon submission to the citizens and residents of Louisville, Tennessee. Submission shall be by referendum, at a municipal election. Said referendum shall be advertised in a newspaper of general circulation in Blount County, Tennessee, at least three (3) times prior to said municipal election, the last publication being no more than ten (10) days prior to the date of said election, and the first said publication being not less than thirty (30) days prior to the date of said election. The question on said ballot shall be in the form of YES or NO. YES means the voter favors the passage of a tax levy. NO means that the voter declines to have a tax levy passed. Upon such vote and only upon the vote of fifty-one percent (51%) of those voting shall such tax levy be passed. A referendum on said tax question may only be authorized by a vote of seventy-five percent (75%) majority of the board of mayor and aldermen. (Ord. #2011-12, Oct. 2011)

CHAPTER 3

BUSINESS TAX

SECTION

5-301. Tax levied.

5-302. License and bond required.

5-303. Application fee and license issuance; renewals.

5-304. Minimum activity license.

5-305. Exemptions.

5-301. Tax levied. The taxes provided for in *Tennessee Code Annotated*, §§ 67-4-701, *et seq.*, known as the Business Tax Act, and as amended by the Uniformity and Small Business Relief Act of 2013, are hereby enacted, ordained and levied on the businesses, business activities, vocations or occupations carried on in the Town of Louisville, Tennessee, at the rates and in the manner prescribed by said Act, which is also incorporated herein by reference. The proceeds of the privilege taxes and fees herein levied shall accrue to the general fund. (Ord. #2016-05, Oct. 2016)

5-302. License and bond required. No vocation, occupation or business shall be exercised within the corporate limits of the Town of Louisville until the owner or representative thereof shall have first procured a license and executed a bond, where such bond is required by the laws of the State of Tennessee, and any person, firm or corporation guilty of exercising any such vocation, occupation or business declared to be a privilege without having procured such license shall be deemed guilty of a misdemeanor. (Ord. #2016-05, Oct. 2016)

5-303. Application fee and license issuance; renewals. Pursuant to the Business Tax Act, as amended by the Uniformity and Small Business Relief Act of 2013, the fee for each new business license shall be fifteen dollars (\$15.00), payable to the Town of Louisville, and said license shall be issued by the Town of Louisville Clerk or Recorder. Annually thereafter, renewals will be pursuant to the provisions of the Business Tax Act. (Ord. #2016-05, Oct. 2016)

5-304. Minimum activity license. Pursuant to the Business Tax Act, being *Tennessee Code Annotated*, §§ 67-4-701 *et seq.*, the Town of Louisville will issue a minimum activity license to any person that is exempt from business tax under *Tennessee Code Annotated*, § 67-4-712(d), if the person has annual sales of more than three thousand dollars (\$3,000.00) but less than ten thousand dollars (\$10,000.00) per year within the municipal boundaries of the Town of Louisville. The minimal activity license will be issued by the Town of Louisville upon receipt of an application prescribed by the Tennessee Department of

Revenue and payment of a fifteen dollar (\$15.00) fee. On the application, the applicant must attest under oath the applicant has sales of less than ten thousand dollars (\$10,000.00) per year within the Town of Louisville. (Ord. #2016-05, Oct. 2016, modified)

5-305. Exemptions. Persons with three thousand dollars (\$3,000.00) or less in annual sales, as defined by the Business Tax Act and attested under oath, are required to obtain a minimum activity license but are exempt from paying the fifteen dollar (\$15.00) annual fee. (Ord. #2016-05, Oct. 2016)

TITLE 6

LAW ENFORCEMENT

[RESERVED FOR FUTURE USE]

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. FIRE CODE.
2. FIREWORKS.

CHAPTER 1

FIRE CODE

SECTION

- 7-101. Fire code adopted.
- 7-102. Available in recorder's office.
- 7-103. Fees.
- 7-104. Subsequent amendments.
- 7-105. Violations and penalty.

7-101. Fire code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 6-54-506, and for the purpose of providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures, and premises, and to provide safety to fire fighters and emergency responders during emergency operations, the *International Fire Code*,² 2018 edition, and all subsequent amendments or additions to said code, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code as fully as if copied herein verbatim, and is hereinafter referred to as the fire code. Said fire code shall be controlling within the corporate limits.

7-102. Available in recorder's office. Pursuant to the requirements of *Tennessee Code Annotated*, § 6-54-502, one (1) copy of the fire code has been placed on file in the town recorder's office and shall be kept there for the use and inspection of the public. (Ord. #1991-12, July 1991)

¹Municipal code reference

Building, utility and residential codes: title 12.

²Copies of this code are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213-1206.

7-103. Fees. The code shall be enforced by the electrical inspector, as set forth in the electrical code adopted by the town, and said inspector shall collect the same fees as are authorized by *Tennessee Code Annotated*, § 68-102-143, for electrical inspections by deputy inspectors of the state fire marshal. (Ord. #1991-12, July 1991, modified)

7-104. Subsequent amendments. Any subsequent additions or amendments thereto as they become effective shall automatically supersede the prior editions and shall remain in effect as the ordinance of this town without the necessity of passing a new ordinance to that effect. (Ord. #1991-12, July 1991)

7-105. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the fire code as herein adopted by reference and modified. (Ord. #1991-12, July 1991)

CHAPTER 2

FIREWORKS

SECTION

- 7-201. Definitions.
- 7-202. Permits and permit fees.
- 7-203. Permit revocation.
- 7-204. Permissible fireworks.
- 7-205. Storing and structures.
- 7-206. Limitations on structures.
- 7-207. Location of fireworks outlets.
- 7-208. Parking for retail fireworks sales sites.
- 7-209. Additional standards for fireworks retailers.
- 7-210. Unlawful sale to certain children and other persons; unlawful use of fireworks.
- 7-211. Limited time period to use fireworks.
- 7-212. Exemptions.
- 7-213. Violations and penalty.

7-201. Definitions. (1) As used in this chapter, unless the content otherwise requires:

(a) "Fireworks" means any composition or device for the purpose of producing a visible or an audible effect by combustion, deflagration, or detonation, and which meets the definition of:

- (i) All articles of fireworks classified as 1.4G, or referred to as "consumer fireworks", or "Class C common fireworks,"
- (ii) Theatrical and novelty, classified as 1.4S, or
- (iii) Display fireworks, classified as 1.3G, as set forth in the U.S. Department of Transportation's (DOT) Hazardous Materials Regulation, Title 49, Code of Federal Regulations (CFR), Parts 171-180.

(iv) Exceptions:

(A) Toy caps for use in toy pistols, toy canes, or toy guns, and novelties and trick noisemakers manufactured in accordance with DOT regulations, 49 CFR 173.100(p), and packed and shipped according to those regulations.

(B) Model rockets and model rocket motors designed sold, and used for the purpose of propelling recoverable aero models.

(C) Propelling or expelling charges consisting of a mixture of sulfur, charcoal, saltpeter are not considered as designed to produce audible effects.

(b) "Mobile retailer" means a vendor operating from motor vehicles, trailers, bicycles, or motorbikes.

(c) "Permit" means the written authority of the Town of Louisville issued under the authority of this section.

(d) "Person" means any individual, firm, partnership, or corporation.

(e) "Retailer" means any person engaged in the business of making retail sales of fireworks to the general public.

(f) "Sale" means an exchange of articles of fireworks for money and also includes barter, exchange, gift, or offer and each such transaction made by any person, whether as principal, proprietor, salesperson, agent, association, copartnership, or one (1) or more individual(s).

(g) "State fire marshal permit" means the appropriate fireworks permit issued by the Tennessee Fire Marshal under the authority of *Tennessee Code Annotated*, § 68-104-101, *et seq.*

(2) Singular words and plural words used in the singular include the plural as singular. (Ord. #2024-05, June 2024)

7-202. Permits and permit fee. (1) It is unlawful for any person to sell or to offer for sale in the Town of Louisville any item of fireworks without first having secured a state fire marshal permit and permit issued by the Town of Louisville.

(a) Permits are not transferable.

(b) A permit (to sell fireworks to the general public) is valid only from June 20 through July 5 or December 10 through January 2.

(c) The permit fee for retail permits is one thousand dollars (\$1,000.00) for the summer period and five hundred dollars (\$500.00) for the winter period.

(2) A permit to sell fireworks in the Town of Louisville must be obtained at least two (2) weeks prior to the date on which the applicant begins making sales. Each application shall contain the following:

(a) The application must include the name, address, and telephone number of the applicant.

(b) The applicant must be the natural person who will operate or be responsible for sales.

(c) The applicant's name must be the same as the name on the state fire marshal permit.

(d) The applicant is liable for all violations of this chapter by persons under his/her supervision.

(3) A copy of the state fire marshal permit. (For a state permit to be obtained by a retailer, the mayor must sign on behalf of the retailer an application for fireworks permit that the state requires before a state permit is issued to a retailer for a specific location.)

(4) A person that applies for a retail fireworks permit must show proof that the state sales tax number has been obtained for sales tax purposes.

(5) A site plan must be submitted that includes the dimensions of the lot size and location of structure, setback of structure from the right-of-way, location of other structures in the area that are occupied, location and number of parking places, location of any nearby residences, location of the nearest fuel outlets, and location of other fireworks outlets if located within seven hundred fifty feet (750') of a retail structure.

(6) Mobile vendors are not permitted.

(7) Flashing signs are not permitted.

(8) One (1) double-faced sign is permitted; however, each sign face may not exceed thirty-six (36) square feet.

(9) The application must contain evidence that general liability insurance has been obtained by applicant naming the Town of Louisville as additional insured for at least two million dollars (\$2,000,000.00) for each occurrence, whether in respect to bodily injury liability or property damage liability or bodily injury liability and property damage liability combined.

(10) The application must disclose the location where the applicant will conduct the business of selling fireworks and the dates for which the right to do business is desired.

(11) After the application has been submitted and approved, a town codes inspector shall inspect the site for compliance with applicable codes and ordinances. (Ord. #2024-05, June 2024)

7-203. Permit revocation. (1) The codes official and/or fire official may revoke any permit upon failure of retailer to correct any of the following conditions within thirty-six (36) hours after the codes official gives written notice.

(a) When the permittee or the permittee's operator violates any lawful rule, regulation, or order of the town codes official.

(b) When the permittee's application contains any false or untrue statements.

(c) When the permittee fails to timely file any report or pay any tax, fee, fine, or charge.

(d) When the permittee or the permittee's operator violates any fireworks ordinance or statute.

(2) When any activities of the permittee constitute a distinct hazard to life or property, the codes official or fire official, or both, may revoke the permit immediately. (Ord. #2024-05, June 2024)

7-204. Permissible fireworks. (1) It is unlawful for any individual, firm, partnership, or corporation to sell or use within the Town of Louisville, except as provided in this chapter, any "fireworks" as defined in § 7-201(1)(a), other than the following:

(a) Those items classified by the U.S. Department of Transportation as 1.4G consumer fireworks, or

(b) Those items that comply with the construction, chemical composition, and labeling regulations promulgated by the United States Consumer Product Safety Commission and permitted for use by the general public under its regulations.

(2) Any display using 1.3G display fireworks must be under the control of a licensed pyrotechnics technician. (Ord. #2024-05, June 2024)

7-205. Storing and structures. No person may smoke within a structure where fireworks are sold. No person selling fireworks may permit the presence of lighted cigars, cigarettes, or pipes within a structure where fireworks are offered for sale. At all places where fireworks are stored or sold, there must be posted signs with the words "Fireworks - No Smoking" in letters not less than four inches (4") high. An inspected and currently tagged fire extinguisher with a minimum 2A rating and one (1) pressurized water type fire extinguisher must be present at each retail fireworks site. Fireworks must be stored at least ten feet (10') away from windows and other areas where the sun may shine through. Fireworks are not permitted to be stored in residential districts, except for personal use. (Ord. #2024-05, June 2024)

7-206. Limitations on structures. Tents meeting the current adopted *International Building Code* and the *Life Safety Code* (NFPA 101) may be used for the retail sale of fireworks. Ground fault interrupter protection must be used for power cords that supply power to tents and other outdoor structures. Electrical wiring inside tents and other outdoor locations shall be securely installed, without splices, and lamps shall be protected from accidental breakage by a suitable fixture or guard. No structure from which fireworks are sold may exceed three thousand two hundred (3,200) square feet. Fireworks may not be stored in permanent building unless the building has a sprinkler system and is constructed of non-flammable materials such as metal or concrete block. (Ord. #2024-05, June 2024)

7-207. Location of fireworks outlets. Fireworks sales structures must be no closer than sixty feet (60') from any occupied building. Fireworks sales are permissible only on commercial/industrial property as approved by the planning department and the sales structure must be located a minimum of forty five feet (45') from the right of way. Any fireworks sales structure must be at least one hundred fifty feet (150') from a residence. Fireworks sales are not allowed on any property where there is an existing retail business that is operated from a building in excess of one hundred twenty five thousand (125,000) square feet. (Ord. #2024-05, June 2024)

7-208. Parking for retail fireworks sales site. The site for a fireworks retailer shall be improved to provide at least twelve (12) graveled or paved parking places for off-street and right-of-way customer parking. In addition, the retail fireworks site must provide for an on-site turn-around area so that backing of vehicles onto the street will not be necessary. (Ord. #2024-05, June 2024)

7-209. Additional standards for fireworks retailers. (1) Any site for a fireworks retailer must be located so that all parts of the structure and fireworks inventory on the site are no closer than one hundred feet (100') to any fuel source.

(2) The parcel in which a fireworks retail use is required shall be a minimum of seven hundred and fifty feet (750') from other similar uses. This priority shall be given to the retailer who obtained a permit the previous year at the same location. (Ord. #2024-05, June 2024)

7-210. Unlawful sale to certain children and other persons; unlawful use of fireworks. It is unlawful to offer for sale or to sell any fireworks to children under the age of sixteen (16) years of age or to any intoxicated person. It is unlawful to explode or ignite fireworks within six hundred feet (600') of any church, assisted living facility, nursing home, hospital, funeral home, public or private school academic structure, or within two hundred feet (200') of where fireworks are stored, sold, or offered for sale. It is unlawful to ignite or discharge any permissible articles of fireworks within or throw them from a motor vehicle. It is unlawful to place or throw any ignited article of fireworks into or at a motor vehicle, or at or near any person or group of persons. It is unlawful to ignite fireworks on another person's private property unless permission is obtained from the owner or occupant of the property. It is unlawful to launch fireworks onto property of persons who have not given permission. It is unlawful to use fireworks at times, places, or in any manner that endangers other persons. It is unlawful to ignite fireworks during a burning ban declared by either the State of Tennessee or the Town of Louisville, except for public (and/or group) displays for which permits have been granted. (Ord. #2024-05, June 2024)

7-211. Limited time period to use fireworks. It is unlawful to discharge or use fireworks except for the following time periods:

(1) July 1 through July 4 - The permissible hours are from 10:00 A.M. to 11:00 P.M. except for July 4 when permissible hours are from 10:00 A.M. to 11:30 P.M.

(2) December 31 and January 1 - The permissible hours from 8:00 P.M. on December 31 to 1:00 P.M. on January 1. (Ord. #2024-05, June 2024)

7-212. Exclusions. Nothing in this chapter prohibits:

- (1) The sale of any kind of fireworks that are to be shipped directly out of the corporate limits of the town in accordance with the regulations of the United States Department of Transportation covering the transportation of explosives and other dangerous articles by motor, rail, and water.
 - (2) The sale, transportation, handling, or use of industrial pyrotechnic devices or fireworks, such as railroad torpedoes, fusees, automotive, aeronautical, and marine flares and smoke signals.
 - (3) The sale or use of blank cartridges for theater, for signal or ceremonial purposes, in athletics or sporting events, or legal power tools.
 - (4) The transportation, handling, or use of any pyrotechnic devices by the armed forces of the United States.
 - (5) The use of pyrotechnics in training by the fire service, law enforcement, or similar government agencies.
 - (6) The use of fireworks for agricultural purposes under conditions approved by the fire chief or his designee.
 - (7) Supervised displays of fireworks as provided for in this chapter.
- (Ord. #2024-05, June 2024)

7-213. Violations and penalty. Violations of any provision of this chapter shall be subject to a penalty of up to fifty dollars (\$50.00) per violation.
(Ord. #2024-05, June 2024)

TITLE 8

ALCOHOLIC BEVERAGES¹

CHAPTER

1. BEER.
2. INTOXICATING LIQUORS.
3. BROWN BAGGING.

CHAPTER 1

BEER²

SECTION

- 8-101. Beer board established.
- 8-102. Meetings of the beer board.
- 8-103. Record of beer board proceedings to be kept.
- 8-104. Requirements for beer board quorum and action.
- 8-105. Powers and duties of the beer board.
- 8-106. "Beer" defined.
- 8-107. Permit required for engaging in beer business.
- 8-108. Beer permits shall be restrictive.
- 8-109. Classes of consumption permits.
- 8-110. Limitation on number of permits.
- 8-111. Interference with public health, safety, and morals prohibited.
- 8-112. Issuance of permits to persons convicted of certain crimes prohibited.
- 8-113. Prohibited conduct or activities by beer permit holders.
- 8-114. Suspension and revocation of beer permits.
- 8-115. Time period from application to granting of permit.
- 8-116. Exemption.
- 8-117. Privilege tax.

8-101. Beer board established. There is hereby established a beer board to be composed of the members of the governing body of the Town of Louisville. The mayor shall serve as chairman of said board.

¹State law reference

Tennessee Code Annotated, title 57.

²State law reference

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

8-102. Meetings of the beer board. All meetings of the beer board shall be open to the public. The board shall hold regular meetings in the town hall at such times as it shall prescribe. When there is business to come before the beer board, a special meeting may be called by the chairman, provided he gives a reasonable notice thereof to each member. The board may adjourn a meeting at any time to another time and place. (Ord. #1991-7, April 1991)

8-103. Record of beer board proceedings to be kept. The recorder shall make a record of the proceedings of all meetings of the beer board. The record shall be a public record and shall contain at least the following: The date of each meeting; the names of the board members present and absent; the names of the members introducing and seconding motions and resolutions, etc., before the board; a copy of each such motion or resolution presented; the vote of each member thereon; and the provisions of each beer permit issued by the board. (Ord. #1991-7, April 1991)

8-104. Requirements for beer board quorum and action. The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. Any member present but not voting shall be deemed to have cast a "nay" vote. (Ord. #1991-7, April 1991)

8-105. Powers and duties of the beer board. The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within this town in accordance with the provisions of this chapter. (Ord. #1991-7, April 1991)

8-106. "Beer" defined. The term "beer" as used in this chapter shall be the same as the definition of "beer" in *Tennessee Code Annotated*, § 57-5-101. (Ord. #2014-05, June 2014)

8-107. Permit required for engaging in beer business. It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board. The application shall be made on such form as the board shall prescribe and/or furnish, and shall be accompanied by a two hundred fifty dollar (\$250.00) non-refundable application fee, pursuant to *Tennessee Code Annotated*, § 57-5-108(c). This is hereby imposed on the business of selling, distributing, storing or manufacturing beer in this state a privilege tax of one hundred dollars (\$100.00). Each applicant must be a person of good moral character and he must certify that he has read and is familiar with the provisions of this chapter. The application shall be sworn to and verified by the affidavits of two (2) reputable citizens of Louisville who are acquainted with the applicant. Such application

shall be accompanied by a survey by a licensed surveyor certifying that the distance requirements of § 8-111 have been met and that the proposed beer establishment is not operating within the prohibited distances. (Ord. #1991-7, April 1991, as amended by Ord. #2014-05, June 2014)

8-108. Beer permits shall be restrictive. All beer permits shall be restrictive as to the type of beer business authorized under them. Separate permits shall be required for selling at retail, storing, distributing, and manufacturing. It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by his permit. It shall likewise be unlawful for him not to comply with any and all express restrictions or conditions which may be written into his permit by the beer board. (Ord. #1991-7, April 1991)

8-109. Classes of consumption permits. Permits issued by the beer board shall consist of two (2) types:

(1) On-premises permit. An on-premises permit shall be issued for the consumption of beer only on the premises. To qualify for an on-premises permit, an establishment must, in addition to meeting the other regulations and restrictions in this chapter:

- (a) Be primarily a restaurant or an eating place; and
- (b) Be able to seat a minimum of fifty (50) people, including children, in booths and at tables, in addition to any other seating it may have; and
- (c) Have all seating in the interior of the building under a permanent roof.

In addition, the monthly beer sales of any establishment which holds an on-premises permit shall not exceed fifty percent (50%) of the gross sales of the establishment. Any such establishment which for two (2) consecutive months or for any three (3) months in any calendar year has beer sales exceeding fifty percent (50%) of its gross sales, shall have its beer permit revoked.

(2) Off-premises permit. An off-premises permit shall be issued for the consumption of beer only off the premises.

(3) No such premises shall have screens, blinds, painted windows, partitions or other objects erected or used or allowed to obstruct or interfere with the view of the general public. (Ord. #1991-7, April 1991)

8-110. Limitation on number of permits. There shall be no limit on the number of on-premises permits and off-premises permits. (Ord. #1991-7, April 1991)

8-111. Interference with public health, safety, and morals prohibited. No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with hospitals,

schools, churches, or other places of public gathering, or would otherwise interfere with the public health, safety, and morals. In no event will a permit be issued authorizing the manufacture or storage of beer, or the sale of beer by an on-premises permit holder, within three hundred feet (300') of any hospital, school, church, or other place of public gathering; or authorizing the sale of beer by off-premises permit holders within three hundred feet (300') of any hospital, school, church, or other place of public gathering. The distances shall be measured in a straight line from the nearest point on such building to the nearest point on the building from which the beer will be sold, manufactured or stored. (Ord. #1991-7, April 1991, as amended by Ord. #1991-7, Aug. 1993, modified)

8-112. Issuance of permits to persons convicted of certain crimes prohibited. No beer permit shall be issued to any person who has been convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years. (Ord. #1991-7, April 1991)

8-113. Prohibited conduct or activities by beer permit holders. It shall be unlawful for any beer permit holder to:

- (1) Employ any person convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years.
- (2) The hours for sale of beer for all beer establishment licensees shall be from 6:00 A.M. until Midnight, Mondays through Saturdays and from 12:00 noon Sunday until Midnight Sunday.
- (3) Allow any loud, unusual, or obnoxious noises to emanate from his premises.
- (4) Make or allow any sale of beer to a minor under twenty-one (21) years of age.
- (5) Allow any minor under twenty-one (21) years of age to loiter in or about his place of business.
- (6) Make or allow any sale of beer to any intoxicated person or to any feeble-minded, insane, or otherwise mentally incapacitated person.
- (7) Allow drunk or disreputable persons to loiter about the premises.
- (8) Allow nude or obscene dancing on the premises.
- (9) Fail to provide a separate sanitary toilet facility where there are on-premises sales.
- (10) Sell beer through a "drive-thru window" sale. (Ord. #1991-7, April 1991, as amended by Ord. #1995-7, June 1995, modified)

8-114. Suspension and revocation of beer permits. The beer board shall have the power to suspend or revoke any beer permit issued under the provisions of this chapter when the holder thereof is guilty of making a false

statement or misrepresentation in his application or of violating any of the provisions of this chapter. However, no beer permit shall be suspended or revoked until a public hearing is held by the board after a reasonable notice to all the known parties in interest. Suspension or revocation proceedings may be initiated by the police chief or by any member of the beer board. (Ord. #1991-7, April 1991)

8-115. Time period from application to granting of permit. No action shall be taken by the beer board until after thirty (30) days after the application to the beer board has been filed to allow for citizen input. (Ord. #1991-7, April 1991)

8-116. Exemption. Any and all establishments holding Blount County Beer Permits at the date of incorporation shall be exempt from the thirty (30) day waiting period mandated in § 8-115 hereinabove. Such establishments shall be granted a permit upon the filing of the application, and such establishment shall further be excused from submitting a survey as provided in § 8-107. (Ord. #1991-7, April 1991)

8-117. Privilege tax. The annual privilege tax payable to the Town of Louisville for a permit holder is one hundred dollars (\$100.00), payable on January 1, of each calendar year, as provided for in *Tennessee Code Annotated*, title 57, chapter 5. (Ord. #1991-7, Aug. 1991)

CHAPTER 2

INTOXICATING LIQUORS

SECTION

- 8-201. Definitions.
- 8-202. Consumption on-premises.
- 8-203. Privilege tax on retail sales for consumption on-premises.
- 8-204. Tax paid to the town.
- 8-205. Public consumption prohibited.
- 8-206. Manufacture.
- 8-207. Proof of age; signs; exception.
- 8-208. Consumption and possession in special event zones.
- 8-209. Violations and penalty.

8-201. Definitions. As used in this chapter, the following definitions shall apply unless the context dictates otherwise:

(1) "Alcoholic beverages" means and includes alcohol, spirits, liquor, and wine and every liquid containing alcohol, spirits, or wine and capable of being consumed by a human being, other than patent medicine or beer as the same is defined in existing ordinances.

(2) "Public property" means any property owned or maintained by the Town of Louisville, Blount County, Tennessee, or any public utility within the geographical boundaries of a special event zone.

(3) "Special event" means an event sponsored or co-sponsored officially by the Town of Louisville within certain times where the possession and consumption of alcohol is permitted by the resolution providing for sponsorship or co-sponsorship of the "special event" within the special event zone. It shall be entirely within the discretion of the board of mayor and aldermen to approve or disapprove by resolution a "special event" to qualify as one that allows the public consumption and possession of alcoholic beverages or beer as set forth herein. All applications for such a "special event" shall be made by or through the mayor, who shall present the resolution to the board of mayor and aldermen if the mayor determines the proposed event is appropriate for a Town of Louisville sponsored or co-sponsored "special event."

(4) "Special event zone" means a defined area within the downtown area approved on a case-by-case basis and the resolution allowing the town-sponsored or co-sponsored special event to take place where the public consumption and possession of alcoholic beverages and/or beer is allowed during a special event. Town of Louisville employees will reasonably mark the "special event zone" with tape, signage or otherwise to allow participants in the special event to know the parameters of the "special event zone." The "special event zone" will be delineated by reference to the specific landmarks or municipal boundaries, a map of the event area approved by the mayor, or by metes and

bounds description in the resolution providing for the special event. (Ord. #2021-02, June 2021)

8-202. Consumption on-premises. *Tennessee Code Annotated*, title 57, chapter 4, inclusive, is hereby adopted so as to be applicable to all sales of alcoholic beverages for on-premises consumption conducted within the corporate limits of Louisville, Tennessee. It is the intent of the board of mayor and aldermen that said *Tennessee Code Annotated*, title 57, chapter 4, inclusive, shall be effective in Louisville, Tennessee, the same as if said code sections were copied herein verbatim. (Ord. #2021-02, June 2021)

8-203. Privilege tax on retail sales for consumption on-premises. Pursuant to the authority contained in *Tennessee Code Annotated*, § 57-4-301, there is hereby levied a privilege tax (in the same amounts levied by *Tennessee Code Annotated*, title 57, chapter 4, § 301, for the Town of Louisville, to be paid annually as provided in this chapter) upon any person, firm, corporation, joint stock company, syndicate, or association engaging in the business of selling at retail in the Town of Louisville alcoholic beverages for consumption on the premises where sold. (Ord. #2021-02, June 2021)

8-204. Tax paid to the town. Any person, firm, corporation, joint stock company, syndicate or association exercising the privilege of selling alcoholic beverages for consumption on the premises in the Town of Louisville shall remit annually to the town the appropriate tax described in § 8-203. Such payment shall be remitted not less than thirty (30) days following the end of each twelve (12) month period from the original date of the license. Upon the transfer of ownership of such business or the discontinuance of such business, said tax shall be filed within thirty (30) days following such event. Any person, firm, corporation, joint stock company, syndicate, or association failing to make payment of the appropriate tax when due shall be subject to the penalty provided by law. (Ord. #2021-02, June 2021)

8-205. Public consumption prohibited. None of the beverages regulated by this chapter shall be consumed upon any public street, alley, boulevard or bridge, nor upon the grounds of any cemetery or public school, nor upon any park or public grounds, nor upon any vacant lot within three hundred feet (300') of any public street, highway, avenue, or other public place. Despite the provisions of this section, the possession and consumption of alcoholic beverages and beer as otherwise defined in this title is permitted during certain town-sponsored or co-sponsored special events within the physical parameters of a special event zone during the time of the special event if otherwise provided by resolution of the board of mayor and aldermen. (Ord. #2021-02, June 2021, amended by Ord. #2023-03, June 2023)

8-206. Manufacture of intoxicating liquors, intoxicating drinks, and high alcohol content beer prohibited. Intoxicating liquors, intoxicating drinks and high alcohol content beer, as defined by state law, may be not manufactured within the corporate limits. (Ord. #2021-02, June 2021, amended by Ord. #2023-03, June 2023, modified)

8-207. Proof of age; signs; exception. (1) Identification required prior to the sale of beer or alcoholic beverages. Any person selling beer or alcoholic beverages within the corporate limits of the Town of Louisville, Tennessee, shall be required to have produced to him or her a facially valid government-issued identification showing that the age of the prospective purchaser of the beer or alcoholic beverages is twenty-one (21) years of age or older. If such identification is not produced by the prospective purchaser, the beer or alcoholic beverages shall not be sold. Such identification shall be required prior to the sale of beer or alcoholic beverages regardless of the apparent age of the prospective purchaser. The identification provided shall be a document issued by a state governmental agency.

(2) Signs required. Any establishment within the corporate limits of the Town of Louisville, Tennessee, which sells beer or alcoholic beverages shall prominently display on the premises a sign not less than six inches (6") high and ten inches (10") wide reading: "A minor attempting to purchase alcoholic beverages will be prosecuted to the fullest extent of the law." Such establishment shall further prominently display a sign not less than six inches (6") high and ten inches (10") wide reading: "Any person selling beer or alcoholic beverages within the corporate limits of the Town of Louisville, Tennessee, shall be required to have produced to him or her a facially valid government-issued identification showing that the age of the prospective purchaser of the beer or alcoholic beverages is twenty-one (21) years of age or older. If such identification is not produced by the prospective purchaser, the beer or alcohol beverages shall not be sold. Such identification shall be required prior to the sale of beer or alcoholic beverages regardless of the apparent age of the prospective purchaser. The identification provided shall be a document issued by a state governmental agency."

(3) Exception; on-premises consumption permit holders. Any holder of a permit allowing the on-premises consumption of beer or alcoholic beverages in the town limits shall be permitted to serve beer or alcoholic beverages to a person without seeing the identification provided in subsection (1) above if, in the discretion of a manager on the premises, a person wishing to purchase such beverages beyond a reasonable doubt is twenty-one (21) years of age or older. (Ord. #2021-02, June 2021)

8-208. Consumption and possession in special event zones. (1) It shall be lawful for any person to consume and possess alcoholic beverages and/or beer on public property in the downtown during special events within the special

event zone, if the person is otherwise legally permitted to possess and consume alcoholic beverages and/or beer, if such consumption is expressly approved by the town council for the special event. Such person who consumes and possesses alcoholic beverages and/or beer, if permitted by town council, on public property will not be considered in violation of town code provisions that otherwise prohibit the public possession and consumption of alcoholic beverages and beer so long as such activity is within the physical parameters of the special event zone during a permitted special event. Alcoholic beverages and beer consumed or possessed during a special event in a special event zone on public property shall be consumed in a plastic or aluminum container. There shall be no glass containers of alcoholic beverages or beer permitted on public property during a special event in a special event zone.

(2) Any person violating or interfering with the enforcement of this section shall be guilty of a misdemeanor. (Ord. #2021-02, June 2021)

8-209. Violations and penalty. Violation of any part of this chapter alone shall not subject a permit holder to revocation of his or her beer permit or permit to sell liquor or alcoholic beverages as issued by the Town of Louisville. Penalties for violation of this chapter shall be as follows:

(1) First offense: Written warning to the permit holder and person who failed to require the presentation of identification as set forth herein, if appropriate;

(2) Second offense: Up to a two hundred dollar (\$200.00) fine by the beer board to the permit holder; and

(3) Third offense: Discretion of the beer board, as appropriate. (Ord. #2021-02, June 2021)

CHAPTER 3

BROWN BAGGING

SECTION

8-301. Brown bagging and corkage generally.

8-302. Definitions.

8-303. Beer board to enforce.

8-304. Limited to wine.

8-305. In accordance with beer ordinance.

8-301. Brown bagging and corkage generally. The provisions of this chapter shall apply to all persons who operate an establishment possessing a permit issued by the Town of Louisville authorizing the on-premises sale and consumption of beer pursuant to Louisville Ord. #2014-05, or as amended in the future, and who choose to permit brown bagging in their establishment. It shall not apply to those persons or businesses only having a beer permit for off-premises consumption. It shall specifically apply to those persons or businesses having a beer permit for on-premises consumption as provided by Louisville ordinance. (Ord. #2016-06, Oct. 2016)

8-302. Definitions. As used in this chapter, the following definitions shall apply:

(1) "Brown bag" or "brown bagging" means the practice of patrons, customers, or guests bringing alcoholic beverages upon their premises or any person providing corkage services for wine.

(2) "Corkage" means the practice of providing patrons, customers, or guests with opening devices and glasses in connection with the consumption of wine.

(3) "Person selling setups for mixed drinks" means and includes any person deriving receipts from the sale of setups for mixed drinks consumed on the premises.

(4) "Setups for mixed drinks" means and includes sales of water, soft drinks, fruit juices, or any item capable of being used to prepare a mixed drink at such establishment.

(5) "Wine" means an alcoholic beverage as defined in *Tennessee Code Annotated*, § 57-3-101(25). (Ord. #2016-06, Oct. 2016, modified)

8-303. Beer board to enforce. The provisions of this chapter are to be enforced by the Louisville Beer Board, which shall have the same enforcement to enforce this chapter as is contained in Ord. #2014-05, or as may be amended in the future. (Ord. #2016-06, Oct. 2016)

8-304. Limited to wine. The provisions of this chapter authorizing brown bagging shall only authorize the brown bagging and corkage of wine. It specifically does not authorize the sale of setups for mixed drinks or any person or entity possessing a permit for the on-premises consumption of beer to sell setups for mixed drinks for consumption on the premises. This provision shall not be interpreted to limit or restrict the sale of setups for mixed drinks by any person possessing a permit for the sale of beer for off-premises consumption. (Ord. #2016-06, Oct. 2016)

8-305. In accordance with beer ordinance. The provision of corkage for wine as authorized by this chapter shall be in accordance and pursuant to the provisions of the Louisville Beer Ordinance, Ord. #2014-05, and as may be amended in the future. All provisions applying to the sale of beer under said ordinance shall also apply to brown bagging and corkage as authorized by this chapter. (Ord. #2016-06, Oct. 2016)

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.

[RESERVED FOR FUTURE USE]

TITLE 10**ANIMAL CONTROL****CHAPTER****1. DOGS AND CATS.****CHAPTER 1****DOGS AND CATS****SECTION**

- 10-101. Definitions.
- 10-102. Rabies vaccination and registration required.
- 10-103. Every dog and cat to wear collar, choke chain or harness with tag.
- 10-104. Stray dogs, cats and other animals prohibited.
- 10-105. Vicious dogs and cats prohibited.
- 10-106. Noisy dogs prohibited.
- 10-107. Nuisance defined; actions constituting a nuisance.
- 10-108. Ignorance of dog's or cat's habits no defense.
- 10-109. Leash requirement for dogs in certain area of public parks or public property.
- 10-110. Dogs and cats in food service establishments.
- 10-111. Seizure or disposition of stray dogs, stray cats and other stray animals.
- 10-112. Dogs, cats or other animals injured or killed in the public streets or rights-of-way.
- 10-113. Jurisdiction.
- 10-114. Initiation of proceedings.
- 10-115. Supplemental nature of this chapter.
- 10-116. Violations and penalty.

10-101. Definitions. (1) "Animal control officer." A person employed or designated by the town or county as having responsibility for enforcement of animal control regulations and laws.

(2) "Animal shelter." Any premises designated by the town or county for the purpose of impounding, caring for and disposing of animals.

(3) "Owner." A person having right of property in an animal(s) subject to regulation hereunder, or who keeps, harbors, possesses or maintains such animal.

(4) "Person." An individual, group of individuals or entity.

(5) "Public parks and public recreation area." Any and all buildings, lands and waters, including roadways, recreation equipment, structures and the flora and fauna therein, located within the Town of Louisville and owned, leased or operated by the Town of Louisville or any other governmental entity as a park

or recreation area and open to the general public for park or recreation purposes.

(6) "Restraint." A dog or cat is under restraint within the meaning of this chapter if such animal is

- (a) Controlled by a leash,
- (b) Under control of a competent person and obedient to that person's commands,
- (c) Within a vehicle being parked or driven on the streets, or
- (d) Within the property limits of its owner.

(7) "Stray." A dog, cat or other animal which is found wandering or running at large away from the property limits of its owner and not under the control of a competent person or which is lost and its owner unknown. (Ord. #2014-01, Jan. 2014)

10-102. Rabies vaccination and registration required. It shall be unlawful for any person to own, keep, or harbor any dog or cat without having the same duly vaccinated against rabies and registered in accordance with the provisions of the "Tennessee Anti-Rabies Law" (*Tennessee Code Annotated*, §§ 68-8-101 to 68-8-113) or other applicable law.

10-103. Every dog and cat to wear collar, choke chain or harness with tag. No person shall own, keep, harbor, possess or maintain any dog or cat which does not wear a collar, choke chain, or harness with an attached metal tag or other evidence of vaccination and registration as required hereunder. Provided, however, the collar, choke chain or harness may be removed in the case of a hunting dog while in the chase or returning from the chase, but nothing herein shall be construed as permitting the use of an unvaccinated dog in either the hunt or chase. (Ord. #2014-01, Jan. 2014)

10-104. Stray dogs, cats and other animals prohibited. No person shall permit any dog, cat or other animal owned by him to become a stray as defined hereunder within the incorporated territory of the Town of Louisville. (Ord. #2014-01, Jan. 2014)

10-105. Vicious dogs and cats prohibited. (1) No person shall own, keep, harbor, possess or in any way maintain a vicious dog or cat unless safety procedures as hereinafter provided have been implemented. If a dog or a cat either attacks a person by biting or in any manner causing injury or habitually or repeatedly attacks livestock or other domestic animals without provocation, it shall be prima facie evidence that the dog or cat is vicious. After notification by an animal control officer that the dog or cat is vicious, the owner thereof shall keep the dog or cat chained or muzzled, or in a secure enclosure at all times, or have the dog or cat humanely destroyed, or turn the dog or cat over to an animal control officer for humane destruction at the animal shelter.

(2) Any person who has received notification from an animal control officer that a dog or cat owned, kept, harbored or maintained by such person is deemed as vicious may appeal such determination to the Blount County Clerk, provided such appeal is filed in writing with the clerk within ten (10) days of receiving such notification. The clerk shall conduct an administrative hearing with ten (10) days of receiving timely notification of appeal to determine if the dog or cat is vicious.

(3) In the event a dog or cat has been deemed vicious as provided in subsections (1) and (2), and in the event the owner has failed to take the proper measures required by subsection (1) the animal control officer shall have the authority to seize and dispose of said vicious dog or cat in the same manner as provided in § 10-111. (Ord. #2014-01, Jan. 2014)

10-106. Noisy dogs prohibited. No person shall own, keep, harbor, possess or maintain any dog which disturbs the peace and quiet of others by loud and frequent barking, whining or howling. A dog shall be deemed to be in violation of this section if it barks, whines or howls continuously for a period in excess of one (1) hour and (15) minutes. This section shall not apply to a dog on a hunt or chase, to a dog guarding or driving livestock, to a dog participating in an organized animal show, or to veterinary clinics or boarding facilities. (Ord. #2014-01, Jan. 2014)

10-107. Nuisance defined; actions constituting a nuisance. (1) No person shall own, keep, harbor, possess or maintain a dog or cat in such a manner to constitute a public nuisance. A dog or cat which disturbs the rights of, threatens the safety of, or damages the property of or injures any person or interferes with the ordinary use and enjoyment of property, shall be deemed a public nuisance.

(2) By way of example and not of limitation, the following acts by an owner of a dog or cat are also declared to be a public nuisance and prohibited, to wit:

(a) Failure to exercise sufficient restraint necessary to control a dog or cat.

(b) Allowing or permitting a dog or cat to damage the property of anyone other than its owner, including, but not limited to, turning over garbage containers or damaging gardens, shrubs, lawns, flowers or vegetables.

(c) Maintaining a vicious dog or cat without approved safety procedures (see § 10-105 above).

(d) Maintaining a dog or cat in an unsanitary environment which results in offensive odors or which is dangerous to the dog or cat or the public health, welfare or safety.

(e) Maintaining property in a manner that is offensive, annoying or dangerous to the public health, safety or welfare because of the number, type, variety, density or location of dogs or cats thereon.

(f) Maintaining a dog or cat that is diseased or dangerous to the public health.

(g) Maintaining a dog or cat that habitually or repeatedly chases, snaps at, attacks or barks at pedestrians or vehicles.

(h) Failure to confine a female dog while in heat for twenty-four (24) days in a building or secured enclosure in such a manner that the female dog will not be in contact with another dog, or create a nuisance by attracting other dogs. This subsection shall not be construed to prohibit the intentional breeding of dogs within an enclosed area on the premises of the owner of the dog being bred. (Ord. #2014-01, Jan. 2014)

10-108. Ignorance of dog's or cat's habits no defense. It shall be the duty of any person owning, keeping, harboring, possessing or maintaining any dog or cat to maintain close supervision of such animal, and ignorance of the habits or character of such dog or cat on the part of such person shall not be a defense in actions arising under this chapter. (Ord. #2014-01, Jan. 2014)

10-109. Leash requirement for dogs in certain area of public parks or public property. No person owning or having possession, charge or custody of any dog make take the dog into or allow the dog to enter any public park or public property with the Town of Louisville without having the dog at all times under restraint of a leash in all areas of the public park or property where signs are posted requiring a leash. Where signs are not posted requiring a leash, the dog shall at all times be under the control of the owner or other person having possession, charge, or custody of the dog. (Ord. #2014-01, Jan. 2014)

10-110. Dog and cats in food service establishments. No dog or cat shall be permitted, kept or allowed for any period in any room in which food is prepared, processed, stored, sold or consumed in any restaurant or other food service establishment located within the Town of Louisville. This section shall not apply to guide dogs of blind customers of such establishments, nor to law enforcement patrol dogs with law enforcement officers in the course of their duties, nor to dogs assisting disabled persons. (Ord. #2014-01, Jan. 2014)

10-111. Seizure or disposition of stray dogs, stray cats and other stray animals. Any stray dog, stray cat or other stray animal may be seized by an animal control officer and placed in the animal shelter. If such dog or cat is wearing tag or if the owner is known, such dog, cat or other animal may be held at the animal shelter for five (5) days if not claimed sooner. The owner, if known, shall be notified in person by telephone or by postcard addressed to his last

known mailing address to appear within five (5) days and redeem such dog, cat or other animal by paying the established fee for the impounding thereof, or the dog, cat, or other animal will be humanely destroyed or offered for adoption. If such dog, cat or other animal is not wearing a tag and the owner is not otherwise known, such dog, cat or other animal may be humanely destroyed or offered for adoption unless claimed by the owner within three (3) days. Any dog or cat released from the animal shelter shall be vaccinated against rabies within seven (7) days of its release and shall display a metal tag or other evidence of such vaccination. If a dog is lost hunting and has a collar on, the animal control officer is required to notify the owner, and the owner shall have twenty-four (24) hours to pick the dog up without having to pay the fee for the dog not being spayed or neutered. When because of viciousness or apparent infection with rabies, a stray dog, stray cat or other stray animal cannot be safely impounded; it may be summarily destroyed by an animal control officer. (Ord. #2014-01, Jan. 2014)

10-112. Dogs, cats or other animals injured or killed in the public streets or rights-of-way. Dogs, cats or other animals injured or killed in the public streets or rights-of-way shall be considered strays, and an animal control officer may remove all such animals. The owner of any such injured dog or cat shall be liable for impoundment costs. Employees of the Town of Louisville may remove dead animals from any Town of Louisville maintained roads or rights-of-way. (Ord. #2014-01, Jan. 2014)

10-113. Jurisdiction. The General Sessions Court for Blount County, Tennessee, pursuant to Inter-local Agreement, shall have jurisdiction to enforce this chapter by assessing the monetary penalties provided under § 10-116. (Ord. #2014-01, Jan. 2014)

10-114. Initiation of proceedings. All proceedings for the violation of any provision or section of this chapter shall be initiated by a citation issued by an animal control officer or law enforcement officer. (Ord. #2014-01, Jan. 2014)

10-115. Supplemental nature of this chapter. The provisions of this chapter are in addition and supplemental to, and not in substitution for, any other provision in the municipal charter, this municipal code of ordinances or other applicable law. (Ord. #2014-01, Jan. 2014)

10-116. Violations and penalty. A violation of any provision or section of this chapter is punishable by a civil penalty of not less than fifty dollars (\$50.00) or more than five hundred dollars (\$500.00), provide the complaining party carries the burden of proof by a preponderance of the evidence. (Ord. #2014-01, Jan. 2014)

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

1. ALCOHOL.
2. NOISE.
3. FIREARMS.

CHAPTER 1

ALCOHOL²

SECTION

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

11-101. Drinking beer, etc., on streets, etc. It shall be unlawful for any person:

(1) To possess an open container containing beer or alcoholic beverages within the premises of any retail beer sales outlet which does not have an on-premises permit.

(2) To possess an open container containing beer or alcoholic beverages, or consume beer or alcoholic beverages on any public street, sidewalk, playground, school property, church property or public park, within the corporate limits of the Town of Louisville.

(3) For the purposes of this section, an "open container" is one which has any uncapped opening through which its contents may pass in order to be consumed by any person.

(4) Except as otherwise specifically provided by the preceding articles of this chapter, as provided in *Tennessee Code Annotated*, any person found guilty of violating any provisions of this chapter shall upon conviction thereof

¹Municipal code references

Building and utility codes: title 12.

Traffic offenses: title 15.

²Municipal code reference

Sale of alcoholic beverages, including beer: title 8.

State law reference

See *Tennessee Code Annotated*, § 39-17-310, (Arrest for Public Intoxication, cities may not pass separate legislation).

be guilty of a civil misdemeanor and shall be fined not more than fifty dollars (\$50.00), or imprisoned not more than thirty (30) days, or both. (Ord. #1991-9, May 1991)

CHAPTER 2

NOISE

SECTION

- 11-201. Noise defined.
- 11-202. Prohibited uses on residential property.
- 11-203. Prohibited uses on commercial-light manufacturing-industrial zoned property.
- 11-204. Reporting violations.
- 11-205. Injunctive relief.
- 11-206. Jurisdiction to enforce.
- 11-207. Exemptions.
- 11-208. Violations and penalty.

11-201. Noise defined. Noise is defined as a sound emitted and passes over or through permitted boundaries and causes distress and annoyance to the senses of others. (Ord. #2015-02, April 2015)

11-202. Prohibited uses on residential property. The following acts, among others, are declared to be in violation of this chapter:

(1) Owning, possessing, or harboring any pet animal or pet bird that frequently or for continued duration makes sounds that create a noise disturbance across a residential real property line. A dog shall be deemed to be in violation of this chapter if it barks, whines or howls continuously for a period in excess of one (1) hour and (15) minutes. This chapter shall not apply to a dog on a hunt or chase, or to a dog guarding or driving livestock, or to dog participating in an organized animal show.

(2) Construction or demolition, which creates such noises, is prohibited between the hours of 8:00 P.M. to 6:00 A.M. except in the event of an emergency requiring immediate construction or demolition.

(3) Playing, using, operating or permitting to be played, used or operated a radio, phonograph, musical instrument, loudspeaker, sound amplifier, or other machine or device for the production or reproduction of sound therefrom creating a noise disturbance across a residential real property line in excess of sixty-five (65) dBA.

(4) The use of any drum, bell, loudspeaker or other instrument or device for the purpose of attracting attention to any solicitation, performance, show, or sale or display of merchandise.

(5) Between the hours of 7:00 P.M. to 8:00 A.M. mini-bikes, motorcycles, etc., shall not be operated on private property closer than three hundred feet (300') to any residence except the residence of the owner or operator thereof or any residence to which the owner or operator may be invited.

(6) The operation of power lawnmowers, leaf blowers, or other motor driven lawn or garden equipment between the hours of 9:00 P.M. and 7:00 A.M., prevailing time.

(7) No internal combustion engine shall be operated at any time or place in the Town of Louisville without an adequate muffler designed and manufactured to suppress exhaust noises to minimum.

(8) The operation of any malfunctioning machinery, equipment, pump, fan, attic fan, air conditioner apparatus or similar mechanical device in such a manner to create any unreasonable and unnecessary noise which shall disturb the comfort and repose of any person in the vicinity.

(9) It shall be unlawful for any person to use or operate or cause to be used or operated any sound device or apparatus in, on, near, or adjacent to any public street, park, or place for commercial or business advertising purpose.

(10) The sounding of any horn or signal device on any automobile, motorcycle, bus, or other vehicle except as a warning signal pursuant to the provisions of the Vehicle and Traffic Law of the State of Tennessee.

(11) Operating or permitting the operation of any motor vehicle whose manufacturer's gross weight is in excess of ten thousand (10,000) pounds or an auxiliary equipment attached to such a vehicle for a period of longer than five (5) minutes while the vehicle is stationary and is within three hundred feet (300') of a residential area between the hours of 8:00 P.M. and 7:00 A.M. of the following day. (Ord. 2015-02, April 2015)

11-203. Prohibited uses on commercial - light manufacturing - industrial zoned property. No person shall cause, suffer, allow, or permit the operation of any source of sound on a particular category of property or any public space or right-of-way, commercial or industrial, in such a manner as to create a sound level that exceeds the particular sound level limits set forth in Table 1 when measured at or within the real property line of the receiving property.

Table 1
Maximum Permissible Sound Levels by Receiving Property
Category, in dBA
Receiving Property Category and Time Periods

<u>Sound Source</u> <u>Property</u> <u>Category</u>	<u>Residential</u> <u>7:00 A.M. to</u> <u>10:00 P.M.</u>	<u>Residential</u> <u>10:00 P.M. to</u> <u>7:00 A.M.</u>	<u>Commercial</u> <u>All times</u>	<u>Industrial</u> <u>All times</u>
Commercial or Public Spaces or Rights-of-Way	65	50	65	75
Industrial	65	50	65	75

(Ord. #2015-02, April 2015)

11-204. Reporting violations. The complainant will notify Town of Louisville Codes Enforcement during regular office hours, or Blount County Sheriff Department at times other than regular office hours. (Ord. #2015-02, April 2015)

11-205. Injunctive relief. As an additional remedy, and not in lieu of any other remedy available under this chapter, any violation of this chapter shall be deemed to be and is declared a public nuisance and may be subject to abatement by a restraining order or other injunctive relief by a court of competent jurisdiction. (Ord. #2015-02, April 2015)

11-206. Jurisdiction to enforce. The General Sessions Court for Blount County shall have jurisdiction to hear all cases of alleged violations of this chapter and may assess any of the penalties contained herein as well as court costs and any established costs of enforcement, including any legal costs and fees incurred by the Town of Louisville in enforcing this chapter. (Ord. #2015-02, April 2015)

11-207. Exemptions. The terms and prohibitions in the chapter shall not apply to the following:

(1) Government vehicles and authorized emergency vehicles while engaged in necessary public business or emergency situation.

(2) The excavation or repair of bridges, highways, streets, roads or public ways by or on behalf of any government.

(3) Festivals, athletic events or similar events conducted by any governmental entity, including schools, and occurring on public property. (Ord. #2015-02, April 2015)

11-208. Violations and penalty. A violation of this chapter is declared to be a nuisance and is an offense punishable by a fine not exceeding two hundred fifty dollars (\$250.00) or by imprisonment for a period not exceeding fifteen (15) days, or both fine and imprisonment. Each week's continued violation shall constitute a separate additional violation. Whenever a violation of this chapter occurs, any person may file a complaint in regard thereto. All such complaints must be in writing with the name and address of the complainant and a statement of facts supporting the complaint and shall be filed with the Town of Louisville or Blount County Sheriff Department. Each complaint shall be properly recorded and timely investigated. (Ord. #2015-02, April 2015)

CHAPTER 3

FIREARMS

SECTION

- 11-301. Definitions.
- 11-302. Distance limitation.
- 11-303. Exception.
- 11-304. Jurisdiction.
- 11-305. Initiation of proceedings.
- 11-306. Strict liability.
- 11-307. Violations and penalty.

11-301. Definitions. As used in this chapter, the following terms shall mean:

- (1) "Building." Any structure having a roof supported by walls, posts, or columns.
- (2) "Person." An individual, group of individuals or entity.
- (3) "Public parks and public recreation areas." Any and all buildings, lands and waters, including roadways, recreation equipment, structures and the flora and fauna therein, located within the Town of Louisville and owned, leased or operated by the Town of Louisville or any other governmental entity as a park or recreation area and open to the general public for park or recreation purposes.
- (4) "Residential structure." A building designed, constructed, or used for the shelter, housing or enclosure of persons as well as any building or structure accessory to such use. (Ord. #2018-03, July 2018)

11-302. Distance limitation. (1) No person shall discharge a firearm within one hundred (100) yards, as measured by a direct line to the closest point of any residential structure, whether or not such residential structure is on public or private lands, without the owner's written permission.

(2) In addition, no person shall discharge a firearm within one hundred (100) yards, as measured by a direct line to the closest point of the boundary line of any public park or public recreation area, school, church or other place of public gathering.

(3) No person shall discharge a firearm on a public road or public right-of-way or within one hundred (100) yards, as measured by a direct line to the closest point of any public road or public right-of-way. (Ord. #2018-03, July 2018)

11-303. Exception. The provisions of this chapter shall not apply to the discharge of a firearm in reasonable protection of a person or property. (Ord. #2018-03, July 2018)

11-304. Jurisdiction. The General Sessions Court for Blount County, Tennessee, is hereby granted the authority and shall have the jurisdiction to enforce this chapter by assessing the monetary penalties as provided under § 11-307. (Ord. #2018-03, July 2018)

11-305. Initiation of proceedings. All proceedings for the violation of any provision or section of this chapter shall be initiated by a citation issued by a law enforcement officer. (Ord. #2018-03, July 2018)

11-306. Strict liability. Any person causing personal injury or property damage from the recreational discharge of a firearm shall be strictly liable for such damage or injury. (Ord. #2018-03, July 2018)

11-307. Violations and penalty. A violation of any provision or section of this chapter shall constitute a class C misdemeanor. (Ord. #2018-03, July 2018)

TITLE 12

BUILDING, UTILITY, ETC. CODES

CHAPTER

1. BUILDING CODE.
2. RESIDENTIAL CODE.
3. PROPERTY MAINTENANCE CODE.

CHAPTER 1

BUILDING CODE¹

SECTION

- 12-101. Building code adopted.
- 12-102. Modifications.
- 12-103. Available in recorder's office.
- 12-104. Violations and penalty.

12-101. Building code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 6-54-510 and for the purpose of regulating the construction, alteration, repair, use and occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the *International Building Code*,² 2018 edition, and Appendices A and B thereto, with the modifications thereto hereinafter set forth, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code except as otherwise specifically stated in this chapter, and is hereinafter referred to as the "building code." Any existing ordinances adopting an international or standard building code are hereby amended as necessary so as to be consistent with this chapter. (Ord. #2015-06, Aug. 2015, modified)

12-102. Modifications. The following sections and appendices of the *International Building Code*, 2018 edition, are hereby amended as hereinafter provided:

¹Municipal code references

Fire protection, fireworks, and explosives: title 7.
Planning and zoning: title 14.

²Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

(1) Chapter 1, Scope and Administration: Section 101.1 Title. is hereby amended by inserting "Town of Louisville" as the name of the jurisdiction.

(2) Chapter 1, Scope and Administration: Section 101.2.1 Appendices. is hereby amended by inserting at the end of the section the following:

"The following Appendices are specifically included in the adoption. All others are excluded."

- Appendix A Employee Qualifications

- Appendix B Board of Appeals

(3) Chapter 1, Scope and Administration: Section 101.4.3 Plumbing. is hereby amended by deleting the last sentence and inserting the following:

"Private sewage disposal systems shall comply with the regulations of the Blount County Environmental Health Department"

(4) Chapter 1, Scope and Administration: Section 103.1 Creation of enforcement agency. Is hereby amended by deleting Section 103.1 in its entirety and replacing with the following

"Section 103.1 Building Official. The provisions of this code shall be enforced by the Building Official."

(5) Chapter 1, Scope and Administration: Section 104.10.1 Flood hazard areas. is hereby amended by deleting Section 104.10.1 in its entirety.

(6) Chapter 1, Scope and Administration: Section 105.2 Work exempt from permit. is hereby amended by deleting Number 1 in its entirety and replace with:

"1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 square feet if the structure has a permanent foundation or 200 square feet if the structure is a pre-manufactured building without a permanent foundation."

(7) Chapter 1, Scope and Administration: Section 105.4 Validity of permit. is hereby amended by inserting the following at the beginning:

"A permit issued shall be construed to be a license to proceed with the work and shall not be construed as authority to violate, cancel, alter, or set aside any of the provisions of the code, nor shall such issuance of a permit prevent the Building Official from thereafter requiring a correction of errors in plans of in construction, or of violation of this code. The building official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis on incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code."

(8) Chapter 1, Scope and Administration: Section 105.5. Expiration. is hereby amended by deleting in its entirety and the following substituted in lieu thereof:

"105.5. Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced."

"Extensions of time may be granted by the Building Official; however, the extension must be requested in writing and justifiable cause demonstrated. The building official is authorized to grant, in writing, one or more extensions of time. Each extension shall be for a period of time not to exceed 90 days. A fee of fifty percent (50%) of the permit fee of the original permit shall be charged to cover administrative expenses for each extension granted."

- (9) Chapter 1, Scope and Administration: Section 105.6 Suspension and revocation. is hereby amended by inserting at the end the following:

"After a permit has become void, if the owner wishes to commence construction to complete the structure for which the original permit was issued, the Owner shall reapply for a new building permit for the completion of the construction. When a new building permit is issued, the permit fee for the completion of the construction shall be equal to the permit fee that was paid when the original permit was issued."

- (10) Chapter 1, Scope and Administration: Section 105.7 Placement of Permit. is hereby amended by deleting in its entirety and the following substituted in lieu thereof:

"105.7 Placement of Permit. The building permit or copy shall be kept on the site of the work or be made available to inspectors upon request until the completion of the project."

- (11) Chapter 1, Scope and Administration: Section 110.5 Inspection request. is hereby amended by inserting the following at the end:

"No inspections shall be performed on any site or portion thereof where there is an un-safe condition or a violation of the occupational safety and health standards for the construction industry promulgated by the Occupational Safety and Health Administration (OSHA)."

- (12) Chapter 1, Scope and Administration: Section 111.1 Use and occupancy. is hereby amended by inserting the following at the end of the paragraph and before the exception:

"Said certificate shall not be issued until the following have been tested and approved by the appropriate agency or department:

- Fire protection systems
- Utility systems

- Site work beyond the confines of the building
- General building construction requirements
- Private septic or sewage disposal systems"

(Ord. #2015-06, Aug. 2015, modified)

12-103. Available in recorder's office. The Board of Mayor and Aldermen of the Town of Louisville hereby declares that one (1) copy of the aforesaid code and revisions, as modified, has been filed with the recorder of the town for a period of fifteen (15) days prior to the passage of this chapter and that all public hearing and notice requirements in *Tennessee Code Annotated*, § 6-54-501, *et seq.*, have been or will be met by the time of the final passage of this chapter. (Ord. #2015-06, Aug. 2015)

12-104. Violations and penalty. Any person, firm, corporation, tenant, occupant or agent who shall violate a provision of this code or fail to comply therewith or with any of the requirements thereof or cause such action to be taken in violation of the provisions of this code adopted by reference or local adopted as modified shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation is committed or continued. Upon being found guilty of such violation, such person shall be punished as prescribed by applicable law or through injunctive remedies in state or federal court as appropriate. In the event court action is taken, the town shall be entitled to recover from any person adjudicated to have violated this chapter the town's reasonable attorney fees and litigation costs incurred in bringing the action(s) to enforce the provisions of this chapter. Additionally, violators may in the discretion of the town be subject to fines and penalties to be imposed by an administrative hearing officer pursuant to *Tennessee Code Annotated*, § 6-54-1001, *et seq.*, as adopted by the Town of Louisville. (Ord. #2015-06, Aug. 2015)

CHAPTER 2

RESIDENTIAL CODE¹

SECTION

- 12-201. Residential code adopted.
- 12-202. Modifications.
- 12-203. Available in recorder's office.
- 12-204. Violations and penalty.

12-201. Residential code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 6-54-506, and for the purpose of providing building, plumbing, mechanical and electrical provisions, the *International Residential Code*, 2018 edition, including Appendix Chapters, is and all subsequent amendments or additions to the said code, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code as fully as if copied herein verbatim, and is hereinafter referred to as the residential code.

12-202. Modifications. The following sections are hereby revised to read as follows:

(1) **Definitions.** Whenever the words "Building Official" are used in the residential code, they shall refer to the person designated by the board of mayor and aldermen to enforce the provisions of the residential code.

(2) **Automatic sprinkler system standards.** Section R 313 pertaining to automatic sprinkler systems for townhouses and residential dwellings for single family and double family dwellings is hereby deleted.

12-203. Available in recorder's office. Pursuant to the requirements of *Tennessee Code Annotated*, § 6-54-502, one (1) copy of the residential code has been placed on file in the city recorder's office and shall be kept there for the use and inspection of the public.

12-204. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the residential code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

¹Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

CHAPTER 3

PROPERTY MAINTENANCE CODE¹

SECTION

- 12-301. Property maintenance code adopted.
- 12-302. Modifications.
- 12-303. Available in recorder's office.
- 12-304. Violations and penalty.

12-301. Property maintenance code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 6-54-510, and for the purpose of regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures, the *International Property Maintenance Code*, 2018 edition as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code of the Town of Louisville. This code shall hereinafter be known as the property maintenance code. It is adopted subject to the changes and additions set forth herein. (Ord. #2015-07, Dec. 2015, modified)

12-302. Modifications. The following sections of the *International Property Maintenance Code*, 2018 edition, are hereby amended in the Town of Louisville, as hereinafter provided:

(1) Chapter 1, Scope and Administration: Section 101.1 Title. is hereby amended locally the Town of Louisville by inserting "Town of Louisville" as the name of the jurisdiction.

(2) Chapter 1, Scope and Administration: Section 101.2 Scope. is hereby amended locally the Town of Louisville by inserting at the end:

"The provisions of this code shall not apply to any particular parcel of real property that is 5 (five) acres or larger and is being actively engaged in farming or agricultural activity as defined by the *Tennessee Code Annotated*."

(3) Chapter 1, Scope and Administration: Section 103.5 Fees. is hereby amended locally in the Town of Louisville by deleting the section in its entirety with no replacement.

¹Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

(4) Chapter 1, Scope and Administration: Section 104.2 Inspections. is hereby amended locally in the Town of Louisville by deleting the section in its entirety and replacing with:

"Inspections. Inspections under this code shall be made upon written notice of alleged violation unless a condition presents an imminent danger to the health, safety or welfare of an individual. The codes official shall make all of the required inspections, or shall accept reports of inspections by approved agencies or individuals. All reports of such inspections shall be in writing and certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority."

(5) Chapter 1, Scope and Administration: Section 106.3 Prosecution of violation. is hereby amended locally in the Town of Louisville by deleting the section in its entirety and replacing with:

"Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor and of a violation of the City Code. If the notice of violation is not complied with, the Code Official may in his discretion institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate."

(6) Chapter 1, Scope and Administration: Section 106.4 Violation of penalties. is hereby amended locally in the Town of Louisville by deleting the section in its entirety and replacing with:

"Violation Penalties. Any person who shall violate a provision of this Code or fail to comply therewith or of any of the requirements thereof shall be prosecuted within the limits provided by state or local laws and may be penalized pursuant to the general penalty clause of the Town of Louisville. Each day that violation continues after due notice has been served shall be deemed a separate offense regardless of whether an additional citation has been issued. If the city must resort to the equitable relief to abate a violation, the violator should be liable to the Town for the Town's reasonable attorney's fees and litigation expenses in bringing and prosecuting the equitable action. Additionally, violators may in discretion of the Town be subject to fines and penalties to be

imposed by the Administrative Hearing Officer pursuant to *T.C.A. § 6-54-1001 et seq.* as adopted locally in the Town Code."

(7) Chapter 1, Means of Appeal: Section 111.2 Membership of Board. is hereby amended locally in the Town of Louisville by inserting at the end:

"The Board of Mayor and Alderman shall sit as the board of appeals until such time as a board is duly appointed and operational."

(8) Chapter 1, Scope and Administration: Section 112.4 Failure to comply. is hereby amended locally in the Town of Louisville by deleting the section in its entirety and replacing with:

"Failure to comply. Any person who shall continue any work after having been served with a stop-work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law."

(9) Chapter 3, General Requirements: Section 301.3 Vacant Structures and land. is hereby amended locally in the Town of Louisville by deleting the section in its entirety and replacing with:

"Vacant Structures and land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to adversely affect the public health or safety."

(10) Chapter 3, General Requirements: Section 302.4 Weeds. is hereby amended locally in the Town of Louisville by deleting the section in its entirety.

(11) Chapter 3, General Requirements: Section 302.8 Motor Vehicles. is hereby amended locally in the Town of Louisville by deleting the section in its entirety and replacing with:

"Motor Vehicles. Except as provided for in other regulations, no inoperable or unlicensed motor vehicle, except in the active state of repair for a period of time not to exceed 60 days, shall be parked, kept stored on the exterior of any premises or any vacant land, and no vehicle shall be at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles on the exterior of any premises or vacant land is prohibited unless conducted inside and approved special booth."

(12) Chapter 3, General Requirements: Section 302.9 Defacement of property. is hereby amended locally in the Town of Louisville by inserting at the end:

"All graffiti shall be removed or the surface repainted to match the existing surfaces."

(13) Chapter 3, General Requirements: Section 302 Exterior property areas. is hereby amended locally in the Town of Louisville by inserting at the end a new section as follows:

302.10. Junkyards. All junkyards and other places where vehicles or scrap is collected before being discarded, reused or recycled shall be operated and maintained subject to the following regulations:

(1) All vehicles, junk and/or scrap stored or kept in such yard shall be kept so that they will not catch and hold water in which mosquitoes may breed and so that they will not constitute a place in which rats, mice, or other vermin may be harbored, reared, or propagated.

(2) All such junkyards shall be enclosed within close fitting plank or metal solid fences touching the ground on the bottom and being not less than six (6) feet in height. Such fence is to be built so that it will be impossible for stray cats and/or stray dogs to have access to such junkyards. Additionally, such fence shall be subject to any other regulations that are provided in the Town of Louisville Municipal code or Louisville Zoning Ordinance.

(3) All Such junk yards within one thousand (1,000) feet of any right-of-way within the municipality shall be screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the right-of-way. Additionally, such screening, plantings, or fences shall be subject to any other regulations that are provided in the town of Louisville Municipal Code or Louisville Zoning Regulations.

(4) Such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to public health or safety.

(14) Chapter 3, General Requirements: Section 303 Swimming Pools, Spas and Hot Tubs, Section 303.3 Enclosures, is hereby amended locally in the Town of Louisville by deleting the section in its entirety and replacing with:

"Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches in depth, shall be completely surrounded by fence or barrier at least 48 inches in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors to such barriers shall be lockable or self-closing and self-latching. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier."

(15) Chapter 3, General Requirements: Sections 304 Exterior Structure, 305 Interior Structure, and Section 306 Component Serviceability, are hereby amended locally in the Town of Louisville by deleting the sections in their entirety.

(16) Chapter 3, General Requirements: Sections 308.3.1 Garbage Facilities and Section 308.2 Containers., are hereby amended locally in the Town of Louisville by deleting the sections in their entirety.

(17) Chapter 4, Light, Ventilation and Occupancy Limitations, is hereby amended locally by the Town of Louisville by deleting the chapter in its entirety.

(18) Chapter 6, Mechanical and Electrical Requirements is hereby amended locally in the Town of Louisville by deleting the chapter in its entirety.

(19) Fire Safety Requirements, Section 702.3 Locked doors, is hereby amended locally in the Town of Louisville by deleting the section in its entirety and replacing with:

"All means of egress doors shall be readily openable from the side from which egress is to be made."

(20) Chapter 7, Fire Safety Requirements: Sections 704.3 Power Source and 704.4 Interconnection are hereby amended locally in the Town of Louisville by deleting the sections in their entirety. (Ord. #2015-07, Dec. 2015, modified)

12-303. Available in recorder's office. The commission of the Town of Louisville hereby declares that one (1) copy of the aforesaid code and revisions, as modified, has been filed with the recorder of the town for a period of fifteen (15) days prior to the passage of this chapter and that all public hearing and notice requirements in *Tennessee Code Annotated*, § 6-54-501 *et seq.* have been or will be met by time of the final passage of the ordinance comprising this chapter. (Ord. #2015-07, Dec. 2015)

12-304. Violations and penalty. Any person, firm, corporation, tenant, occupant or agent who shall violate a provision of this code or fail to comply therewith or with any of the requirements thereof or cause such action to be taken in violation of the provisions of this code adopted by reference or locally adopted as modified shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation is committed or continued. Upon being found guilty of such violation, such person shall be punished according to the general penalty clause of the Town of Louisville or through injunctive remedies in state or federal court as appropriate. In the event court action is taken, the town shall be entitled to recover from any person adjudicated to have violated this chapter the town's reasonable attorney fees and litigation costs incurred in bringing the action(s) to enforce the provisions of this chapter. Additionally, violators may in the discretion of the town be subject to fines and penalties to be imposed by the administrative hearing officer pursuant to *Tennessee Code Annotated*, § 6-54-1001 *et seq.* as adopted locally in the town code. (Ord. #2015-07, Dec. 2015)

TITLE 13

PROPERTY MAINTENANCE REGULATIONS

CHAPTER

1. MISCELLANEOUS.

CHAPTER

MISCELLANEOUS

SECTION

- 13-101. Prohibition.
- 13-102. Designation of public officer or department.
- 13-103. Notice to property owner.
- 13-104. Clean-up at property owner's expense.
- 13-105. Clean-up of owner-occupied property.
- 13-106. Appeal.
- 13-107. Judicial review.
- 13-108. Supplemental nature of this chapter.

13-101. Prohibition. Pursuant to the authority granted to municipalities under *Tennessee Code Annotated*, § 6-54-113, it shall be unlawful for any owner of record of real property to create, maintain, or permit to be maintained on such property the growth of trees, vines, grass, underbrush and/or the accumulations of debris, trash, litter, or garbage or any combination of the preceding elements so as to endanger the health, safety, or welfare of other citizens or to encourage the infestation of rats and other harmful animals. (Ord. #2011-3, April 2011)

13-102. Designation of public officer or department. The board of mayor and aldermen designate the Town of Louisville's Building Official as the person to enforce the provisions of this chapter. (Ord. #2011-3, April 2011)

13-103. Notice to property owner.¹ It shall be the duty of the town's building official to serve notice upon the owner of record in violation of § 13-101 above, a notice in plain language to remedy the condition within ten (10) days (or twenty (20)) days if the owner of record is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials), excluding Saturdays,

¹Copies of notice forms may be found in the office of the town recorder as part of Ordinance #2011-3.

Sundays, and legal holidays. The notice shall be sent by registered or certified United States mail, addressed to the last known address of the owner of record. The notice shall state that the owner of the property is entitled to a hearing, and shall, at the minimum, contain the following additional information:

(1) A brief statement that the owner is in violation of this chapter, which has been enacted under the authority of *Tennessee Code Annotated*, § 6-54-113, and that the property of such owner may be cleaned up at the expense of the owner and a lien placed against the property to secure the cost of the clean-up;

(2) The person, office, address, and telephone number of the person giving the notice;

(3) A cost estimate for remedying the noted condition, which shall be in conformity with the standards of cost in the city; and

(4) A place wherein the notified party may return a copy of the notice, indicating the desire for a hearing. (Ord. #2011-3, April 2011)

13-104. Clean-up at property owner's expense. If the property owner of record fails or refuses to remedy the condition within ten (10) days after receiving the notice (twenty (20)) days if the owner is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials), the town's building official shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards, and the costs thereof shall be assessed against the owner of the property. The town may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The town may bring one (1) action for debt against more than one (1) or all of the owners of properties against whom such costs have been assessed, and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a misjoinder of parties. Upon the filing of the notice with the office of the register of deeds in Blount County, the costs shall be a lien on the property in favor of the town, second only to liens of the state, county, and town for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be placed on the tax rolls of Blount County as a lien and shall be added to property tax bills to be collected at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes. (Ord. #2011-3, April 2011)

13-105. Clean-up of owner-occupied property. When the owner of an owner-occupied residential property fails or refuses to remedy the condition within ten (10) days after receiving the notice, town's building official shall

immediately cause the condition to be remedied or removed at a cost in accordance with reasonable standards in the community, with these costs to be assessed against the owner of the property. The provisions of § 13-104 shall apply to the collection of costs against the owner of an owner-occupied residential property except that the municipality must wait until cumulative charges for remediation equal or exceed five hundred dollars (\$500.00) before filing the notice with the register of deeds and the charges becoming a lien on the property. After this threshold has been met and the lien attaches, charges for costs for which the lien attached are collectible as provided in § 13-104 for these charges. (Ord. #2011-3, April 2011)

13-106. Appeal. The owner of record who is aggrieved by the determination and order of the public officer may appeal the determination and order to the board of mayor and aldermen. The appeal shall be filed with the city recorder within ten (10) days following the receipt of the notice issued pursuant to § 13-103 above. The failure to appeal within this time shall, without exception, constitute a waiver of the right to a hearing. (Ord. #2011-3, April 2011)

13-107. Judicial review. Any person aggrieved by an order or act of the board of mayor and aldermen under § 13-104 above may seek judicial review of the order or act. The time period established in § 13-103 above shall be stayed during the pendency of judicial review. (Ord. #2011-3, April 2011)

13-108. Supplemental nature of this chapter. The provisions of this chapter are in addition and supplemental to, and not in substitution for, any other provision in the municipal charter, this municipal code of ordinances or other applicable law which permits the town to proceed against an owner, tenant or occupant of property who has created, maintained, or permitted to be maintained on such property the growth of trees, vines, grass, weeds, underbrush and/or the accumulation of the debris, trash, litter, or garbage or any combination of the preceding elements, under its charter, any other provisions of this municipal code of ordinances or any other applicable law. (Ord. #2011-3, April 2011)

TITLE 14

ZONING AND LAND USE CONTROL

CHAPTER

1. ZONING ORDINANCE.
2. FLOOD DAMAGE PREVENTION ORDINANCE.
3. SHORT-TERM RENTAL REGULATIONS.

CHAPTER 1

ZONING ORDINANCE

SECTION

14-101. Land use to be governed by zoning ordinance.

14-101. Land use to be governed by zoning ordinance. Land use within the Town of Louisville shall be governed by Ordinance #2017-01, April 2017, titled "Zoning Ordinance of Louisville, Tennessee," and any amendments thereto. (Ord. #2017-01, April 2017)

CHAPTER 2

FLOOD DAMAGE PREVENTION ORDINANCE

SECTION

14-201. Flood damage control to be governed by flood damage prevention ordinance.

14-201. Flood damage control to be governed by flood damage prevention ordinance. Regulations governing flood damage control within the Town of Louisville shall be governed by Ordinance #2007-4, and any amendments thereto.¹

¹Ordinance #2007-4, and any amendments thereto, are published as separate documents and are of record in the office of the recorder.

CHAPTER 3

SHORT-TERM RENTAL REGULATIONS.

SECTION

- 14-301. Short-term rentals.
- 14-302. Operating permit required.
- 14-303. Application requirements.
- 14-304. Types of operating permits.
- 14-305. Fees.
- 14-306. Issuance of permit.
- 14-307. Permit renewal.
- 14-308. Permit non-transferable.
- 14-309. No vested rights.
- 14-310. Compliance with town and state laws.
- 14-311. Operation without a permit.
- 14-312. Public nuisance.
- 14-313. Complaints.
- 14-314. Revocation of permit.
- 14-315. Appeal of denial or revocation.
- 14-316. Additional remedies.
- 14-317. City shall not enforce private agreements.
- 14-318. Taxes.
- 14-319. Advertising.
- 14-320. Maximum occupancy.
- 14-321. Parking.

14-301. Short-term rentals. The Town of Louisville 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 town has determined that all persons eligible to operate short-term rental units within the town must be issued a permit pursuant to the requirements of this section. (Ord. #2024-06, Nov. 2024)

14-302. Operating permit required. (1) Once thirty (30) days have passed from the passage of this ordinance 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.

(2) 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 (30) 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. #2024-06, Nov. 2024)

14-303. Application requirements. Every qualifying property owner desiring to operate a short-term rental unit shall submit an application for an operating permit to the town recorder or his/her designee. In addition to the information required by the application itself, the town recorder or his/her designee may request other information reasonably required to allow the town to process the application. The permit application shall not be considered complete until the town 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 Town of Louisville, including this section, the city/county business license requirements, the town's occupancy privilege tax requirements, any additional administrative regulations promulgated or imposed by the town to implement this section, and acknowledging responsibility for compliance with the provisions of this chapter.

(2) Applicant must submit an affidavit of life safety compliance acknowledging that during each short-term rental unit occupancy, the rental unit shall have on the premises, and installed to manufacturer specifications:

(a) A smoke alarm meeting Underwriters Laboratory (UL) 217 standards inside each sleeping room, outside of and within fifteen feet (15') of sleeping rooms, and on each story of the dwelling unit, including basements;

(b) A carbon monoxide detector within fifteen feet (15') of all bedrooms; and

(c) A fire extinguisher.

Every smoke and carbon monoxide alarm must function properly with the alarm sounding after pushing the test button and the fire extinguisher must be operational. It shall be unlawful to operate a short-term rental unit without a smoke alarm, carbon monoxide detector, and fire extinguisher as required by this section. The affidavit must also specifically include the number, locations, and operation of the required life safety equipment for the short-term rental unit. This equipment will be subject to verification or inspection before the initial permit is issued, at all other reasonable times upon reasonable notice, and such other times as any safety incident concerning the rental unit is reported to the town.

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

(a) Provide 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 town.

(4) 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 two (2) hours 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.

(5) 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.

(6) 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 town harmless concerning the town'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.

(7) Applicant must provide a valid Blount County and Town of Louisville business license. For short-term rental units that were in operation prior to enactment of this ordinance, 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 ordinance is adopted. (Ord. #2024-06, Nov. 2024)

14-304. 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 owners 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 town, 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 (1) 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 Blount 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) The owner's motor vehicle registration;
- (ii) A valid driver's license or Tennessee 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) The owner's W-2 form reflecting the property address.

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

(2) Non-owner occupied (renter). 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. (a) 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 are required of a lessee of property.

(b) 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. (Ord. #2024-06, Nov. 2024)

14-305. Fees. An application for an operating permit under this article shall be accompanied by a fee of one hundred dollars (\$100.00). Said fee is designed to reimburse the town for the cost of processing the application and inspecting the short-term rental unit. There shall be no proration of fees, and once paid, they are non-refundable. (Ord. #2024-06, Nov. 2024)

14-306. Issuance of permit. Once the town 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 town 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 correct 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 chapter or terminated by ordinance or otherwise. (Ord. #2024-06, Nov. 2024)

14-307. Permit renewal. Unless suspended or revoked for a violation of any provision of this section or other law, town ordinance or rule, a permit may be renewed annually upon payment of a renewal fee of one hundred dollars (\$100.00), unless one of the conditions set forth in § 14-414 are applicable. As with the application fee, this fee is designed to compensate the town for the cost incurred in processing the application and taking any other action necessary to attempt to ensure the applicant's compliance with this ordinance. 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 town recorder. A renewed operating permit shall be good for one (1) calendar year from the date of issuance. (Ord. #2024-06, Nov. 2024)

14-308. Permit non-transferable. A permit issued under this section is non-transferable, 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. (Ord. #2024-06, Nov. 2024)

14-309. No 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 town measures concerning short-term rental units that may be enacted or adopted at a later date, even though such ordinances, resolutions, or other town 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 town, this explicit recitation is set forth to avoid any uncertainty or confusion. (Ord. #2024-06, Nov. 2024)

14-310. Compliance with town 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. (Ord. #2024-06, Nov. 2024)

14-311. Operation without permit. Any short-term rental unit operating or advertising for operation without a valid permit shall be deemed a public safety hazard. The town 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. (Ord. #2024-06, Nov. 2024)

14-312. Public nuisance. It is unlawful and a violation of this chapter 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 town ordinance may be abated or summarily abated by the town 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 chapter or any other town 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. (Ord. #2024-06, Nov. 2024)

14-313. Complaints. All complaints regarding short-term rental units shall be filed with the building official or codes enforcement officer or their 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 town 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 town 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 town through its investigation. If, after reviewing all relevant material, the town finds the complaint to be supported by

a preponderance of the evidence, the town 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. (Ord. #2024-06, Nov. 2024)

14-314. Revocation of permit. The town may permanently revoke an operating permit if the town discovers that:

- (1) An applicant obtained the permit by knowingly providing false information on the application;
- (2) The continuation of the short-term rental unit presents a threat to public health or safety;
- (3) The owner ceases to own the property;
- (4) The property is not used as a short-term rental for a period of thirty (30) months or more;
- (5) 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. (Ord. #2024-06, Nov. 2024)

14-315. Appeal of denial or revocation. If a permit is revoked, the codes enforcement officer or building official 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 town'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. (Ord. #2024-06, Nov. 2024)

14-316. 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. (Ord. #2024-06, Nov. 2024)

14-317. City shall not enforce private agreements. The town 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 town 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 town shall not have any obligation or be responsible for verifying the ownership information. (Ord. #2024-06, Nov. 2024)

14-318. 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 town, sales tax to the State of Tennessee, and gross receipts tax to the State of Tennessee. (Ord. #2024-06, Nov. 2024)

14-319. 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. (Ord. #2024-06, Nov. 2024)

14-320. Maximum occupancy. The number of transients in a short-term rental unit shall not exceed the sum of up to four (4) transients per bedroom. (Ord. #2024-06, Nov. 2024)

14-321. Parking. There must be a minimum of one (1) parking space per bedroom. Staff will review parking layout and reserves the right to limit maximum occupancy based on nuisance potential to surrounding neighbors. (Ord. #2024-06, Nov. 2024)

TITLE 15

MOTOR VEHICLES, TRAFFIC AND PARKING

CHAPTER

1. MISCELLANEOUS.
2. SPEED LIMITS.

CHAPTER 1

MISCELLANEOUS¹

SECTION

- 15-101. Adoption of state motor vehicle law by reference.
- 15-102. Maximum weight limits on streets and roads subject to maintenance by the town.

15-101. Adoption of state motor vehicle law by reference.

(1) Sections adopted by reference. Pursuant to the power granted to municipalities under *Tennessee Code Annotated*, § 55-10-307, the board of mayor and aldermen do hereby adopt by reference the provisions of *Tennessee Code Annotated*, §§ 55-8-101 to 55-8-180, §§ 55-10-101 to 55-10-310, § 55-50-301, § 55-50-302, § 55-50-304, § 55-50-305, § 55-50-311, § 55-50-312, § 55-4-101, § 55-4-104, § 55-4-108, § 55-4-110, § 55-4-114 and § 55-4-129.

(2) Fines, penalties and forfeitures of bonds. All fines, penalties and forfeitures of bonds imposed and collected shall be as provided in the aforementioned sections of the *Tennessee Code Annotated*.

(3) Fines, penalties and forfeitures for other violations. All fines, penalties and forfeitures for any and all other additional violations of any other traffic ordinances shall be dealt with as provided within the aforementioned sections of the *Tennessee Code Annotated*. (Ord. #1991-8, May 1991)

¹State law references

Under *Tennessee Code Annotated*, § 55-10-307, the following offenses are exclusively state offenses and must be tried in a state court or a court having state jurisdiction: driving while intoxicated or drugged, as prohibited by *Tennessee Code Annotated*, § 55-10-401; failing to stop after a traffic accident, as prohibited by *Tennessee Code Annotated*, § 55-10-101, *et seq.*; driving while license is suspended or revoked, as prohibited by *Tennessee Code Annotated*, § 55-50-504; and drag racing, as prohibited by *Tennessee Code Annotated*, § 55-10-501.

15-102. Maximum weight limits on streets and roads subject to maintenance by the town. (1) There is hereby imposed upon all streets and roads within the town's boundaries, a vehicle load limit of ten (10) tons.

(2) It shall be unlawful, and a violation of this section, for any person to operate a vehicle upon the streets and roads within the corporate boundaries, which exceeds ten (10) tons in gross weight.

(3) This section shall not be effective as to any load limits for any vehicles duly involved in any public construction or road repair, nor any government or public vehicle while in the course and scope of carrying out its duly authorized duties under the laws of the town or of the State of Tennessee.

(4) Violation of this section shall result in a fine not to exceed fifty dollars (\$50.00) or such maximum amount as state law may allow. (Ord. #1994-1, April 1994, as amended by Ord. #1996-12, Nov. 1996)

CHAPTER 2

SPEED LIMITS

SECTION

15-201. In general.

15-202. At intersections.

15-203. In school zones.

15-201. In general. It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street at a rate of speed in excess of thirty (30) miles per hour except where official signs have been posted indicating other speed limits, in which cases the posted speed limit shall apply. (Ord. #1991-6, April 1991)

15-202. At intersections. It shall be unlawful for any person to operate or drive a motor vehicle through any intersection at a rate of speed in excess of fifteen (15) miles per hour unless such person is driving on a street regulated by traffic-control signals or signs which require traffic to stop or yield on the intersecting streets. (Ord. #1991-6, April 1991)

15-203. In school zones. Pursuant to *Tennessee Code Annotated*, § 55-8-152, the town shall have the authority to enact special speed limits in school zones. Such special speed limits shall be enacted based on an engineering investigation; shall not be less than fifteen (15) miles per hour; and shall be in effect only when proper signs are posted with a warning flasher or flashers in operation. It shall be unlawful for any person to violate any such special speed limit enacted and in effect in accordance with this paragraph.

In school zones where the board of mayor and aldermen has not established special speed limits as provided for above, any person who shall drive at a speed exceeding fifteen (15) miles per hour when passing a school during a recess period when a warning flasher or flashers are in operation, or during a period of forty (40) minutes before the opening hour of a school, or a period of forty (40) minutes after the closing hour of a school, while children are actually going to or leaving school, shall be prima facie guilty of reckless driving. (Ord. #1991-6, April 1991)

TITLE 16

STREETS AND SIDEWALKS, ETC.

[RESERVED FOR FUTURE USE]

TITLE 17**REFUSE AND TRASH DISPOSAL****CHAPTER**

1. REFUSE.
2. OFF-SITE MATERIAL FOR DUMPING OR FILL.

CHAPTER 1**REFUSE****SECTION**

- 17-101. Definitions.
- 17-102. Littering on private property.
- 17-103. Littering from motor vehicles.
- 17-104. Evidence against person littering on private property.
- 17-105. Prosecution initiated by peace officer.
- 17-106. Witnesses of littering.
- 17-107. Enforcement.
- 17-108. Violations and penalty.

17-101. Definitions. (1) "Garbage" includes putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

(2) "Litter" includes garbage, refuse, rubbish and all other waste materials.

(3) "Refuse" includes all putrescible and nonputrescible solid wastes.

(4) "Rubbish" includes nonputrescible solid wastes consisting of both combustible and noncombustible wastes. (Ord. #1995-2, March 1995)

17-102. Littering on private property. A person shall not throw, dump, deposit or cause to be thrown, dumped or deposited litter on property owned by another person without the permission of the owner or occupant of such property or on any public highway, street or road, upon public parks or recreation areas, or upon any other public property except that property designated for that use. (Ord. #1995-2, March 1995)

17-103. Littering from motor vehicles. If the throwing, dumping or depositing of litter was done from a motor vehicle, except a motor bus, it shall be prima facie evidence that the throwing, dumping or depositing was done by the driver of the motor vehicle. (Ord. #1995-2, March 1995)

17-104. Evidence against person littering on private property. If an object of litter is discovered on another's property without his permission, on any public highway, street or road, upon public parks or recreation areas, or upon any other public property except that property designated for that use, bearing a person's name, it shall be prima facie evidence that the person whose name appears on the object thrown, dumped, deposited or caused it to be thrown, dumped or deposited there. (Ord. #1995-2, March 1995)

17-105. Prosecution initiated by peace officer. Prosecution for a violation of this chapter may be initiated by a peace officer who witnessed an offense in violation of this chapter or by any person who discovered an article bearing a person's name on the property of another, or any public highway, street or road, upon a public park or recreation area, or upon any other public property except that designated for that use, or by any private citizen, who witnessed an offense or discovered incriminating evidence as described above, and who is willing to make the initial charge and testify on the behalf of the town in the prosecution of violations of this chapter. (Ord. #1995-2, March 1995)

17-106. Witnesses of littering. Any person whether or not such person is a citizen of the State of Tennessee, who shall witness the throwing, dumping, or depositing of litter from a motor vehicle onto any public highway, street or road, onto another's property or upon public property without the owner's permission, onto public park or public recreation lands, or onto any other public property except such as is designated for the throwing, dumping, or depositing of litter may report the date and time of day of the littering and the license plate registration number and state of registration to any local law enforcement authority. The license plate registration number, as recorded, shall constitute prima facie evidence that the littering was done by the person to whom such motor vehicle is registered. Nothing in this section shall be construed to modify or change the burden of the town to prove the defendant guilty beyond a reasonable doubt. Any person so reporting a violation shall be required to appear as a witness in any prosecutions resulting therefor. (Ord. #1995-2, March 1995)

17-107. Enforcement. The enforcement of this chapter shall be by any law enforcement officers, including the sheriff, sheriff's deputies, constables, Tennessee Highway Patrol Officers, and town police officers or others so authorized under state statute. (Ord. #1995-2, March 1995)

17-108. Violations and penalty. The violation of any provision of this chapter shall be punishable by a penalty of not more than five hundred dollars (\$500.00) and such maximum amount as may from time-to-time be authorized under state law for a municipalities for punishment of this littering offense. Violators shall also be subject to costs for each separate violation.

Violation of this section shall constitute a Class C misdemeanor or such other class misdemeanor as is provided for violation of town ordinances under state law as it may from time-to-time be amended. (Ord. #1995-2, March 1995)

CHAPTER 2

OFF-SITE MATERIAL FOR DUMPING OR FILL

SECTION

- 17-201. Prohibition.
- 17-202. Designation of public officer or department.
- 17-203. Permit cost and period.
- 17-204. Application for permit.
- 17-205. Permit display.
- 17-206. Penalties.
- 17-207. Appeal.
- 17-208. Judicial review.
- 17-209. Supplemental nature of this chapter.

17-201. Prohibition. It shall be unlawful for any owner of record of real property located within the corporate limits of Louisville to import or allow the importation of off-site materials for dumping or fill in an amount greater than two hundred (200) cubic yards in any twelve (12) month period unless a permit is obtained from the Town of Louisville. (Ord. #2012-02, April 2012)

17-202. Designation of public officer or department. The board of mayor and aldermen designates the Town of Louisville's Engineer and or Building Official as the person to enforce the provisions of this chapter including the issuance of permits and the issuance of citations for violations. (Ord. #2012-02, April 2012, modified)

17-203. Permit cost and period. Each permit authorizing the importation of material for dumping or fill shall cost fifty dollars (\$50.00) per permit and shall be valid for no more than one (1) thirty (30) day period of time. Importation of material for dumping or fill beyond the initial permit time shall require a new permit for each thirty (30) day period of time and the payment of another fifty dollar (\$50.00) fee. Permit applications shall be obtained from the Town of Louisville's Engineer at the Louisville Town Hall. (Ord. #2012-02, April 2012)

17-204. Application for permit. Each application for a permit to import off-site material for dumping or fill shall provide the following:

- (1) Adequate documentation that the material being imported is exempt from regulation as waste material by the State of Tennessee and is appropriate for use as fill material;
- (2) The source of the material to be imported as well as the name of the owner of the real property from which the material is being imported;

(3) The steps that will be taken to keep Louisville roads and rights-of-way clean and free of dirt and debris;

(4) The steps that will be taken to provide adequate traffic control to protect drivers from vehicles entering and exiting the location of the dumping or fill deposit;

(5) Certification that the dumping or fill operation will not adversely impact storm water or other water run-off into streams, reservoirs or the water table and the applicant is in compliance with all applicable local, state and federal regulations; and

(6) For any project involving the importation of more than two hundred (200) cubic yards of off-site materials for dumping or fill in any twelve (12) month period of time, documentation that a site plan has been filed with and approved by the Louisville Planning Commission. (Ord. #2012-02, April 2012)

17-205. Permit display. Any permit issued under this chapter shall be kept on public display at the site of the dumping or fill operation at all times during the dumping or fill operation. (Ord. #2012-02, April 2012)

17-206. Penalties. Any failure to obtain a permit as required by this chapter, to comply with the terms of the issuance of any permit obtained under this chapter, or to comply with the provisions of § 17-204, which shall be deemed conditions of issuance, shall be subject to a fine as determined by the enforcing officer in an amount not to exceed ten thousand dollars (\$10,000.00) per offense. Every day material is imported in violation of this chapter shall constitute a separate offense. (Ord. #2012-02, April 2012)

17-207. Appeal. The owner of record who is aggrieved by the determination and order of the enforcing officer may appeal the determination and order to the board of mayor and aldermen. The appeal shall be filed with the recorder within ten (10) days following the receipt of notice of violation. The failure to appeal within this time shall, without exception, constitute a waiver of the right to a hearing. (Ord. #2012-02, April 2012)

17-208. Judicial review. Any person aggrieved by an order or act of the board of mayor and aldermen under § 17-207 above may seek judicial review of the order or act. (Ord. #2012-02, April 2012)

17-209. Supplemental nature of this chapter. The provisions of this chapter are in addition and supplemental to, and not in substitution for, any other provision in the municipal charter, this municipal code of ordinances or other applicable law which permits the regulation of the use of property or the importation of fill material or any other provisions of this municipal code of ordinances or any other applicable law. (Ord. #2012-02, April 2012)

TITLE 18

WATER AND SEWERS

[RESERVED FOR FUTURE USE]

TITLE 19

ELECTRICITY AND GAS

[RESERVED FOR FUTURE USE]

TITLE 20**MISCELLANEOUS****CHAPTER****1. USE OF PUBLIC PARKS AND RECREATION AREAS.****CHAPTER 1****USE OF PUBLIC PARKS AND RECREATION AREAS****SECTION**

- 20-101. Definitions.
- 20-102. Use of public park and recreational facilities property and equipment.
- 20-103. Control of animals.
- 20-104. Control of litter.
- 20-105. Parking.
- 20-106. Swimming.
- 20-107. Fishing.
- 20-108. Firearms.
- 20-109. Camping.
- 20-110. Open fires.
- 20-111. Alcoholic beverages and controlled substances.
- 20-112. Posting of advertisements and sale of goods.
- 20-113. Operating hours.
- 20-114. Signs.
- 20-115. Supplemental nature of this chapter.

20-101. Definitions. Public parks and public recreation areas are defined as any and all buildings, lands and waters, including roadways, recreation equipment, structures and the flora and fauna therein, located within the Town of Louisville and owned, leased or operated by the Town of Louisville or any other governmental entity as a park or recreation area and open to the general public for park or recreation purposes. (Ord. #2013-08, June 2013)

20-102. Use of public park and recreational facilities property and equipment. No person shall damage, deface, destroy, remove, injure or improperly use public parks and recreational facilities, property, equipment or the natural environment. (Ord. #2013-08, June 2013)

20-103. Control of animals. No person shall permit his animal to run at large. In the case of a dog, the owner or his agent shall secure the animal by a collar with a chain, cord or leash not exceeding eight feet (8') in length, and

have the animal under complete and immediate control. (Ord. #2013-08, June 2013)

20-104. Control of litter. No person shall throw, deposit or leave any litter, refuse or rubbish of any kind in a public park or recreational area except in public receptacles and in such manner that the litter, refuse or rubbish will be prevented from being carried by the elements. Where public receptacles are not provided all such litter, refuse or rubbish shall be carried away from the area by the person responsible for its presence and properly disposed of elsewhere. (Ord. #2013-08, June 2013)

20-105. Parking. Vehicles shall be parked in designated areas and no vehicle shall be parked on the property of adjoining property owners. Parking shall only be allowed during operating hours and vehicles remaining inside a public recreation area or park after operating hours are subject to being removed by the Town of Louisville. (Ord. #2013-08, June 2013)

20-106. Swimming. Swimming within a public recreation area or park is prohibited on or within one hundred feet (100') of any boat ramp or mooring dock. If a park or public recreation area has a designated area for swimming, swimming shall be restricted to within the designated area. (Ord. #2013-08, June 2013)

20-107. Fishing. Fishing is prohibited within any public recreation area on any boat ramp or mooring dock and on the shoreline within fifty feet (50') of any boat ramp or mooring dock. Only registered guests of the Poland Creek Campground operated by Town of Louisville will be allowed to fish inside the boundaries of the campground. If a park or public recreation area has a designated area for fishing, fishing shall be restricted to within the designated area. (Ord. #2013-08, June 2013)

20-108. Firearms. No person shall discharge a firearm in any park or public recreation area and hunting is prohibited within three hundred feet (300') of the outer boundary of Louisville Point Park. (Ord. #2013-08, June 2013)

20-109. Camping. Overnight camping is prohibited in parks and public recreation areas other than registered guests at the Poland Creek Campground operated by the Town of Louisville. (Ord. #2013-08, June 2013)

20-110. Open fires. No person shall make a fire in a park or public recreational facility other than in grills, fire places or other areas as designated and approved for such use by the town. All fires shall be closely monitored and completely extinguished by persons starting and using them before those persons leave the immediate vicinity. (Ord. #2013-08, June 2013)

20-111. Alcoholic beverages and controlled substances. No person shall consume or possess an open or previously opened container containing any alcoholic beverage, or be under the influence of an alcoholic beverage while in public parks and recreational facilities and no person shall consume, possess or be under the influence of any controlled substance, as defined by *Tennessee Code Annotated* while in public parks or recreational facilities. (Ord. #2013-08, June 2013)

20-112. Posting of advertisements and sale of goods. No person shall post, distribute, circulate or display any notice, banner, advertisement or printed material in any park or recreational area without permission of the mayor and no person shall offer for sale or rent any goods, articles, privileges, commodities or services whatsoever or solicit for any purpose in any public park or recreational area without obtaining written permission from the mayor, and for such time and at such places as the mayor may determine. (Ord. #2013-08, June 2013)

20-113. Operating hours. In the absence of any other operating rules or hours established by the entity operating the park or public recreation area, the public boat ramps at Poland Creek, Georges Creek and the Lowes Ferry Road "Silo" ramp operated by the Tennessee Wildlife Resources Agency shall be open for use twenty-four (24) hours a day. All other parks and recreation areas will be open to the public from dawn to dusk. (Ord. #2013-08, June 2013)

20-114. Signs. The town shall post signs as necessary to advise the public of these regulations. (Ord. #2013-08, June 2013)

20-115. Supplemental nature of this chapter. The provisions of this chapter are in addition and supplemental to, and not in substitution for, any other provision in the municipal charter, this municipal code of ordinances or other applicable law. (Ord. #2013-08, June 2013)

ORDINANCE NO.2025-02

AN ORDINANCE ADOPTING AND ENACTING A
CODIFICATION AND REVISION OF THE ORDINANCES OF THE
TOWN OF LOUISVILLE, TENNESSEE.

WHEREAS some of the ordinances of the Town of Louisville are obsolete,
and

WHEREAS some of the other ordinances of the town are inconsistent
with each other or are otherwise inadequate, and

WHEREAS the Board of Mayor and Aldermen of the Town of Louisville,
Tennessee, has caused its ordinances of a general, continuing, and permanent
application or of a penal nature to be codified and revised and the same are
embodied in a code of ordinances known as the "Louisville Municipal Code," now,
therefore:

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF
THE TOWN OF LOUISVILLE, TENNESSEE, THAT:

Section 1. Ordinances codified. The ordinances of the town of a
general, continuing, and permanent application or of a penal nature, as codified
and revised in the following "titles," namely "titles" 1 to 20, both inclusive, are
ordained and adopted as the "Louisville Municipal Code," hereinafter referred to
as the "municipal code."

Section 2. Ordinances repealed. All ordinances of a general,
continuing, and permanent application or of a penal nature not contained in
the municipal code are hereby repealed from and after the effective date of said
code, except as hereinafter provided in Section 3 below.

Section 3. Ordinances saved from repeal. The repeal provided for in
Section 2 of this ordinance shall not affect: Any offense or act committed or done,
or any penalty or forfeiture incurred, or any contract or right established or
accruing before the effective date of the municipal code; any ordinance or
resolution promising or requiring the payment of money by or to the town or
authorizing the issuance of any bonds or other evidence of said town's
indebtedness; any appropriation ordinance or ordinance providing for the levy of
taxes or any budget ordinance; any contract or obligation assumed by or in favor
of said town; any ordinance establishing a social security system or providing
coverage under that system; any administrative ordinances or

resolutions not in conflict or inconsistent with the provisions of such code; the portion of any ordinance not in conflict with such code which regulates speed, direction of travel, passing, stopping, yielding, standing, or parking on any specifically named public street or way; any right or franchise granted by the town; any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way; any ordinance establishing and prescribing the grade of any street; any ordinance providing for local improvements and special assessments therefor; any ordinance dedicating or accepting any plat or subdivision; any prosecution, suit, or other proceeding pending or any judgment rendered on or prior to the effective date of said code; any zoning ordinance or amendment thereto or amendment to the zoning map; nor shall such repeal affect any ordinance annexing territory to the town.

Section 4. Continuation of existing provisions. Insofar as the provisions of the municipal code are the same as those of ordinances existing and in force on its effective date, said provisions shall be considered to be continuations thereof and not as new enactments.

Section 5. Penalty clause. Unless otherwise specified in a title, chapter or section of the municipal code, including the codes and ordinances adopted by reference, whenever in the municipal code any act is prohibited or is made or declared to be a civil offense, or whenever in the municipal code the doing of any act is required or the failure to do any act is declared to be a civil offense, the violation of any such provision of the municipal code shall be punished by a civil penalty of not more than fifty dollars (\$50.00) and costs for each separate violation; provided, however, that the imposition of a civil penalty under the provisions of this municipal code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law. In any place in the municipal code the term "it shall be a misdemeanor" or "it shall be an offense" or "it shall be unlawful" or similar terms appears in the context of a penalty provision of this municipal code, it shall mean "it shall be a civil offense." Anytime the word "fine" or similar term appears in the context of a penalty provision of this municipal code, it shall mean "a civil penalty."¹

¹State law reference

For authority to allow deferred payment of fines, or payment by installments, see *Tennessee Code Annotated*, § 40-24-101 *et seq.*

Each day any violation of the municipal code continues shall constitute a separate civil offense.

Section 6. Severability clause. Each section, subsection, paragraph, sentence, and clause of the municipal code, including the codes and ordinances adopted by reference, is hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause in the municipal code shall not affect the validity of any other portion of said code, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.

Section 7. Reproduction and amendment of code. The municipal code shall be reproduced in loose-leaf form. The board of mayor and aldermen, by motion or resolution, shall fix, and change from time to time as considered necessary, the prices to be charged for copies of the municipal code and revisions thereto. After adoption of the municipal code, each ordinance affecting the code shall be adopted as amending, adding, or deleting, by numbers, specific chapters or sections of said code. Periodically thereafter all affected pages of the municipal code shall be revised to reflect such amended, added, or deleted material and shall be distributed to town officers and employees having copies of said code and to other persons who have requested and paid for current revisions. Notes shall be inserted at the end of amended or new sections, referring to the numbers of ordinances making the amendments or adding the new provisions, and such references shall be cumulative if a section is amended more than once in order that the current copy of the municipal code will contain references to all ordinances responsible for current provisions. One copy of the municipal code as originally adopted and one copy of each amending ordinance thereafter adopted shall be furnished to the Municipal Technical Advisory Service immediately upon final passage and adoption.

Section 8. Construction of conflicting provisions. Where any provision of the municipal code is in conflict with any other provision in said code, the provision which establishes the higher standard for the promotion and protection of the public health, safety, and welfare shall prevail.

Section 9. Code available for public use. A copy of the municipal code shall be kept available in the recorder's office for public use and inspection at all reasonable times.


Section 10. Date of effect. This ordinance shall take effect from and after its final passage, the public welfare requiring it, and the municipal code, including all the codes and ordinances therein adopted by reference, shall be effective on and after that date.

Passed on 1st Reading: May 13, 2025

Passed on 2nd Reading: June 10, 2025

Public Hearing: June 10, 2025


Mayor


Recorder

APPROVED AS TO FORM

Town Attorney

